

# **VIRGIN TOWN ORDINANCE # 2018-07**

AN ORDINANCE AMENDING SECTION 22.3 OF CHAPTER 22 HIGHWAY  
RESORT ZONE TO EXPAND LOCATIONS ELIGIBLE FOR THIS ZONE.

## RECITALS

WHEREAS, Virgin Town (“Town”) is an incorporated municipality duly organized under the laws of the State of Utah;

WHEREAS, the Town is authorized pursuant to Utah Code Annotated, Title 10, Chapter 9A, to enact ordinances necessary or appropriate for the use of land within the Town’s municipal boundaries;

WHEREAS, pursuant to Utah Code Annotated, Title 10, Chapter 3b, Section 301, the Virgin Town Council (“Town Council”) is designated as the governing body of the Town.

WHEREAS, previously the Highway Resort Zone (“HRZ”), as regulated pursuant to Chapter 22 of the Virgin Uniform Land Use Ordinances (“VULU”), had a fixed location that covered only certain parcels specified by tax identification number issued by the Washington County Recorder and Assessors Offices.

WHEREAS, the Town Council finds that the use of the HRZ is desirable in areas other than just those specific parcels originally designated, as long as prospective parcels met certain geographical limitations and site specific requirements.

WHEREAS, on December 27, 2017, the Town Council amended Chapter 22 of VULU to expand the geographical limitations to allow more parcels within the Town to be capable of being re-zoned to the HRZ classification.

WHEREAS, the Town Council has determined that an additional revisions to the geographical location limitations as there are other parcels within the Town that meet the site requirements and that would be ideal for uses conditionally allowed in the HRZ.

## ORDINANCE

NOW THEREFORE be it ordained by Virgin Town, Washington County, State of Utah, acting by and through the Town Council amend VULU to incorporate the following changes:

1. Amendment. VULU Section 22.3 is hereby repealed and replaced in its entirety by the following:

**22.3. LOCATION.**

*22.3.1. The Highway Resort Zone designation is available to parcels or*

*portions of parcels that:*

*22.3.1.A. Directly front north side of SR-9 and are located east of Beginning at the intersection of the 1/16 section line of SW ¼ of section 23 T 41S R 12W and parcel V-2140-A-4-A-1 on the North property line; thence commencing West following property description of V-2140-A-4-A-1 along the Northerly boundary and Westerly boundary until terminating at the intersection of the highway row for SR-9 to the eastern town boundary; and are located north of the Virgin River; the north bank of the river shall be the southern- most boundary of this zone ; or*

*22.3.1.C. Directly front Kolob Terrace Road from the intersection with SR-9 north to the intersection with Pocketville Road; and are located east of the western quarter section line of T41S R12W Section 23, under the condition that all access to property zoned HRZ shall be from Kolob Terrace Road, with no ingress or egress from Pocketville Road.*

*22.3.1.C. Directly front south side of SR-9 and are located north of the Virgin River; and generally fits the characteristics of 22.3.2 qualifying it as the best location for the intended uses.*

**22.3.2.** *The specific location of the Highway Resort Zone has been carefully chosen. Characteristics qualifying it as the best location for the intended use include the following:*

*22.3.2.A. Natural features of the designated area create opportunities to design developments that blend into rather than to dominate the natural environment.*

*22.3.2.B. Substantial flood zone is included within the eligible area; recreational and seasonal activities are a valuable and logical use for this land.*

*22.3.2.C. Much of the designated area is low-lying, relative to highway elevation, and the river, which forms the southern 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.*

*22.3.2.D. 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.*

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 the provisions of any prior ordinance in conflict herewith.

4. Effective Date. This Ordinance shall become effective immediately upon adoption by the 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 ___
Jean Krause (Absent)	AYE	NAE ___
Jay Lee	AYE	NAE ___
Matthew Spendlove	AYE	NAE ___
Bruce Densley, Mayor	AYE	NAE ___

VIRGIN TOWN  
a Utah municipal corporation

\_\_\_\_\_  
Bruce Densley, Mayor

ATTEST:

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