

VIRGIN, UTAH
ORDINANCE NO. 2024-09

**AN ORDINANCE OF THE VIRGIN TOWN COUNCIL ENACTING A LAND USE
REGULATION TO PROHIBIT THE DEVELOPMENT OF LARGE STRUCTURES IN
RESIDENTIAL ZONES, INCLUDING OVERLAY ZONES.**

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, 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 “dwelling” 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 (see Chapter 5 of Virgin’s General Plan);

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 (see Chapter 4 of Virgin’s General Plan);

WHEREAS, large structures do not support the Virgin Town General Plan to encourage viewscapes through thoughtful infrastructure and building construction (see Chapter 4 of Virgin’s General Plan);

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 its Land Use Ordinances, 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 (see Chapter 4 of Virgin’s General Plan);

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 its Land Use Ordinances as described herein; and

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:

1. The Town of Virgin is experiencing ongoing and planned construction of unusually large and resource-intensive “dwellings” 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” (see Chapter 6 of Virgin’s General Plan).
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 (see Chapter 6 of Virgin’s General Plan).

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.

Section 2: RENUMBER. Section 32.14, 32.16, 32.18 and 32.20 of the Virgin Land Use Code are hereby renumbered as follows:

BEFORE RENUMBERING

VULU 32.14 Signs
VULU 32.16 Modifying Regulations
VULU 32.18 Standards for Temporary Use of Recreational Vehicles in Residential Zone
VULU 32.20 Other Provisions

AFTER RENUMBERING

VULU 32.16 Signs (Renumbered)
VULU 32.18 Modifying Regulations (Renumbered)
VULU 32.20. Standards for Temporary Use of Recreational Vehicles in Residential Zone (Renumbered)
VULU 32.20 Other Provisions (Renumbered)

Section 3: AMENDMENT. Section 32.14 of the Virgin Land Use Code is hereby *amended* as follows:

VULU 32.14 DWELLING STANDARDS.

The following dwelling standards apply to parcels of less than one acre.

- A. Dwellings in the Residential Zone (RZ) shall not exceed a size greater than 4,800 square feet of living area, or 12% of the parcel, whichever is greater, including casitas and any outbuildings.
- B. Dwellings shall be permitted a single septic tank, which has a maximum capacity than 1500 gallons.
- C. Dwellings shall be permitted no more than a single culinary water connection of 3/4 inch.

Section 4: RENUMBER. Section 34.12, 34.14, 34.16 and 34.18 of the Virgin Land Use Code are hereby renumbered as follows:

BEFORE RENUMBERING

VULU 34.12 Signs
VULU 34.14 Modifying Regulations
VULU 34.16 Standards for Temporary Use of Recreational Vehicles in Residential Zone
VULU 34.18 Other Provisions

AFTER RENUMBERING

VULU 34.14 Signs (*Renumbered*)
VULU 34.16 Modifying Regulations (*Renumbered*)
VULU 34.18 Standards for Temporary Use of Recreational Vehicles in Residential Zone (*Renumbered*)
VULU 34.20 Other Provisions (*Renumbered*)

Section 5: AMENDMENT. Section 34.12 of the Virgin Land Use Code is hereby *amended* as follows:

VULU 34.12 DWELLING STANDARDS.

The following dwelling standards apply to parcels of one acre or more.

- A. Dwellings in the Rural Residential Zone (RR) shall not exceed a size greater than 4,800 square feet of living area, or 12% of the parcel, whichever is greater, including casitas and any outbuildings.
- B. Dwellings shall be permitted a single septic tank, which has a maximum capacity of 1500 gallons.
- C. Dwellings shall be permitted no more than a single culinary water connection. No culinary water connection shall be more than 3/4 inch.

Severability Clause: Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid;

Effective Date: This Ordinance shall be in full force and effect after the required approval and publication according to law.

Repealer Clause: All Virgin Land Use Ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF VIRGIN TOWN, STATE OF UTAH, ON THE _____ DAY OF June 2024.

VIRGIN TOWN
a Utah municipal corporation

Attest:

Jean Krause, Mayor

Krystal Percival, Clerk/Recorder

Town Council Vote as Recorded:

Town Council Member, Mistie Baird

Town Council Member, Marci Holm

Town Council Member, Paul Luwe

Town Council Member, April McKeon

Mayor, Jean Krause

AYE	NAY	ABSENT	ABSTAIN
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RECORDED this _____ day of _____ 2024

PUBLISHED OR POSTED this _____ day of _____ 2024.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I the Clerk/Recorder of Virgin, Utah hereby certifies that the foregoing Ordinance was duly passed and published or posted at:

- 1) Utah Public Notice Website, utah.gov/pmn/
 - 2) Virgin, Utah website, virgin.utah.gov
 - 3) Virgin, Utah Town Hall
- on the above referenced dates.

Krystal Percival, Clerk/Recorder
Virgin, Utah