

VIRGIN TOWN, UTAH

ORDINANCE 2025-10

REINSTATING OPEN SPACE ZONE

**AN ORDINANCE AMENDING TITLE 16 OF THE VIRGIN LAND USE CODE TO REINSTATE AND
RENUMBER CHAPTER 48 OPEN SPACE DISTRICT**

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 401, 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, the Town Council with advice of the Virgin t\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 April 8, 2025;

WHEREAS, the Virgin Town Planning and Zoning Commission recommended these amendments on May 13, 2025; and

WHEREAS, Virgin Town contains lands which have been and remain in open space district since substantially prior to 2021; and

WHEREAS, prior to 2021, Virgin's Land Use Code included a chapter describing standards and uses for that zone; and

Ordinance 2025-10
Adopted July 15, 2025

WHEREAS, an amendment to the code was made in 2021 which, perhaps erroneously, removed the entire Chapter 48 Open Space District, and

WHEREAS, Virgin Town officials require guidance as to uses and standards for lands currently zoned open space, and

WHEREAS, Virgin's Land Use Authority finds it to be in the best interests of the health, safety, and welfare of residents and visitors to the town to replace the missing section of the land use code;

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

SECTION 1: RE-ENACTMENT AND RE-NUMBERING. "Title 16, Chapter 48, Open Space Zone of the Virgin Land Use Ordinances is hereby *re-enacted and renumbered* as follows:

BEFORE RE-ENACTMENT AND RE-NUMBERING

**TITLE 16
CHAPTER 48 - (RESERVED)**

AFTER RE-ENACTMENT AND RE-NUMBERING

**TITLE 16
CHAPTER 48 - OPEN SPACE DISTRICT**

48.02 PURPOSE.

To promote and preserve open space in appropriate areas in keeping with the Town goals of protecting its unique landscape, views of open desert and geologic formations, access to river, trails, parks, and public lands; clean air and water; rural atmosphere; and beneficial vegetation and wildlife. To provide a zoning tool to help decision makers accomplish Town goal to limit density of use; to avoid undue burdens on town to provide services, infrastructure, or other financial contribution; to encourage only orderly, integrated growth at a manageable rate appropriate for a small town; and to assure future connectivity of utilities, streets, roads, trails, and open space.

48.04 LOCATION. All public lands within Virgin Town boundaries under the administration of the Bureau of Land Management or the State of Utah as of the date of adoption of this Chapter, as well as any properties subsequently rezoned to this designation.

48.06 PERMITTED USES.

- A. Recreational hiking, bicycling, and horseback riding.
- B. Grazing.
- C. Single-family home.

48.08 CONDITIONAL USES.

- A. Trails for public recreation.
- B. Other public recreation facilities.
- C. Utility easements, public use, essential facilities

48.10 PROHIBITED USES.

To be determined.

48.12. MINIMUM AREA. Ten (10) acres.

48.14. MODIFYING REGULATIONS.

A single-family home in this zone is subject to the regulations and requirements of the Rural Residential zone.

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 July 15, 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, _____.

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 _____ day of _____, 2025.

PUBLISHED or POSTED this _____ day of _____, 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:

- 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