

ORDINANCE NO. 2024-02

AN ORDINANCE OF THE VIRGIN TOWN COUNCIL ENACTING A TEMPORARY LAND USE REGULATION TO PROHIBIT THE DEVELOPMENT OF LARGE STRUCTURES IN RESIDENTIAL ZONES, INCLUDING OVERLAY ZONES, AND DIRECTING THE TOWN PLANNING AND ZONING COMMISSION TO DRAFT A FINAL ORDINANCE CONSISTENT WITH THIS REGULATION.

WHEREAS, pursuant to Utah Code Annotated Section 10-9a-102 the Town is authorized to enact ordinances, resolutions, and rules and may enter into other forms of land use controls that they consider necessary or appropriate for the use and development of land within the municipality, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing, among other things, uses, density, open spaces, structures, buildings, infrastructure, street and building orientation and width requirements, fundamental fairness in land use regulation, and considerations of surrounding land uses; and

WHEREAS, Utah Code Annotated section 10-9a-504 authorizes local governments to enact temporary land use regulations effective for up to 180 days when there is a compelling, countervailing public interest to do so; and

WHEREAS, the Virgin Town Council, in addition to being the legislative and governing body of the Town, is also the Land Use Authority vested with the power to enact all Land Use Regulations and make all Land Use Decisions within the Town unless the latter administrative power is formally delegated to another body or person; and

WHEREAS, the Town wishes to plan wisely for efficient development patterns and equitable resource management, in consideration of waste and soil studies, culinary water availability, housing affordability, public desires, and relied-upon zoning; and

WHEREAS, it is a goal of the town to preserve the character and residential quality of its residential neighborhoods; and

WHEREAS, all development and uses in overlay zones must be in harmony with the purpose and uses of the underlying zone, and must comply with the standards of underlying zones, and

WHEREAS, commercial uses are prohibited in all residential zones; and

WHEREAS, a “home” used for transient lodging becomes a commercial use, and alters the character of a neighborhood zoned for single family dwellings, when it reaches a certain size or occupancy; and

WHEREAS, the Town Council is concerned with the potential impact of inappropriately located and/or sized structures and their uses in residential neighborhoods upon the general public welfare, traffic, parking, noise, light, and dwindling town resources such as culinary water and septic saturation; and

WHEREAS, according to the Virgin Town General Plan, “New development should be reasonably complimentary to existing structures, in both scale and architecture.”; and

WHEREAS, the Virgin Town General Plan emphasizes the need for more affordable housing within the Town, noting that the purchase of available housing stock for use as vacation rentals adds to increased housing costs and decreased availability;

WHEREAS, large structures are contrary to the Virgin Town General Plan that encourages adequate infrastructure to minimize environmental impact, to preserve the character and integrity of the environment;

WHEREAS, large structures do not support the Virgin Town General Plan to encourage views capes through thoughtful infrastructure and building construction;

WHEREAS, the extraordinarily large size of “homes” intended by private investors buying up lots in Virgin’s residential zones equates to extraordinarily high prices for those properties;

WHEREAS, the Town Council desires to more clearly define dwelling standards in sections of VULU, especially those regulating extremely large buildings and structures in all residential zones; and

WHEREAS, the Virgin River runs through the Town of Virgin; the danger of contamination to the watershed requires particular care and specificity in the size and location of septic tanks as well as building lots;

WHEREAS, culinary water is currently supplied by contract with the Washington County Water Conservancy District for 1000 connections, and the number remaining is dwindling;

WHEREAS, all residential districts in the town are currently limited to single-family dwellings which are generally of a size, water usage, and septic impact to require a maximum of one culinary water connection and a maximum of one 1500-gallon septic tank;

WHEREAS, the Town Council has determined it would be in the best interests of the health, safety and general welfare of the residents of Virgin Town to require that all large building and structures in all residential zones, including homes eligible for transient lodging uses, be subject to the terms of any pending or final amendments to VULU as described herein; and

WHEREAS, the Town Council finds there is a compelling, countervailing public interest that will be served by prohibiting large buildings and structures in all residential zones for a period of up to 180 days while the Town revises its land use regulations in all residential zones.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Virgin Town, State of Utah, as follows:

Section 1. Finding of Compelling, Countervailing Public Interest:

The Town Council makes the following findings supporting a compelling, countervailing public interest in prohibiting large structures in all residential zones, including new transient lodging facilities, for a period of up to 180 days:

