VIRGIN TOWN ORDINANCE NO. 2025-____

AN ORDINANCE AMENDING ZONE LOCATIONS IN CHAPTERS 32, 40 AND 44 OF THE VIRGIN LAND USE CODE.

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, 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, the Town is in the process of revising its General Plan, including plans for future land use; and

WHEREAS, the Planning and Zoning Commission is conducting a survey and gathering input via open houses to ensure that the new General Plan reflects the current desires of the public; and

WHEREAS, "Location" sections in the Chapters regulating Residential, Commercial, and Highway Resort zoning have been amended over the years since adoption and may no longer align with public desires; and

WHEREAS, "Location" sections in the Chapters regulating Residential, Commercial, and Highway Resort zoning will become unnecessary with the adoption of a future land use map into the General Plan; 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 THE FOLLOWING AMENDMENTS BE ADOPTED INTO THE VIRGIN LAND USE CODE [underlined language to be added, struck-through language to be deleted]:

SECTION 1. Chapter 32 amendment:

32.04 LOCATION

The Residential District includes only parcels currently zoned Residential at the time of adoption of Ordinance # _____, dated _____. ~~this section. The zone can be expanded to properties located North of State Route 9 and has had a wastewater feasibility study from the Southwest Department of Health allowing for lots of 12,000 square feet.~~

SECTION 2. Chapter 40 amendment:

40.06 LOCATION

Commercial Zone includes any parcels currently zoned Commercial at the time of adoption of Ordinance # _____, dated_____. ~~designation is available along the State Route Nine (SR-9) frontage, extending West from Pocketville Road to the furthest west Town border.~~

~~1. Excluding any BLM property.~~

(As amended pursuant to ordinance #2018-22)

HISTORY
Amended by Ord. 2019-10 on 7/17/2019
Amended by Ord. 2023-09 extending commercial zone availability on 9/26/2023

SECTION 3. Chapter 44 amendment:

44.06 LOCATION

1. The Highway Resort Zone includes any parcels currently zoned Highway Resort at the time of adoption of Ordinance # _____, dated_____. ~~designation is available to parcels or portions of parcels that:~~
    ~~1. Directly front SR-9 and are located east of 295 East to the eastern town boundary;~~
    ~~2. Directly front Kolob Terrace Road and are located east of the western quarter section line of 2 T41S R12W Section 23, under the condition that all access to property zoned HRZ shall be from Kolob Terrace Road, with no ingress or egress from Pocketville Road~~
    ~~3. Lie within the area from grid line 700 E to the furthest east and south town boundary.~~
2. The specific location of the Highway Resort Zone has been carefully chosen. Characteristics qualifying it as the best location for the intended use include the following:
    1. Natural features of the designated area create opportunities to design developments that blend into rather than to dominate the natural environment.
    2. Substantial flood zone is included within the eligible area; recreational and seasonal activities are a valuable and logical use for this land.
    3. Much of the designated area is low-lying, relative to highway elevation, and the river, which forms the southern boundary, is tree-lined. These features combine to create a location where buildings larger than the existing norm will have a smaller impact than they might elsewhere in the town.
    4. The location is sufficiently separated from areas of dense private residential use, and from the contemplated village-scale commerce zone, to avoid common conflicts between intensive tourist use and pedestrian-friendly, community-serving neighborhoods.

HISTORY
Amended by Ord. 2019-16 on 9/4/2019
Amended by Ord. 2019-45 Expansion of Zone on 12/18/2019
Amended by Ord. 2020-23 Expansion of Zone on 8/26/2020
Repealed by Ord. 2020-52 2020-23 Repealed on 11/18/2020
Amended by Ord. 2021-34 Amends location area of HRZ on 3/31/2021
Amended by Ord. 2021-76 District to Zone on 10/20/2021

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 _____, 20___.

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*

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Krystal Percival, Town Clerk/Recorder
Virgin Town, Utah