

VIRGIN TOWN, UTAH
ORDINANCE 2025-04

REMOVAL OF LODGING FROM COMMERCIAL ZONE

AN ORDINANCE REMOVING OF THE USES OF LODGING AND SERVICE STATIONS FROM COMMERCIAL ZONES OTHER THAN HIGHWAY RESORT ZONE

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;

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, 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; and

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; and

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; and

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; and

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; and

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; and

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

WHEREAS, a public hearing was held January 14, 2025 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.
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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
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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.

Effective Date: This Ordinance shall be in full force and effect from January 21, 2025 and after the required approval and publication according to law.

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, JANUARY 21, 2025..

Attest:


Jean M. Krause, Mayor
Virgin Town, Utah


Krystal Percival, Town Clerk/Recorder
Virgin Town, Utah

VIRGIN TOWN COUNCIL Vote as Recorded	AYE	NAY	ABSENT	ABSTAIN
Virgin Town Councilmember, Mistie Baird		✓		
Virgin Town Councilmember, Paul Luwe	✓			
Virgin Town Councilmember, April McKeon	✓			
Virgin Town Councilmember, Valerie Wenz	✓			
Virgin Town Mayor, Jean Krause	✓			

RECORDED this 10 day of February, 2025.

PUBLISHED or POSTED this 10 day of February, 2025.

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:

- 7) *Utah Public Notice website*
- 8) *Virgin Town website, www.virgin.utah.gov*
- 9) *Virgin Town Hall*


Krystal Percival, Town Clerk/Recorder
Virgin Town, Utah