

Date: 10/1/2021
Name of preparer: Gene Garate
Contact information of preparer: zoningadministrator@virgin.utah.gov
Reason for change: Simplifying VULU by creating a single set of building height standards located in a single chapter. Comprising changes to VULU Chapters 8, 32, 34, 40, 44,
Current wording: (Residential Zone) 32.10 HEIGHT REGULATIONS No building may exceed twenty-five feet (25'). (Rural Residential Zone) 34.08 HEIGHT REGULATIONS No buildings may exceed twenty-five feet (25'). (Commercial Zone) 40.26 BUILDING HEIGHT Maximum building height will be twenty-two (22') in height, as measured from the average lot elevation. No building may exceed two (2) stories. 40.28 OUTBUILDING/ACCESSORY BUILDING HEIGHT No shed, garage, storage facility or auxiliary building shall be more than eighteen feet (18'). (Highway Resort Zone) 44.14 BUILDINGS 1. BUILDING HEIGHT. Maximum building height will be twenty-five feet (25') feet unless bonus height is granted during design and conditional use review; however, no building may exceed thirty feet (30') height or two (2) stories. 2. OUTBUILDING/ACCESSORY BUILDING HEIGHT. No shed, garage, storage facility or auxiliary building shall be more than twenty feet (20') to the highest point 8.20 ADDITIONAL HEIGHT ALLOWED Public and quasi-public utility buildings, when authorized in a district, may be erected to a height greater than the district height limit by Conditional Use Permit. 8.22 EXCEPTIONS TO HEIGHT LIMITATIONS Penthouse or roof structures housing elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, steeples, flagpoles, chimneys, smokestacks, water tanks, windmills, wireless or television masts, private communications towers, theater lofts, silos or similar structures incidental to the building may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for purposes of providing additional floor space. 8.24 SCENIC VISTAS TO BE UNOBSTRUCTED All height exceptions (subject to Conditional Use Permit) shall in no way inhibit or obstruct a scenic vista of surrounding neighbors. All Conditional Use Permit applications made to the Virgin Town

Planning and Zoning Commission shall include the notification and of potentially affected neighbors within 500 feet. Such exceptions shall not hold for dwellings. See VULU Chapter 8.20.

8.26 MAXIMUM HEIGHT OF ACCESSORY BUILDINGS

No building which is accessory to a one-family, two-family, three-family or four-family dwelling shall be erected to a height greater than one (1) story or twenty feet (20').

Proposed wording

(Residential Zone)

32.10 HEIGHT REGULATIONS

~~No building may exceed twenty five feet (25').~~ Refer to VULU 8.20 Height Standards

(Rural Residential Zone)

34.08 HEIGHT REGULATIONS

~~No buildings may exceed twenty five feet (25').~~ Refer to VULU 8.20 Height Standards

(Commercial Zone)

40.26 BUILDING HEIGHT

~~Maximum building height will be twenty two (22') in height, as measured from the average lot elevation.~~

~~No building may exceed two (2) stories.~~ Refer to VULU 8.20 Height Standards

40.28 OUTBUILDING/ACCESSORY BUILDING HEIGHT

~~No shed, garage, storage facility or auxiliary building shall be more than eighteen feet (18').~~

(Highway Resort Zone)

44.14 BUILDINGS

1. ~~BUILDING HEIGHT. Maximum building height will be twenty five feet (25') feet unless bonus height is granted during design and conditional use review; however, no building may exceed thirty feet (30') height or two (2) stories.~~
2. ~~OUTBUILDING/ACCESSORY BUILDING HEIGHT. No shed, garage, storage facility or auxiliary building shall be more than twenty feet (20') to the highest point.~~ Refer to VULU 8.20 Height Standards

8.20 ADDITIONAL HEIGHT ALLOWED-HEIGHT STANDARDS

A. STANDARD

1. Maximum building height in all zones within the town of Virgin will not exceed twenty-five feet (25').
2. Accessory building height will not exceed the height of the primary building, and in no case may exceed twenty (20')

B. EXCEPTIONS

- ~~1.~~ Public and quasi-public utility buildings, when authorized in a ~~district zone~~, may be erected to a height greater than the ~~district height limit~~ height standard, by ~~conditional use permit~~. Conditional Use Permit
2. Penthouse or roof structures housing elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, steeples, flagpoles, chimneys, smokestacks, water tanks, windmills,

wireless or television masts, private communications towers, theater lofts, silos or similar structures incidental to the building may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for purposes of providing additional floor space.

3. Buildings used primarily for agricultural use, which traditionally maintain a height greater than the town standard, such as barns, grain silos, etc. may be erected by conditional use permit.

8.22 EXCEPTIONS TO HEIGHT LIMITATIONS

~~Penthouse or roof structures housing elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, steeples, flagpoles, chimneys, smokestacks, water tanks, windmills, wireless or television masts, private communications towers, theater lofts, silos or similar structures incidental to the building may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for purposes of providing additional floor space.~~

8.24 SCENIC VISTAS TO BE UNOBSTRUCTED

~~All height exceptions (subject to Conditional Use Permit) shall in no way inhibit or obstruct a scenic vista of surrounding neighbors. All Conditional Use Permit applications made to the Virgin Town Planning and Zoning Commission shall include the notification and of potentially affected neighbors within 500 feet. Such exceptions shall not hold for dwellings. See VULU Chapter 8.20.~~

8.26 MAXIMUM HEIGHT OF ACCESSORY BUILDINGS

~~No building which is accessory to a one family, two family, three family or four family dwelling shall be erected to a height greater than one (1) story or twenty feet (20').~~

VIRGIN TOWN

ORDINANCE # 2021-70

AN ORDINANCE AMENDING CHAPTERS 8, 32, 34, 40, & 44 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) Chapters 8, 32, 34, 40 & 44, 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 October 13, 2021, and voted to recommend its draft amendment ordinance to the Virgin Town Council at a regular meeting on October 27, 2021;

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:

8.20 HEIGHT STANDARDS

A. STANDARD

1. Maximum building height in all zones within the town of Virgin will not exceed twenty-five feet (25’).
2. Accessory building height will not exceed the height of the primary building, and in no case may exceed twenty (20’)

B. EXCEPTIONS

1.Public and quasi-public utility buildings, when authorized in a district zone, may be erected to a height greater than the district height limit height standard, by conditional use permit. Conditional Use Permit

2.Penthouse or roof structures housing elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, steeples, flagpoles, chimneys, smokestacks, water tanks, windmills, wireless or television masts, private communications towers, theater lofts, silos or similar structures incidental to the building may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for purposes of providing additional floor space.

3.Buildings used primarily for agricultural use, which traditionally maintain a height greater than the town standard, such as barns, grain silos, etc. may be erected by conditional use permit.

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 _____, 2021 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:

Krystal Percival, 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: