

**VIRGIN TOWN
ORDINANCE NO. 2025-
AMENDING STANDARDS FOR OPEN SPACE ZONE**

**AN ORDINANCE AMENDING TITLE 16 OF THE VIRGIN MUNICIPAL CODE TO AMEND
AND RENUMBER THE CHAPTER GOVERNING OPEN SPACE DISTRICT**

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 November 12, 2025; and

WHEREAS, the Virgin Town Planning and Zoning Commission voted _____ to _____ on a motion to recommend that Town Council approve 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

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 LUA 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;

WHEREAS, comments from the Virgin Town Council on a previous version of this ordinance prompted this revision to include, among other things, a list of prohibited uses;

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

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51 **SECTION 1. REENACTMENT AND RENUMBERING**

52
53 *BEFORE AMENDMENT:*

54
55 **TITLE 16**
56 **CHAPTER 36- (RESERVED)**

57
58
59 *AFTER AMENDMENT:*

60
61 **TITLE 16**
62 **CHAPTER 36- OPEN SPACE DISTRICT**

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64 **36.02 PURPOSE.**

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

72
73 **36.04 LOCATION.** All public lands within Virgin Town boundaries under the administration of the
74 Bureau of Land Management or the State of Utah as of the date of adoption of this Chapter, as well as
75 any properties subsequently rezoned to this designation.

76
77 **36.06 PERMITTED USES.**

- 78
79 A. Recreational hiking, bicycling, and horseback riding.
80 B. Grazing.
81 C. One Single-family dwelling per minimum 40-acre parcel
82 D. Uses legally existing on the property at time of passage of this ordinance
83 ~~C-Single family dwelling home.~~

84
85 **36.08 CONDITIONAL USES.**

- 86
87 A.Trails for public recreation.
88 ~~B. Other~~ Temporary public recreation events.
89 C. Utility easements, ~~public use~~, essential facilities
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91

36.09 PROHIBITED USES. Any use not listed as permitted or conditional is deemed prohibited unless declared similar to a listed use by the Town Attorney or the Director of Community Development.

A. Multi-family housing of any size

B. Short-term rental

C. Hotels, motels, or any type of lodging

D. Amusement parks.

E. Arcades.

F. Automobile repair (major) and automobile Dealerships.

G. Automobile wrecking yards.

H. Campgrounds

I. Bowling alleys.

J. Circuses or carnivals.

K. Drive-in theaters.

L. Driving ranges with floodlights.

M. Helipads, helistops, and heliports.

N. Jails and prisons.

O. Junkyards.

P. Landfills and garbage dumps.

Q. Landing strips, airports, or other facilities designed for the take off or landing of any type of aircraft.

R. Mini-golf courses.

S. Mining, quarries, or gravel pits.

T. Off-road vehicle, motorcycle, and ATV tracks and parks.

U. Parking Lots.

V. Pawn shops.

W. Extraction or quarry operations

X. Recreational vehicle parks

Y. Retail tobacco specialty businesses.

Z. Shooting ranges.

AA. Shopping malls.

BB. Skating rinks.

CC. Storage establishments.

DD. Swap meets and flea markets.

EE. Water parks.

36.10. MINIMUM AREA. Parcels of any size are eligible for Open Space zoning designation; however, any of the Conditional Uses listed in this chapter requires a minimum lot size of Forty (40) acres.

36.12. MODIFYING REGULATIONS.

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

136 **Severability Clause:** Should any part or provision of this Ordinance be declared by the courts
137 to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as
138 a whole or any part thereof other than the part so declared to be unconstitutional or invalid.
139

140 **Effective Date:** This Ordinance shall be in full force and effect from _____,
141 _____ and after the required approval and publication according to law.
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143 **Repealer Clause:** All Virgin Town ordinances or resolutions or parts thereof, which are in
144 conflict herewith, are hereby repealed.
145

146 PASSED AND ADOPTED BY THE TOWN COUNCIL OF VIRGIN TOWN, STATE
147 OF UTAH, ON THE _____ DAY OF _____, 20____.
148

149 Attest:
150

151 _____
152 Jean Krause, Mayor, Virgin Town Krystal Percival, Recorder, Virgin Town
153

154 VIRGIN TOWN COUNCIL			
155 Vote as recorded:	AYE	NAY	ABSENT
156 Councilmember Luwe	_____	_____	_____
157 Councilmember Baird	_____	_____	_____
158 Councilmember Wenz	_____	_____	_____
159 Councilmember McKeon	_____	_____	_____
160 Mayor Krause	_____	_____	_____
161			

162 RECORDED this _____ day of _____, 2025.
163 PUBLISHED OR POSTED this _____ day of _____, 2025.
164

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

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

- 169 1) *Utah Public Notice website*
170 2) *Virgin Town website, www.virgin.utah.gov*
171 3) *Virgin Town Hall*
172

173 _____
174 Krystal Percival, Town Clerk/Recorder
175

176 Virgin Town, Utah

177

178

DRAFT