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| --- |
| Date:23Dec2019 |
| Name of preparer: Cameron Spendlove |
| Contact information of preparer: [spendlovecvpz@gmail.com](mailto:spendlovecvpz@gmail.com); (435)773-1153 |
| Reason for change: Provide an area in the town of Virgin that can be used for both residential and light commercial on the same property. |
| Current wording:  **30.1.2. Nature of Use – Short-Term Rental Or STR**  The Short-Term Rental of all of a residential Dwelling Unit is a Conditional Use I all STR Development Overlay Zones of the Town, subject to the Owner obtaining and maintaining a STR Permit. |
| Proposed wording:  **30.1.2. Nature or Use- Short-Term Rental or STR.**  The Short-term Rental of all of the residential dwelling Unit is a Conditional or Permitted Use in all STR Development Overlay Zones, commercial zones, and Multi-Use Overlay Zone of the Town, subject to the Owner obtaining and maintaining a STR Permit.  AND SEE ORDINANCE BELOW |

**VIRGIN TOWN**

**ORDINANCE # 2020-03**

AN ORDINANCE EXPRESSLY DEFINING AND MODERATEING CAMPING IN ANY ZONE WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN EXCEPT IN APPROVED AND LEGAL NON-CONFORMING CAMPGROUNDS.

# RECITALS

**WHEREAS,** Virgin Town (“Town”) is an incorporated municipality duly organized under the laws of the State of Utah;

**WHEREAS,** the Town is authorized pursuant to Utah Code Annotated, Title 10, Chapter

9A, to enact ordinances necessary or appropriate for the use of land within the Town’s municipal boundaries;

**WHEREAS,** pursuant to Utah Code Annotated, Title 10, Chapter 3b, Section 301, the Virgin Town Council (“Town Council”) is designated as the governing body of the Town.

**WHEREAS,** the Town wishes to insure an integration of commercial and housing into a community friendly district.

**WHEREAS,** the Town and its citizens desire to have affordable housing.

**WHEREAS,** the Town, by and through its Town Council, has determined that it is in the best interests of the health, safety and general welfare of the Town and its residents to expressly define camping and moderate it throughout the Town, including public land located within the Town boundaries, except in existing campgrounds.

# ORDINANCE

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

**Neighborhood Commercial, Mixed-Use Overlay Zone**

* 1. **Purpose:**

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

**23.1.B.** Allow for commercial development in conjunction with residential spaces not a horizontal plain;

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

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

**23.2. Definitions** (See Chapter 1)

**23.3. Location** The Neighborhood Commercial, Mixed-use overlay Zone is available to:

**23.3.A. P**roperties Zoned Commercial;

**23.3.B.**  Residential properties adjacent to Commercial zones; or

**23.**3.C. Residential zoned properties adjacent to arterial streets.

**23.4. Permitted Uses:**

**23.4.A.** Dwelling Units located above the ground floor

**23.4.B.** Townhouse

**23.4.C.** Two-Flat

**23.4.D.** Residential Hosting

**23.4.E.** Studios (i.e. Art, Yoga, Martial Arts, Ext)

**23.4.F.** Day Care

**23.4.G.** Parks and Recreation

**23.4.H.** Public Buildings

**23.4.I.** Religious Assembly

**23.4.J.** Schools

**23.4.K.** Financial Services

**23.4.L.** Food and Beverage specialty shops

**23.4.M.** Lodging Small (1–30 guest rooms)

**23.4.N.** Retail Trade.

**23.4.O.** Artist Live/Workspace

**23.5. Conditional Uses:**

**23.5.A.** Assisted Living

**23.5.B.** Nursing Home

**23.5.C.** Cultural Exhibits and Libraries

**23.5.D.** Grooming and Veterinary

**23.5.E.** Restaurants

**23.5.F.** Personal Service (i.e. health clubs and gyms)

**23.5.G.** Lodging Medium (16-40 guest rooms)

**23.6. Prohibited Uses:**

**23.6.A.** Taverns/Pub

**23.6.B.** Hospitals

**23.6.C.** Sexually Oriented Businesses.

**23.6.D.** Gas/service Stations

**23.6.E.** Hotel/Motel

**23.6.F.** Campgrounds and RV parks

**23.7. Overlay Process**

To obtain this overlay applicant must follow the Conditional Use Process (CUP) as outlined in Chapter 8. Properties under three (3) Acres must follow the level one permitting process, unless the zoning administrator chooses to advocate to Planning and Zoning. Properties over three (3) acres must follow the level 2 permitting process.

**23.8. 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 |

**23.9. Setbacks**

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

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

**23.9.B.1.** Parking;

**23.9.B.2.** Driveways; and

**23.9.B.3.** Guest Uses.

**23.10. Parking**

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

**23.11. 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.

**23.12. 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.

**23.13. Singes/Flagpoles** (see VULU Ch 26)

**23.14. Wastewater Compliance.**

Wastewater 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.

**23.15. 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.

**23.16. 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.

**23.17. 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.

**23.18. QUIET TIME**.

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

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

**Definition to be added to Chapter 1:**

**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.

**25.2.5. Mixed Use Overlay Zone**

Some CLF’s uses are compatible with the purpose of the Mixed-Use Overlay Zone. The CLF uses that are listed in permitted and conditional uses of the Mixed-Use Overlay Zone ordinance are permitted under this ordinance.

**30.1.2. Nature or Use- Short-Term Rental or STR.**

The Short-term Rental of all of the residential dwelling Unit is a Conditional or Permitted Use in all STR Development Overlay Zones, and Multi-Use Overlay Zone of the Town, subject to the Owner obtaining and maintaining a STR Permit.

**REQUEST FOR VIRGIN TOWN COUNCIL ACTION**

|  |
| --- |
| To: Mayor and City Council |
| From: Planning and Zoning |
| Date: |
| Subject: |
| Citizen comments summary: |
| Recommendation: |
| Background and Findings: |
| Fiscal Impact: |
| Supporting Documents: |
| This request prepared by: |
| This request prepared on: |