

**Virgin Town
ORDINANCE 2024-XX**

Removal of Uses chart in Chapter 30

AN ORDINANCE REPEALING THE USES CHART IN §30.06 from Chapter 30 of the Virgin Land USE ORDINANCES AND REMOVING ALL REFERENCES TO SUCH USES IN VULU §32.06, §34.04, §38.04, §40.08, AND CHAPTER 48.

WHEREAS, Pursuant to Utah Code Ann. §10-1-201 Virgin Town (“the Town”) is a Utah municipal corporation and political subdivision of the State of Utah; and

WHEREAS, Pursuant to Utah Code Annotated, Title 10, Chapter 3b, Section 301, the Virgin Town Council (“Virgin Town Council”) is designated as the governing body of the Town; and

WHEREAS the Town is authorized pursuant to Utah Code Annotated, Title 10, Chapter 9A, to enact ordinances necessary or appropriate for the use of land with the Town’s municipal boundaries; and

WHEREAS, the uses chart as currently reflected in §30.06 conflicts with uses listed in the Residential, Rural Residential, Agricultural, Commercial, and Open Space Zones in Virgin’s Land Use Ordinances; and

WHEREAS, such conflicts between the above Zoning Chapters in Virgin’s Land Use Ordinance render the Zoning Chapters vague and unenforceable; and

WHEREAS, such conflicts making the code vague and unenforceable are easy to create, whether intentionally or unintentionally; and

WHEREAS, to ensure that Virgin’s Land Use Ordinance are stable and enforceable the uses chart in §30.06 and any references to such uses chart should be repealed and removed from Virgin’s Land Use Ordinances; and

WHEREAS, the Planning Commission held a public hearing on this ordinance on _____, 2024;

NOW THEREFORE, be it ordained by the Town Council of Virgin Town, in the State of Utah, as follows:

SECTION 1: REPEAL. “30.06 USES CHART” of the Virgin Land Use Ordinances is hereby *repealed* as follows:

BEFORE REPEAL

USES	ZONES					
	RR	AG	C	HRZ	OS	
Accessory Buildings		P	P	P	P	P

Agriculture	P	P	P	P	P		
Agriculture Business		C	P	P	C	P	
Assisted Living Facility							
Boarding School							
Cannabis Production Establishment			PR	P	PR	PR	PR
Cemetery		P	P	C	C	P	
Child Day Care		P	P	P	P	P	
Church		C	C	C	C	C	
Guest House/Casita		P	P	P	P	P	
Halfway House							
Home Occupation		P	P	P	P	P	
Household Pets		P	P	P	P	P	
Kennel, Commercial							
Medical Cannabis Pharmacies			PR	P	P	P	P
Park	P	P	P	P	P		
Playground	P	P	P	P	P		
Private School							
Public Buildings		C	C	C	C	C	
Public School							
Public Stable	C	P	P	C	C		
Public Utilities		p	p	p	p	p	
Rehabilitation Center							
Residential Treatment Program							
School		P	P	P	P	P	
Sexually Oriented Business		PR	PR	C	PR	PR	
Single Family Dwellings		P	P	P	P	P	
Treatment Center							
P = Permitted							
C = Conditional Use							
PR = Prohibited							

AFTER REPEAL

USES	ZONES					
	RR	AG	C	HRZ	OS	
Accessory Buildings		P	P	P	P	P
Agriculture	P	P	P	P	P	
Agriculture Business		C	P	P	C	P
Assisted Living Facility						
Boarding School						
Cannabis Production Establishment			PR	P	PR	PR PR
Cemetery		P	P	C	C	P
Child Day Care		P	P	P	P	P
Church		C	C	C	C	C
Guest House/Casita		P	P	P	P	P
Halfway House						
Home Occupation		P	P	P	P	P
Household Pets		P	P	P	P	P
Kennel, Commercial						
Medical Cannabis Pharmacies			PR	P	P	P P
Park	P	P	P	P	P	
Playground	P	P	P	P	P	
Private School						
Public Buildings		C	C	C	C	C
Public School						
Public Stable	C	P	P	C	C	
Public Utilities		p	p	p	p	p
Rehabilitation Center						
Residential Treatment Program						
School		P	P	P	P	P
Sexually Oriented Business		PR	PR	C	PR	PR
Single Family Dwellings		P	P	P	P	P
Treatment Center						

P = Permitted
 C = Conditional Use
 PR = Prohibited
(Repeated)

SECTION 2: REPEAL. “32.06 PERMITTED USES” of the Virgin Land Use Ordinances is hereby *repealed* as follows:

BEFORE REPEAL

Uses contained in this chapter flow directly from Chapter 30 - Zones and Uses. In the event of a conflict, Chapter 30 verbiage is the principal deciding factor. Uses fall into one of four categories, namely Permitted, Permitted with Conditions, Conditional Use, and Prohibited.

