

Date: 9/9/20

Name of preparer: Gene Garate

Contact information of preparer: zoningadministrator@virgin.utah.gov

Removal of unenforceable "HOA" style language

Current wording:

**40.32 ARCHITECTURE AND DESIGN**

Architecture may be addressed in detail during design and conditional use review. Generally, development will utilize indigenous, regional architectural styles and materials for all structures to blend with the surrounding natural landscape without drawing undue attention to the development.

1. Development shall exhibit a unity of design for buildings with multi-building complexes through use of similar elements such as rooflines, material, window arrangements and sign location. Exterior building materials shall be compatible with the surrounding environment.
2. No unbroken exterior surface shall exceed fifty feet (50') in length. A surface is considered broken when interrupted by a protrusion or inlet.
3. Color may be addressed in detail during design or conditional use review. Generally, acceptable colors are earth tones reflecting the naturally occurring color in local rock, soil and vegetation. Overall color schemes shall be earth tones which enhance the natural setting.
4. Roof materials may be addressed in detail under design or conditional use review. Generally, roof materials will be non-reflective, except that reflective solar panels may be granted approval during design or conditional use review if the land use authority finds that they (i) will not be visible from SR-9; and (ii) will not present a nuisance to neighboring residences. Flat roofs visible from neighboring properties or SR-9 shall be earth tone in color.

1.

Proposed wording:

**40.32 ARCHITECTURE AND DESIGN**

Architecture may be addressed in detail during design and conditional use review. ~~Generally,~~ Development ~~will~~ **is encouraged to** utilize indigenous, regional architectural styles and materials for all structures to blend with the surrounding natural landscape without drawing undue attention to the development.

- ~~1. Development shall exhibit a unity of design for buildings with multi-building complexes through use of similar elements such as rooflines, material, window arrangements and sign location. Exterior building materials shall be compatible with the surrounding environment.~~
- ~~2. No unbroken exterior surface shall exceed fifty feet (50') in length. A surface is considered broken when interrupted by a protrusion or inlet.~~
- ~~3. Color may be addressed in detail during design or conditional use review. Generally, acceptable colors are earth tones reflecting the naturally occurring color in local rock, soil and vegetation. Overall color schemes shall be earth tones which enhance the natural setting.~~

~~4. Roof materials may be addressed in detail under design or conditional use review. Generally, roof materials will be non-reflective, except that reflective solar panels may be granted approval during design or conditional use review if the land use authority finds that they (i) will not be visible from SR-9; and (ii) will not present a nuisance to neighboring residences. Flat roofs visible from neighboring properties or SR-9 shall be earth tone in color.~~

VIRGIN TOWN

ORDINANCE #

AN ORDINANCE AMENDING CHAPTER 40.32 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 the existing Virgin Town Code (VULU) Chapter Two, and the various sub sections found within, require updating to meet the changing needs of the town; and

WHEREAS, the Virgin Land Use Authority finds that, to accommodate the towns desire to provide clarity and continuity within VULU; and

WHEREAS, the Virgin Town Planning and Zoning Commission held properly noticed Public Hearings on these amendments on September 9, 2020, and voted to recommend its draft amendment ordinance to the Virgin Town Council at a regular meeting on September 23, 2020;

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:

**Building, Height of** (Height of Building). The vertical distance from the finished grade surface to the highest point of any building roof or coping.

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 \_\_\_\_\_ will become effective on this \_\_\_ day of \_\_\_\_\_, 2020 based upon the following vote:

**Council Member:**

Gene Garate                      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

**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: