

Date: 2/22/22
Name of preparer: Sean Amodt
Contact information of preparer: amodtsg@gmail.com
Reason for change: • To simplify definitions. • Remove regulations in definitions. • Add new definitions to better fit the use of the terms
Current: 2.12 - DEFINITIONS Lighting, Outdoor, Temporary (Temporary Outdoor Lighting). The specific illumination of an outside area or object by any man-made device located outdoors that produces light by any means for a period of less than seven (7) days, with at least 180 days passing before being used again. 8.40 OUTDOOR LIGHTING G. TEMPORARY OUTDOOR LIGHTING. Any temporary outdoor lighting that conforms to the requirements of this ordinance shall be allowed. Nonconforming temporary outdoor lighting may be permitted by the applicant appearing before the Planning and Zoning Commission to consider: (i) the public and/or private benefits that will result from the use of the temporary lighting; and (ii) any annoyance or safety problems that may result from the use of the temporary lighting; and (iii) the duration of the temporary nonconforming lighting. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Planning and Zoning Commission, who shall consider the request at a duly called meeting of the Planning and Zoning Commission. Prior notice of the meeting shall be given to the applicant and advertised in the usual manner as directed by the Virgin Town Bylaws. During the meeting, the members of the Planning and Zoning Commission will consider the application for recommendation to the Virgin Town Council for approval or denial. The Virgin Town Council shall render a decision within two weeks after their regularly scheduled and advertised meeting, at which the applicant is in attendance. Failure of the Town Council to act within this time will constitute denial of the request.
Proposed: 2.12 - DEFINITIONS Lighting, ~~Outdoor~~, Temporary Outdoor (Temporary Outdoor Lighting). ~~The specific illumination of an outside area or object by any man-made device located outdoors that produces light by any means for a period of less than seven (7) days, with at least 180 days passing before being used again.~~ New Def: Outdoor lighting of a temporary or non-permanent nature, typically used for construction, special events, holidays, or emergencies.

8.40 OUTDOOR LIGHTING

G. TEMPORARY OUTDOOR LIGHTING.

1. Any temporary outdoor lighting that conforms to the requirements of this ordinance ~~shall~~ **will** be allowed **without a permit.**

2. **Nonconforming Temporary outdoor lighting, used for more than seven (7) consecutive nights, must have a permit.** (Temporary is usually defined as less than 30 days. Should it be 30 or stick with 7?)

3. Nonconforming temporary outdoor lighting may be permitted, ~~by the applicant~~ **after an application has been submitted, detailing the proposed temporary nonconforming lighting, to the Town Staff. The Town Staff will consider:** ~~appearing before the Planning and Zoning Commission to consider:~~

(i) the public and/or private benefits that will result from the use of the temporary lighting; and

(ii) any annoyance or safety problems that may result from the use of the temporary lighting; and

(iii) the duration of the temporary nonconforming lighting.

(iv) all mitigating efforts proposed by the applicant to reduce any potential harmful effects from the proposed lighting.

~~The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Planning and Zoning Commission, who shall consider the request at a duly called meeting of the Planning and Zoning Commission. Prior notice of the meeting shall be given to the applicant and advertised in the usual manner as directed by the Virgin Town Bylaws. During the meeting, the members of the Planning and Zoning Commission will consider the application for recommendation to the Virgin Town Council for approval or denial. The Virgin Town Council shall~~

4. Town Staff must render a decision regarding the application within a reasonable time. ~~two weeks after their regularly scheduled and advertised meeting, at which the applicant is in attendance. Failure of the Town Council to act within this time will constitute denial of the request.~~

5. Any appeals of a decision will follow the procedures found in chapter 6.12 (Appeals).

VIRGIN TOWN

ORDINANCE #

AN ORDINANCE AMENDING CHAPTER TWO 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, 8.40, 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 _____, 2022, and voted to recommend its draft amendment ordinance to the Virgin Town Council at a regular meeting on _____, 2022;

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:

2.12 – DEFINITIONS (Clean copy)

Lighting, Temporary Outdoor (Temporary Outdoor Lighting). **Outdoor lighting of a temporary or non-permanent nature, typically used for construction, special events, holidays, or emergencies.**

8.40 OUTDOOR LIGHTING

G. TEMPORARY OUTDOOR LIGHTING.

1. Any temporary outdoor lighting that conforms to the requirements of this ordinance **will** be allowed **without a permit**.
2. **Nonconforming Temporary outdoor lighting, used for more than seven (7) consecutive nights, must have a permit.**
3. **Nonconforming temporary outdoor lighting may be permitted, after an application has been submitted, detailing the proposed temporary nonconforming lighting, to the Town Staff. The Town Staff will consider:**
 - (i) the public and/or private benefits that will result from the use of the temporary lighting; and
 - (ii) any annoyance or safety problems that may result from the use of the temporary lighting; and
 - (iii) the duration of the temporary nonconforming lighting.

(iv) all mitigating efforts proposed by the applicant to reduce any potential harmful effects from the proposed lighting.

4. Town Staff must render a decision regarding the application within a reasonable time.

5. Any appeals of a decision will follow the procedures found in chapter 6.12 (Appeals).

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 _____ month, 2022, based upon the following vote:

Council Member:

Gene Garate AYE___ NAE___

LeRoy Thompson AYE___ NAE___

Mistie Baird AYE___ NAE___

Paul Luwe AYE___ NAE___

Jean Krause, Mayor AYE___ NAE___

VIRGIN TOWN

a Utah municipal corporation

Jean Krause, 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: