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

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

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WHEREAS, Virgin Town (“the Town”) is a Utah municipal corporation and political subdivision of the State of Utah, and

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WHEREAS, the Virgin Town Council (“Town Council”) is the legislative and governing body of the Town, and

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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

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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**

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53 *BEFORE AMENDMENT:*

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

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59 *AFTER AMENDMENT:*

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

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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.

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77 **36.06 PERMITTED USES.**

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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.~~

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85 **36.08 CONDITIONAL USES.**

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87 A. Trails for public recreation.
88 B. ~~Other~~ Temporary public recreation events.
89 C. Utility easements, ~~public use~~, essential facilities
90 D. Public Use [*recommendation: a specific definition for the term "public use" needs to be*
91 *created prior to this category being exempted from any minimum acreage requirements*]

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- 93 **36.09 PROHIBITED USES.** Any use not listed as permitted or conditional is deemed prohibited unless
94 declared similar to a listed use by the Town Attorney or the Director of Community Development.
95 A. Multi-family housing of any size
96 B. Short-term rental
97 C. Hotels, motels, or any type of lodging
98 D. Amusement parks.
99 E. Arcades.
100 F. Automobile repair (major) and automobile dealerships.
101 G. Automobile wrecking yards.
102 H. Campgrounds
103 I. Bowling alleys.
104 J. Circuses or carnivals.
105 K. Drive-in theaters.
106 L. Driving ranges with floodlights.
107 M. Helipads, helistops, and heliports.
108 N. Jails and prisons.
109 O. Junkyards.
110 P. Landfills and garbage dumps.
111 Q. Landing strips, airports, or other facilities designed for the take-off or landing of any type of
112 aircraft.
113 R. Mini-golf courses.
114 S. Mining, quarries, or gravel pits.
115 T. Off-road vehicle, motorcycle, and ATV tracks and parks.
116 U. Parking Lots.
117 V. Pawn shops.
118 W. Extraction or quarry operations
119 X. Recreational vehicle parks
120 Y. Retail tobacco specialty businesses.
121 Z. Shooting ranges.
122 AA. Shopping malls.
123 BB. Skating rinks.
124 CC. Storage establishments.
125 DD. Swap meets and flea markets.
126 EE. Water parks.

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129 **36.10. MINIMUM AREA.** Parcels of any size are eligible for Open Space zoning designation; however,
130 any of the Conditional Uses listed in this chapter requires a minimum lot size of Forty (40) acres. Utility
131 easements and essential facilities are exempt from any minimum acreage requirements.
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133 **36.12. MODIFYING REGULATIONS.**
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135 A single family dwelling in this zone is subject to the regulations and requirements of the Rural
136 Residential zone.
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138 **Severability Clause:** Should any part or provision of this Ordinance be declared by the courts
139 to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as
140 a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

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

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

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

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151 Attest:

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154 Jean Krause, Mayor, Virgin Town Krystal Percival, Recorder, Virgin Town

155
156 VIRGIN TOWN COUNCIL

157	Vote as recorded:	AYE	NAY	ABSENT
158	Councilmember Luwe	_____	_____	_____
159	Councilmember Baird	_____	_____	_____
160	Councilmember Wenz	_____	_____	_____
161	Councilmember McKeon	_____	_____	_____
162	Mayor Krause	_____	_____	_____

SEAL

164 RECORDED this _____ day of _____, 2025.

165 PUBLISHED OR POSTED this _____ day of _____, 2025.

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

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

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

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176 Krystal Percival, Town Clerk/Recorder

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178 Virgin Town, Utah
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