

VIRGIN TOWN ORDINANCE NO. 2024-

AN ORDINANCE AMENDING CHAPTER SECTIONS 40:16 BUFFERS AND LANDSCAPING; 44.10.I CONDITIONAL USES; AND 44:12.C LANDSCAPING; OF THE VIRGIN UNIFORM LAND USE CODE TO INCLUDE CLASS 1 AND CLASS 2 E-BIKES.

WHEREAS, Virgin Town (“the Town”) is a Utah municipal corporation and political subdivision of the State of Utah, and

WHEREAS, the Virgin Town Council (“Town Council”) is the legislative and governing body of the Town, and

WHEREAS, the Town Council with advice of the Virgin Town Planning and Zoning Commission (“Planning Commission”), in addition to being the legislative and governing body of the Town, is also the Land Use Authority (“LUA”) 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 delegated to another body or person, and

WHEREAS, Section 41-6a-1115.5(3)(a) of Utah Code authorizes the Town to regulate electric assisted bicycles as follows: “ A local authority or state agency may adopt an ordinance or rule to regulate or restrict the use of an electric assisted bicycle, or a specific classification of an electric assisted bicycle, on a sidewalk, path, or trail within the jurisdiction of the local authority or state agency.”; a

WHEREAS, the Planning Commission held a public hearing on this ordinance on , 20 ; and

WHEREAS, the Virgin Town Planning and Zoning Commission recommended in a to vote that the Town Council [approve / deny] these amendments on , 20 ; and

WHEREAS, Virgin’s code does not reflect the recent advent and popularity of e-bike use, and since low-speed e-bikes are considered to be compatible with other users on multi-use trails, certain sections of VULU must be updated to acknowledge this use; and

WHEREAS, Virgin’s LUA finds it to be in the best interests of the health, safety, and welfare of residents and visitors to the Town to amend its regulations;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VIRGIN, UTAH THAT:

SECTION 1: 40.16 BUFFERS AND LANDSCAPING shall be amended as follows:

Those properties with FRONTAGE on SR-9 shall have a minimum fifty-foot (50') landscaped or well-maintained natural buffer between the boundary of SR-9 and the development. Where safety and welfare are not a conflicting concern; in lieu of sidewalks along the state highway, a continuous trail for use by pedestrians and ~~bicycles~~ non-motorized bicycles as well as Class 1 and Class 2 e-bikes shall be developed in accordance with Town standards, which may be

located within this buffer zone. A thirty-foot (30') landscaped buffer shall also be provided between commercial and residential properties.

SECTION 2: 44.10.I CONDITIONAL USES shall be amended as follows:

- I. **NON-MOTORIZED BICYCLE AS WELL AS CLASS 1 AND CLASS 2 E-BIKE RENTAL AND TOUR SERVICES.**

SECTION 3: 44.12.C LANDSCAPING

C. LANDSCAPING.

1. Properties fronting SR-9 or Kolob Terrace Road shall have a minimum of fifty-foot (50') landscaped or well-maintained natural buffer between the arterial and the development. Where safety and welfare are not a conflicting concern; in lieu of a sidewalk along the arterial roads, a continuous paved trail for use by pedestrians and bicycles non-motorized bicycles as well as Class 1 and Class 2 e-bikes shall be developed in accordance with Town standards, which may be located within this buffer zone. A thirty-foot (30') landscaped buffer shall also be provided between Highway Resort Zone and residential properties.

SECTION 4:

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.

SECTION 5:

Conflicts/Repealer. This Ordinance repeals and supersedes the provisions of any prior ordinance in conflict herewith.

SECTION 6:

Effective Date. This Ordinance shall become effective immediately upon adoption by the Virgin Town Council and execution by the Virgin Town Mayor.

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

ATTEST:

VOTE TAKEN: yes no

Councilmember Luwe

Councilmember Baird

Councilmember Wenz

Councilmember McKeon

Mayor Krause

VIRGIN TOWN

a Utah municipal corporation

Attest:

Jean Krause, Mayor

Krystal Percival, Town Recorder

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:

- 1) *Utah Public Notice website*
- 2) *Virgin Town website, www.virgin.utah.gov*
- 3) *Virgin Town Hall*

Krystal Percival, Town Clerk/Recorder
Virgin Town, Utah