

VIRGIN TOWN

ORDINANCE # 2019-30

AN ORDINANCE CREATING CHAPTER THIRTY-ONE MIXED USE ZONE OF THE VIRGIN
UNIFORM LAND USE ORDINANCES (“VULU”).

RECITALS

WHEREAS, Utah Code provides for the adoption and amendment of Town land use ordinances by the Land Use Authority, which in Virgin is the “Town Council with recommendation by the Planning and Zoning Commission” ; and

WHEREAS, the Virgin Land Use Authority finds that creating Virgin Town Code (VULU) Chapter Thirty-One Mixed Use Zone, is required to meet the changing needs of the town; and

WHEREAS, the Virgin Land Use Authority finds that, to accommodate the towns desire to Accommodate mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor and residential units above the nonresidential space; Allow for commercial development in conjunction with residential spaces no a horizontal plain; Encourage development that exhibits the physical design characteristics of pedestrian oriented, storefront-style shopping streets; and Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction; and

WHEREAS, the Virgin Town Planning and Zoning Commission held properly noticed Public Hearings on these amendments on September 11, 2019, and voted to recommend its draft amendment ordinance to the Virgin Town Council at a regular meeting on September 25, 2019;

NOW, THEREFORE BE IT ORDAINED by the Land Use Authority of Virgin, Utah that, in order to provide for the health, safety and general welfare of the citizens of Virgin, Utah, the VULU Ordinance is hereby amended to incorporate the following changes:

ORDINANCE

NOW THEREFORE be it ordained by Virgin Town, Washington County, State of Utah, acting by and through the Town Council:

CHAPTER 31: NEIGHBORHOOD COMMERCIAL, MIXED-USE ZONE

31.1Purpose:

31.1.A. Accommodate mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor and residential units above the nonresidential space;

31.1.B. Allow for commercial development in conjunction with residential spaces no a horizontal plain;

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31.1.C. Encourage development that exhibits the physical design characteristics of pedestrian oriented, storefront-style shopping streets; and

31.1.D. Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.

31.2. Definitions

As used in this ordinance, the following words and terms shall have the meanings specified herein:

31.2.A. Mixed-use Building means a building that contains at least one portion devoted to allowed nonresidential uses and at least one devoted to allowed residential uses.

31.3. Location

The Neighborhood Commercial, Mixed-Use Zone is available to all properties adjacent to an arterial street or has direct access to an arterial street.

31.4. Permitted Uses:

31.4.A. Dwelling Units located above the ground floor

31.4.B. Townhouse

31.4.C. Two-Flat

31.4.D. Residential Hosting

31.4.E. Studios (ie Art, Yoga, Martial Arts, Ext)

31.4.F. Day Care

31.4.G. Parks and Recreation

31.4.H. Public Buildings

31.4.I. Religious Assembly

31.4.J. Schools

31.4.K. Financial Services

31.4.L. Food and Beverage specialty shops

31.4.M. Lodging Small (1–30 guest rooms)

31.4.N. Retail Trade.

31.4.O. Artist Live/Workspace

31.5. Conditional Uses:

31.5.A. Assisted Living

31.5.B. Nursing Home

31.5.C. Cultural Exhibits and Libraries

31.5.D. Grooming and Veterinary

31.5.E. Restaurants

31.5.F. Personal Service (ie health clubs and gyms)

31.5.G. Lodging Medium (16-40 guest rooms)

31.6. Prohibited Uses:

31.6.A. Taverns/Pub

31.6.B. Hospitals

31.6.C. Sexually Oriented Businesses.

31.6.D. Gas/service Stations

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31.6.E. Hotel/Motel

31.6.F. Campgrounds and RV parks

31.7. Building Requirements

Max Building size	Max Height	Setbacks	Setback from Public Streets	Setbacks from Residential Zones
20,000 Sq. Ft*	30 Ft	10 ft	25 Ft	25 Ft

31.9. Setbacks

31.9.A. Setbacks from public streets, including SR9, must be landscaped and include a paved walking trail.

31.9.B. Setbacks from Residential Properties may include, walking trail, and a privacy wall or fencing, and must not include:

31.9.B.1. Parking;

31.9.B.2. Driveways; and

31.9.B.3. Guest Uses.

31.10. Parking

Behind and below building parking is preferred, and no more the 30% of parking is allowed in front of main building.

31.11. Business Requirements

All Businesses must meet the regulatory requirements of all regulatory agencies that have jurisdictions over them. Including Virgin Town see VULU chapter 5 for business specific requirements.

31.12. Lighting

Exterior lighting may be installed to provide for safety and security. Proper controls must be provided to preserve, to the greatest extent possible, the visual qualities of the night sky and to protect neighboring properties from light trespass, glare, and pollution. To this end, the provisions of the VULU Chapter 4.20. will be enforced.

31.13. Singes/Flagpoles (see VULU Ch 26)

31.14. Wastewater Compliance.

Waste water systems will be subject to approval of the Southwest Utah Health Department or the Division of Environmental Quality as appropriate. Water from treatment systems may be used for landscape watering if approved by the Southwest Utah Health Department or Division of Environmental Quality, as applicable.

31.15. Mechanical Devices.

Air conditioners, heating, cooling and ventilating equipment, propane tanks, swimming pool pumps and heaters, and all other mechanical devices shall be screened from the surrounding properties and public streets.

31.16. Trash.

No trash used materials or equipment shall be stored in open areas. All such materials shall be screened from public streets or walkways and adjacent properties with an opaque fence or wall or stored within an enclosed building.

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31.17. Storage. The outside storage of objects and materials shall require conditional use approval, and complete screening from public view, or view of any contiguous property.

31.18. QUIET TIME.

No activity generating loud noises may be engaged in between 10:00 p.m. and 7:00 a.m.

31.18.A. Businesses that operate regularly after 11:00 pm may be required to install noise mitigating barriers along property lines adjoining residential property.

1. Severability. If any section, clause or portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.
2. Conflicts/Repealer. This Ordinance repeals and supersedes the provisions of any prior ordinance in conflict herewith.
3. Effective Date. This Ordinance shall become effective immediately upon adoption by the Virgin Town Council and execution by the Virgin Town Mayor.

ADOPTED AND APPROVED BY THE VIRGIN TOWN COUNCIL ORDINANCE NUMBER 2019-30 will become effective on this 25th day of September, 2019 based upon the following vote:

Council Member:

Dan Snyder	AYE__	NAE__
LeRoy Thompson	AYE__	NAE__
Kevin Stout	AYE__	NAE__
Jay Lee	AYE__	NAE__
Matthew Spendlove, Mayor	AYE__	NAE__

VIRGIN TOWN
a Utah municipal corporation

Matthew Spendlove, Mayor

ATTEST:

Monica Bowcutt, Town Clerk

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