

Virgin Town, Utah
ORDINANCE 2024-XXR
REMOVAL OF LODGING AND SERVICE STATIONS FROM COMMERCIAL ZONES
OTHER THAN HIGHWAY RESORT

RECITALS

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;

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;

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;

WHEREAS, various types of short term lodging is currently seen as a highly profitable form of development in Virgin and the surrounding Zion National Park region; consequently, lodging uses have proliferated throughout the town over the last several years;

WHEREAS, since very few services customarily associated with lodging exist within the town; overnight guests must travel some distance to surrounding towns for food, shopping, and entertainment;

WHEREAS, the town’s failure to capture its short term visitors for meals, shopping, and other necessities represents a loss of potential income to the town;

WHEREAS the Highway Resort Zone is intended to provide automobile intensive services such as lodging and service stations, while the town’s limited other areas for business are intended to be pedestrian friendly;

WHEREAS, a greater variety of stores, restaurants, entertainment and other services outside of the HRZ is desirable and beneficial to both visitors and the resident population;

WHEREAS, businesses other than lodging and service stations are necessary to provide a more balanced and sustainable economic base for the town;

WHEREAS, limiting further growth of lodging and service station uses outside of the HRZ to encourage other types of development is deemed beneficial to the town;

WHEREAS, lodging and service station uses will continue to be available for development in the Highway Resort Zone;

WHEREAS, a public hearing was held _____, 2024, at which the public was invited to comment on this amendment of Virgin’s Land Use Code

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

SECTION 1: AMENDMENT. “40.10 Conditional Uses” of the Virgin Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

40.10 CONDITIONAL USES

The approval for any project and its continuing use shall be subject to a Conditional Use Permit. Refer to VULU Chapter 16 for procedure and additional standards. Because of the visual and topographic fragility of this area, development standards will be specifically tailored to minimize site disturbance and visual impact. Conditionally permitted uses in the Commercial Zone are:

- A. General or convenience store.
- B. Trail-ride staging (strict buffers, numbers of animals, accessory stables or barns, and nuisance abatement to be addressed during Conditional Use review). (See VULU 16.28D)
- C. Shuttle stops.
- D. Hotel/Motel; (For additional specific standards such as Units per acre See VULU 16.28C Lodging, VULU 40.40A)
 - 1. Small scale facilities thirty (30) lodging units or less; and
 - 2. Medium scale facilities One hundred (100) lodging units or less.
- E. Veterinary clinics;
- F. Private schools;
- G. Automobile service station; (See VULU 16.28H, VULU 40.40B) and
- H. Food Trucks.

AFTER AMENDMENT

40.10 CONDITIONAL USES

The approval for any project and its continuing use shall be subject to a Conditional Use Permit. Refer to VULU Chapter 16 for procedure and additional standards. Because of the visual and topographic fragility of this area, development standards will be specifically tailored to minimize site disturbance and visual impact. Conditionally permitted uses in the Commercial Zone are:

- A. General or convenience store.
- B. Trail-ride staging (strict buffers, numbers of animals, accessory stables or barns, and nuisance abatement to be addressed during Conditional Use review). (See VULU 16.28D)
- C. Shuttle stops.
- ~~D. Hotel/Motel; (For additional specific standards such as Units per acre See VULU 16.28C Lodging, VULU 40.40A) (*Amended*)~~
 - ~~3. Small scale facilities thirty (30) lodging units or less; and. (*Amended*)~~
 - ~~4. Medium scale facilities One hundred (100) lodging units or less. (*Amended*)~~
- E. Veterinary clinics;
- F. Private schools;
- ~~G. Automobile service station; (See VULU 16.28H, VULU 40.40B) and (*Amended*)~~

H. Food Trucks.

SECTION 2:AMENDMENT. “40.12 Prohibited Uses” of the Virgin Land Use Ordinances is hereby *amended* as follows:

BEFORE AMENDMENT

40.12 PROHIBITED USES

- A. Sexually Oriented Businesses (SOB);
- B. Congregate Living Facilities; and
- C. Campgrounds/RV park.
- D. Short-Term Rentals

AFTER AMENDMENT

40.12 PROHIBITED USES

- A. Sexually Oriented Businesses (SOB);
- B. Congregate Living Facilities; and
- C. Campgrounds/RV park.
- D. Short-Term Rentals
- E. Hotel/Motel (of any size)
- F. Automobile Service Station

SECTION 3: AMENDMENT. “40.40.A and 40.40.B Additional Use Specific Requirements “

BEFORE AMENDMENT

- A. Hotel/Motel.
 - 1. A minimum of sixty-foot (60') buffer between established residential properties;
 - a. Buffer may not include parking or non-emergency driveways.
 - 2. A sound wall shall be constructed between facilities and established residential properties on the property line unless all uses are one hundred fifty feet (150') or greater from the property line;
 - 3. No more the 20% of parking may be behind main building(s)
- B. Service stations.
 - 1. Fuel pumps must be in front of building.
 - 2. Store hours are limited to between 4:00 am and 11:00 pm.
 - 3. A minimum of sixty-foot (60') buffer between established residential properties;
 - a. Buffer may not include parking or non-emergency driveways.
 - 4. A sound wall shall be constructed between service station and established residential properties on the property line unless all uses are one hundred fifty feet (150') or greater from the property line.

AFTER AMENDMENT

~~A. Hotel/Motel.~~

- ~~1. A minimum of sixty-foot (60') buffer between established residential properties;
—— a. Buffer may not include parking or non-emergency driveways.~~
- ~~2. A sound wall shall be constructed between facilities and established residential properties on the property line unless all uses are one hundred fifty feet (150') or greater from the property line;~~
- ~~3. No more the 20% of parking may be behind main building(s)~~

~~B. Service stations.~~

- ~~1. Fuel pumps must be in front of building.~~
- ~~2. Store hours are limited to between 4:00 am and 11:00 pm.~~
- ~~3. A minimum of sixty-foot (60') buffer between established residential properties;
—— a. Buffer may not include parking or non-emergency driveways.~~
- ~~4. A sound wall shall be constructed between service station and established residential properties on the property line unless all uses are one hundred fifty feet (150') or greater from the property line.~~

SECTION 4:

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 5:

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

SECTION 6:

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

SECTION 7:

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 VIRGIN TOWN COUNCIL, _____.

Attest:

Jean M. Krause, Mayor
Virgin Town, Utah

Krystal Percival, Town Clerk/Recorder
Virgin Town, Utah

VIRGIN TOWN COUNCIL Vote as Recorded AYE NAY

Councilmember, Mistie Baird ADOPTED AND APPROVED BY THE VIRGIN TOWN COUNCIL ORDINANCE# 2024- will become effective on this ____day of December 2024 based upon the following vote:

Councilmember: _____	AYE__	NO__
Councilmember: April McKeon	AYE__	NO__
Councilmember: Mistie Baird	AYE__	NO__
Councilmember: Paul Luwe	AYE__	NO__
Councilmember: Jean Krause, Mayor	AYE__	NO__

VIRGIN TOWN
a Utah municipal corporation

Jean Krause, Mayor
ATTEST:

Krystal Percival, Town Clerk/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:

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