

VIRGIN TOWN

ORDINANCE NO. 2023-XX



AN ORDINANCE AMENDING CHAPTER 60 (SHORT TERM RENTALS (STR) AND RESIDENTIAL HOSTING FACILITIES (RHF)) TO INCLUDE SECTION 60.03 WHICH CLOSES THE STR DEVELOPMENT OVERLAY ZONE AND PREVENTS ANY FURTHER EXPANSION OF THAT ZONE THROUGHOUT THE CITY - EFFECTIVE IMMEDIATELY.

RECITALS

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 Ann. § 10-3b-401 the Virgin Town Council (“Town Council”) is the legislative and governing body of the Town.

WHEREAS pursuant to Utah Code Ann. § 10-9a-103(30) the Town Council is the “Land Use Authority” with the ability to create new zoning districts as well as the ability to close, terminate or amend an existing zoning district.

WHEREAS over the past two years, every new single family residential subdivision approved by the Town for development has also sought to have the subdivision zoned with the STR Development Overlay Zone designation.

WHEREAS the Town Council has determined that it is critical to the sustainability of the Town to maintain a balance between traditional residential neighborhoods or developments containing detached single-family residences and other types of more affordable (median income) on the one hand and developments containing dwellings primarily used as Short Term Rentals on the other hand.

WHEREAS in furtherance of this objective the Town Council finds that it is in the best interest of the health, safety and general welfare of the Town and its residents that the ability of persons to apply for and obtain additional STR Development Overlay Zone designations should be suspended indefinitely by ordinance designating the STR Development Overlay Zone as being a “Closed” zone – incapable of further expansion.

ORDINANCE

NOW THEREFORE BE IT ORDAINED by the Virgin Town Council as follows:

1. Addition of Section 60.03 to Chapter 60 of VULU. Chapter 60 (Short Term Rentals (STR) and Residential Hosting Facilities) is hereby amended to add Section 60.03 (Closure & Limited Applicability of STR Development Overlay Zone) as follows:

60.03 CLOSURE & LIMITED APPLICABILITY OF STR DEVELOPMENT OVERLAY ZONE

Effective June 20, 2023, the STR Development Overlay Zone is designated as “Closed”. Accordingly, the Town will not accept any zone change applications from property owners seeking to re-zone their property with an STR Development Overlay Zone designation. Nothing in this limitation shall affect the validity of existing developments which have applied for and received the STR Development Overlay Zone designation prior to the effective date set forth above.

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 Town ordinance in conflict herewith.
4. Effective Date. This Ordinance shall become effective immediately upon adoption by the Town Council and execution by the Mayor.

ADOPTED AND APPROVED BY THE VIRGIN TOWN COUNCIL this 20th day of June, 2023 based upon the following vote:

Council Person:

Paul Luwe	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Mistie Baird	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Leroy Thompson	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Gene Garate	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Jean Krause (Mayor)	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____

VIRGIN TOWN
a Utah municipal corporation

ATTEST:

Jean Krause, Mayor

Krystal Percival, Town Clerk