

**VIRGIN TOWN**  
**ORDINANCE #2018-10**

AN ORDINANCE AMENDING CHAPTERS TWENTY-ONE TO ACCOMMODATE THE ADDITION OF RECREATIONAL VEHICLE PARKS WITHIN TOWN BOUNDARIES

RECITALS

WHEREAS, Virgin Town (“Town”) is a municipal corporation duly organized and existing under the laws of the State of Utah, particularly Title 10 of the Utah Code.

WHEREAS, Virgin Town Council (“Town Council”) is both the Town’s governing body and Land Use Authority pursuant to Utah Code § 10-9a- 101 et seq.

WHEREAS, Utah Code provides for the adoption and amendment of Town land use ordinances by the Land Use Authority, which in Virgin is the “Town Council with recommendation by the Planning and Zoning Commission” ; and

WHEREAS, the Virgin Land Use Authority finds that the existing Virgin Town Code (VULU) Chapters Twenty-One, and the various sub sections found within, require updating to meet the changing needs of the town; and

WHEREAS, the Virgin Land Use Authority finds that, to accommodate the addition of Recreational Vehicle Parks within town boundaries; and

WHEREAS, the Virgin Town Planning and Zoning Commission held properly noticed Public Hearings on these amendments on April 11<sup>th</sup>, 2017, and voted to recommend its draft amendment ordinance to the Virgin Town Council at a regular meeting on \_\_\_\_\_;

NOW, THEREFORE BE IT ORDAINED by the Land Use Authority of Virgin, Utah that, in order to provide for the health, safety and general welfare of the citizens of Virgin, Utah, the VULU Ordinance is hereby amended to incorporate the following changes:

ORDINANCE

1. Amendments to Chapter Sixteen, Seventeen, and Twenty-four.

**21.1. PURPOSE.**

The purpose of this Chapter is to accommodate resort properties which are designed to provide a place for accommodating recreation and entertainment for the visitors to the area.

**21.2. LOCATION.**

The Resort Zone designation covers an area with characteristics qualifying it as the best location for the intended use and include the following:

**21.2.1.** Natural features of the vegetation and topography are few, because the land has historically been in agricultural use.

**21.2.2.** Substantial flood zone is included in the designated tract; recreational and seasonal activities are a valuable and logical use for this land.

**21.2.3.** Much of the designated area is low-lying, relative to highway elevation. The river, which forms its lower boundary, is tree-lined. These features combine to create a location where buildings larger than the existing norm will have a smaller impact than they might elsewhere in the town.

**21.2.4.** The location is sufficiently separated from areas of dense private residential use, and from the contemplated village-scale commerce district, to avoid common conflicts between intensive tourist use and pedestrian-friendly, community-serving neighborhoods.

**21.2.5.** Any properties on the south side of the Virgin River, which are also part of parcels located on the north side of the Virgin River, shall have no building of a business or resort use.

### **21.3. PERMITTED USES.**

There are no permitted uses in a resort zone. All uses in a resort zone are by conditional use permit.

### **21.4. CONDITIONAL USES.**

**21.4.1.** Recreational Vehicle Resort/Campground.

**21.4.2.** Motel/Hotel.

**21.4.3.** Parks and Playgrounds (incident to resort property).

**21.4.4.** Retail Trade (incident to resort business).

**21.4.5.** Restaurants (incident to resort business).

### **21.5. CONDITIONAL USE PERMIT REQUIRED.**

The approval for any project and the continuing use of the property shall be subject to a conditional use permit.

#### **21.5.1. PROJECT APPROVAL.**

In order to obtain a conditional use permit, the owner shall submit to the Town detailed plans and specifications for the project which will show all improvements to the project included but not limited to, roads, septic design (or sewer as the case may be), utility design, architectural design of all buildings or other structures, and overall project layout and landscape plan. Included in the design shall be appropriate screening of the project where necessary through the building of wall and screening by landscaping. Included in the presentation shall be the proposed density for the project which density the Town Council reserves the right to require modification to provide for adequate parking, landscape and screening appropriate to the area, recreational amenities, and septic ability.

**21.5.2. LIMITED COMMERCIAL HABITATION.**

**21.5.2.A. Purpose.** The purpose of this exception to the prohibition of residential use in the resort zone is primarily to facilitate the successful establishment of small locally owned businesses, by allowing for a single limited living quarters on a commercial lot. It is not the intent of this exception to provide for any living quarters within this zone that is not necessitated by the size and nature of the business to which it is attached.

**21.5.2.B. Procedure.** Applications for a Limited Commercial Habitation (LCH) Permit shall be made to the Planning & Zoning Commission for approval as provided in VULU Chapter 8.12.

- 2. Severability. If any section, clause or portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.
- 3. Conflicts/Repealer. This Ordinance repeals and supersedes the provisions of any prior ordinance in conflict herewith.
- 4. Effective Date. This Ordinance shall become effective immediately upon adoption by the Virgin Town Council and execution by the Virgin Town Mayor.

ADOPTED AND APPROVED BY THE VIRGIN TOWN COUNCIL this \_\_\_\_ day of \_\_\_\_\_, 2018 based upon the following vote:

Council Member:

Dan Snyder	AYE ___ NAE ___
LeRoy Thompson	AYE ___ NAE ___
Kevin Stout	AYE ___ NAE ___
Jay Lee	AYE ___ NAE ___
Matthew Spendlove, Mayor	AYE ___ NAE ___

VIRGIN TOWN  
a Utah municipal corporation

\_\_\_\_\_  
Matthew Spendlove, Mayor

ATTEST:

\_\_\_\_\_  
Monica Bowcutt, Town Clerk