1. The Town of Virgin is experiencing ongoing and planned construction of unusually large and resource-intensive “homes” intended for transient lodging use in Residential and Rural Residential districts, and this ordinance is necessary to promote and protect the integrity and character of the Town’s residential neighborhoods.
2. This ordinance is necessary in order to protect the character of Virgin’s residential neighborhoods and to promote the goal of the Virgin Town General Plan in its directive that “new development should be reasonably complimentary to existing structures, in both scale and architecture.”
3. The Virgin General Plan emphasizes the need for more affordable housing within the Town, noting that the purchase of available housing stock for use as vacation rentals adds to increased housing costs, and housing lots in Virgin are currently being marketed and sold to investors as vacation rental properties.
4. Use of housing lots for large scale buildings and structures in all residential zones impacts the town by:
 - a. Decreasing the number of lots and homes available for long-term rental housing and workforce rental housing in the Town, and exacerbating the Town’s affordable homeownership problems;
 - b. Creating a market which encourages the development of land primarily with transient lodging uses and no complementary commercial uses, which reduces the diversity of commercial uses and services in the community;
 - c. Use of more than the maximum expected potential culinary water demand and septic saturation planned for a residential lot and creates the danger of increase nitrates into the watershed that services downstream culinary water for the rest of Washington County;
 - d. Increasing the intensity of development on residential properties which results in more traffic, noise, and light in these areas and degraded quality of life for Town residents; and
 - e. The Town Council finds that this current trend presents a significant threat to the Town’s rural character and the Town’s ability to grow and develop in a manner consistent with wise planning of resources, protection of existing and future neighborhoods, public desires, and the provisions of the General Plan presented above.

5. The Town Council finds that there is a compelling, countervailing public interest in revising the Virgin Uniform Land Use ordinance to better address certain inadequacies highlighted by the recent influx of transient lodging investment creating large scale structures in all residential zones, and in directing the Virgin Town Planning and Zoning Commission to investigate the issues, develop recommendations, and present amendments to the Virgin Town Council.
6. The Virgin Town Council hereby initiates changes to the Virgin Uniform Land Use ("VULU") code and directs the Virgin Town Planning and Zoning Commission to hold public hearings and make its recommendation on the attached amendments to VULU that limit the scale and necessary resource intensity of homes in all residential zones.
7. Further, based on the foregoing findings, the Town Council hereby finds that there is a compelling, countervailing public interest in temporarily prohibiting certain large scale structures in all residential zones as set forth in this Ordinance.

SECTION 2. Temporary Land Use Regulation Limiting **Large** Structures in All Residential Zones:

1. The Town will not accept any applications for large structures in all residential zones. This includes applications for Design/Development Review, Conditional Use, and Building Permits. This applies to:
 - a. homes in all residential zones of a size greater than **3500** square feet of living area, including casitas and any outbuildings,
 - b. homes requiring a septic tank of greater capacity than 1500 gallons
 - c. homes requiring more than a single culinary water connection
2. The Virgin Town Council hereby initiates changes to the Virgin Uniform Land Use ("VULU") code and directs the Virgin Town Planning and Zoning Commission to hold public hearings and make its recommendation on the attached amendments to VULU that limit the scale and necessary resource intensity of homes in all residential zones.

Section 3. Effective Date and Duration:

This Ordinance shall become effective immediately upon adoption, recording and posting in the manner prescribed by law, and shall expire on a date which is (a) one hundred eighty (180) days from the date of adoption of this Ordinance, or (b) by repeal, or (c) on July 29, 2024, whichever is earlier, at which time the regulations set forth herein shall automatically expire by operation of law.

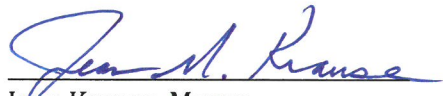
PASSED AND ADOPTED BY THE TOWN COUNCIL OF VIRGIN TOWN, STATE
OF UTAH, ON THE 1st DAY OF February 2024.

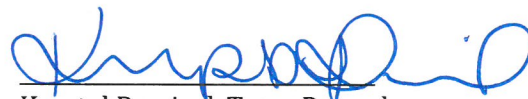
VOTE TAKEN:

Council Member	Yes	No	Abstain	Absent
Mistie Baird		X		
Marci Holm	X			
Paul Luwe	X			
April McKeon	X			
Jean Krause, Mayor	X			

VIRGIN TOWN
a Utah municipal corporation

Attest:


Jean Krause, Mayor


Krystal Percival, Town Recorder