AFTER REPEAL

~~Uses contained in this chapter flow directly from Chapter 30 - Zones and Uses. In the event of a conflict, Chapter 30 verbiage is the principal deciding factor. Uses fall into one of four categories, namely Permitted, Permitted with Conditions, Conditional Use, and Prohibited.~~
(*Repealed*)

SECTION 3: REPEAL. “34.04 PERMITTED USES” of the Virgin Land Use Ordinances is hereby *repealed* as follows:

BEFORE REPEAL

Uses contained in this chapter flow directly from Chapter 30 - Zones and Uses. In the event of a conflict, Chapter 30 verbiage is the principal deciding factor. Uses fall into one of four categories, namely Permitted, Permitted with Conditions, Conditional Use, and Prohibited.

AFTER REPEAL

~~Uses contained in this chapter flow directly from Chapter 30 - Zones and Uses. In the event of a conflict, Chapter 30 verbiage is the principal deciding factor. Uses fall into one of four categories, namely Permitted, Permitted with Conditions, Conditional Use, and Prohibited.~~
(*Repealed*)

SECTION 4: REPEAL. “38.04 PERMITTED USES” of the Virgin Land Use Ordinances is hereby *repealed* as follows:

BEFORE REPEAL

Uses contained in this chapter flow directly from Chapter 30 - Zones and Uses. In the event of a conflict, Chapter 30 verbiage is the principal deciding factor. Uses fall into one of four categories, namely Permitted, Permitted with Conditions, Conditional Use, and Prohibited.

AFTER REPEAL

~~Uses contained in this chapter flow directly from Chapter 30 - Zones and Uses. In the event of a conflict, Chapter 30 verbiage is the principal deciding factor. Uses fall into one of four categories, namely Permitted, Permitted with Conditions, Conditional Use, and Prohibited.~~
~~(Repealed)~~

SECTION 5: REPEAL. “40.08 PERMITTED USES” of the Virgin Land Use Ordinances is hereby *repealed* as follows:

BEFORE REPEAL

Uses contained in this chapter flow directly from Chapter 30 - Zones and Uses. In the event of a conflict, Chapter 30 verbiage is the principal deciding factor. Uses fall into one of four categories, namely Permitted, Permitted with Conditions, Conditional Use, and Prohibited.

AFTER REPEAL

~~Uses contained in this chapter flow directly from Chapter 30 - Zones and Uses. In the event of a conflict, Chapter 30 verbiage is the principal deciding factor. Uses fall into one of four categories, namely Permitted, Permitted with Conditions, Conditional Use, and Prohibited.~~
~~(Repealed)~~

SECTION 6: REPEAL. “CHAPTER 48 (RESERVED)” of the Virgin Land Use Ordinances is hereby *repealed* as follows:

BEFORE REPEAL

Uses contained in this chapter flow directly from Chapter 30 - Zones and Uses. In the event of a conflict, Chapter 30 verbiage is the principal deciding factor. Uses fall into one of four categories, namely Permitted, Permitted with Conditions, Conditional Use, and Prohibited.

AFTER APPEAL

~~Uses contained in this chapter flow directly from Chapter 30 - Zones and Uses. In the event of a conflict, Chapter 30 verbiage is the principal deciding factor. Uses fall into one of four categories, namely Permitted, Permitted with Conditions, Conditional Use, and Prohibited.~~
~~(Repealed)~~

Section 7

Severability Clause: Should any part 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.

Section 8

Effective Date: This Ordinance shall be in full force and effect from _____, 2024 and after the required approval and publication according to law.

Section 9

Repealer Clause: All Virgin Town ordinances or resolutions or part thereof, which are in conflict herewith, are hereby repealed.

PASSED AND ADOPTED BY THE VIRGIN TOWN COUNCIL, _____, 2024.

Attest:

Jean M. Krause, Mayor
Virgin Town, Utah

Krystal Percival, Town Clerk/Recorder
Virgin Town, Utah

VIRGIN TOWN COUNCIL Vote as Recorded AYE NO
Councilmember, Mistie Baird
Councilmember,
Councilmember, Paul Luwe
Councilmember, April McKeon
Mayor, Jean Krause

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 §63G-30-102 as amended, I, the Town Clerk/Recorder of Virgin, Utah, hereby certifies that the foregoing Ordinance was duly passed and published or posted via Class A Notice at:

3. *Utah Public Notice website*
4. *Virgin Town website, www.virgin.utah.gov*
5. *Virgin Town Hall*

Krystal Percival, Town Clerk/Recorder
Virgin Town, Utah