

VIRGIN TOWN
DRAFT ORDINANCE NO. 2025-

**AN ORDINANCE CLARIFYING THAT USES NOT LISTED AS PERMITTED OR
CONDITIONAL ARE PROHIBITED**

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 permitted and conditional uses listed, as well as those left out, in each of the Town’s zones have been considered by the Planning and Zoning Commission and the Town Council, and have been the subject of public hearings;

WHEREAS, the intention in listing permitted and conditional uses was and is to allow them to the exclusion of all others; and

WHEREAS, it is the policy of the Town, when an unlisted use is requested, to offer applicant a place on the Planning and Zoning agenda to discuss or request an amendment to the land use code to include that unlisted use;

WHEREAS, the Town wishes to formalize its intention by expressly prohibiting uses which are listed neither as permitted nor conditional;

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;

43 **NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF**
44 **THE TOWN OF VIRGIN, UTAH AS FOLLOWS:**

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46 **SECTION 1. AMEND CHAPTER 32.09 RESIDENTIAL DISTRICT**
47 **PROHIBITED USES, CHAPTER 34.07 RURAL RESIDENTIAL DISTRICT**
48 **PROHIBITED USES , CHAPTER 38.07 AGRICULTURAL DISTRICT PROHIBITED**
49 **USES , AND CHAPTER 40.10 COMMERCIAL ZONE PROHIBITED USES TO**
50 **INCLUDE THE FOLLOWING SENTENCE:**

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52 Any use not listed as permitted or conditional shall be deemed prohibited.

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55 **SECTION 2. AMEND CHAPTER 44 HIGHWAY RESORT ZONE TO**
56 **INCLUDE THE FOLLOWING SENTENCE IN A NEW SECTION 44.11**

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58 Any use not listed as permitted or conditional shall be deemed prohibited.

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61 **SECTION 3. SEVERABILITY, EFFECTIVE DATE, AND REPEALER**

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63 **Severability Clause:** Should any part or provision of this Ordinance be declared by the
64 courts to be unconstitutional or invalid, such decision shall not affect the validity of
65 the Ordinance as a whole or any part thereof other than the part so declared to be
66 unconstitutional or invalid.

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68 **Effective Date:** This Ordinance shall be in full force and effect from _____,
69 20____ and after the required approval and publication according to law.

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71 **Repealer Clause:** All Virgin Town ordinances or resolutions or parts thereof, which are
72 in conflict herewith, are hereby repealed.

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74 **PASSED AND ADOPTED BY THE TOWN COUNCIL OF VIRGIN TOWN, STATE**
75 **OF UTAH, ON THE _____ DAY OF _____, 20____.**

76
77 Attest:

78
79 _____
80 Jean Krause, Mayor, Virgin Town Krystal Percival, Recorder, Virgin Town

81
82 VIRGIN TOWN COUNCIL

83	Vote as recorded:	AYE	NAY	ABSENT
84	Councilmember Luwe	_____	_____	_____
85	Councilmember Baird	_____	_____	_____
86	Councilmember Wenz	_____	_____	_____
87	Councilmember McKeon	_____	_____	_____
88	Mayor Krause	_____	_____	_____

SEAL

90 RECORDED this _____ day of _____, 20____.

91 PUBLISHED OR POSTED this _____ day of _____, 20____.

92

93 **CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

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

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

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102 Krystal Percival, Town Clerk/Recorder

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104 Virgin Town, Utah

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