

**VIRGIN TOWN**

**ORDINANCE # 2019-32**

AN ORDINANCE CLARIFYING AND PROVIDING CONTINUITY BY REMOVING  
CHAPTER 14 – PERFORMANCE STANDARDS, FROM THE VIRGIN UNIFORM LAND  
USE ORDINANCES (“VULU”)

**RECITALS**

**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 Revoking Chapter 14 – Performance Standards, is required to meet the changing needs of the town; and

**WHEREAS**, the Virgin Land Use Authority finds that, to accommodate the towns desire to Accommodate and promote clarity and continuity throughout VULU.

**WHEREAS**, the Virgin Town Planning and Zoning Commission held properly noticed Public Hearings on these amendments on \_\_\_\_\_, 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**

NOW THEREFORE be it ordained by Virgin Town, Washington County, State of Utah, acting by and through the Town Council:

**CHAPTER 14: REVOKED**

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**~~14.1. PURPOSE.~~**

~~The purpose of this Chapter is to measure potential nuisances, from industrial or other uses, factually and objectively in terms of the potential nuisance itself; to ensure that all uses will provide necessary control methods for protection from hazards and nuisances which can be prevented by modern processes of control and nuisance elimination; and to protect any use from arbitrary exclusion based solely on the characteristics of uncontrolled production in this type of use in the past.~~

**~~14.2. GENERAL PROVISIONS.~~**

ORDINANCE \_\_\_\_\_  
Chapter \_\_\_\_ Section \_\_\_\_\_  
APPROVED: \_\_\_\_\_

No land or building in any district shall be used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise objectionable fire, explosive, or other hazards; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, glare, liquid or solid refuse or wastes; or other substance, condition or element in such a manner or in such amount as to adversely affect the surrounding area or adjoining premises. The foregoing is hereinafter referred to as "dangerous and objectionable elements". No use shall be Undertaken or maintained unless it conforms to the regulations of this Chapter in addition to the regulations set forth for the district in which such use is situated.

**14.3 PERFORMANCE STANDARDS PROCEDURE.**

The Virgin Town Zoning Administrator may require performance standards review for any use in any district when he/she has reason to believe that such use, or the manner of its operation will not or may not conform to the performance standards adopted by the Town of Virgin.

1. 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.
2. Conflicts/Repealer. This Ordinance repeals and supersedes the provisions of any prior ordinance in conflict herewith.
3. 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 ORDINANCE NUMBER 2019-32 will become effective on this \_\_\_ day of \_\_\_\_\_, 2019 based upon the following vote:

<u>Council Member:</u>		
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

ORDINANCE \_\_\_\_\_  
Chapter \_\_\_ Section \_\_\_\_\_  
APPROVED: \_\_\_\_\_