Date: 10-8-23

Name of preparer: Sean Amodt

Contact information of preparer: amodtsg@gmail.com 435-467-1664

Reasons for change:

- 1- The current written process is confusing and needs updating to the new agreed upon processing standards of the commission and council.
- 2- The commission is said to be required to return documents to the council within 30 days, but there is no current requirement in our ordinances for the council to review documents recommended by planning and zoning. This will clarify what happens to documents once they have received a recommendation from the commission.
- 3- Simplifying the order and formatting for easier reading and understanding.
- 4- It is prudent to spread the authority for making changes to VULU throughout the whole of the Land Use Authority and not leave it only to the discretion of the mayor's agenda.

Current:

2.30 AMENDMENTS

The Town of Virgin may from time to time amend the number, shape, boundaries, or areas of any zone, or any regulation or any other provision of the zoning ordinance, but any such amendment shall not be made or become effective until after ten (10) days published notice and public hearing before the Planning and Zoning Commission and unless the same shall have been proposed by or be first submitted to the Virgin Town Planning and Zoning Commission for its recommendation, which shall be returned within thirty (30) days after the public hearing, or as soon thereafter as possible.

In the case of an application by a property owner or other citizen for zone change or other amendment, the Virgin Town Planning and Zoning Commission, as a pre-requisite to the consideration of such application, may require that such applicant, at the applicant's expense, furnish to the commission title evidence, in such form as the commission may determine, indicating the ownership of the property to be affected by the proposed amendment and the interest therein of the applicant, and may also require that notice of such proposed amendment be given to all parties claiming an interest in such property.[1]

[1] As amended pursuant to ordinance #2018-33

Proposed:

2.30 AMENDMENTS

The Town of Virgin may from time to time amend the number, shape, boundaries, or areas of any zone, or any regulation or any other provision of the zoning ordinance (VULU), but any such amendment shall not be made or become effective until:

A. After following proper Utah State requirements for posting and publishing of public notice;

B. A ten (10) days published notice and public hearing held before the Planning and Zoning Commission;

C. A recommendation of approval or denial given by a vote of the Planning and Zoning commission;

1. Any ordinance given a recommendation by a vote of the Commission must be heard by the Town Council within forty-five (45) days of receiving such recommendation from the Planning and Zoning commission, or as soon thereafter as possible.

2. Any ordinance that was placed onto a public hearing agenda by a vote of the Town Council must be returned to the Town Council within forty-five (45) days after the public hearing, or as soon thereafter as possible.

D. In the case of an application by a property owner or other citizen for zone change or other amendment to VULU, the Virgin Town Staff and/or Planning and Zoning Commission, as a pre-requisite to the consideration of such application, may require the applicant, at their own expense, to furnish:

1. Written title evidence indicating the ownership of the property to be affected by the proposed amendment;

2. Any interest therein of the applicant;

3. And may also require that notice of such proposed amendment be given to all parties claiming an interest in such property.[1]

[1] As amended pursuant to ordinance #2018-33

VIRGIN TOWN

ORDINANCE #

AN ORDINANCE AMENDING CHAPTER _____ OF 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 the existing Virgin Town Code (VULU) Chapter 2, 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 Town's desire to provide clarity and continuity within VULU; and

WHEREAS, the Virgin Town Planning and Zoning Commission held properly noticed Public Hearings on these amendments on _____, 2023, and voted a recommendation of its draft amendment ordinance to the Virgin Town Council at a regular meeting on _____, 2023;

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 the Town of Virgin, Washington County, State of Utah, acting by and through the Town Council as the legislative body of the Land Use Authority, authorize the following changes to the Virgin Uniform Land Use ordinance:

(Clean copy)

2.30 AMENDMENTS

The Town of Virgin may from time to time amend the number, shape, boundaries, or areas of any zone, or any regulation or any other provision of the zoning ordinance (VULU), but any such amendment shall not be made or become effective until:

A. After following proper Utah State requirements for posting and publishing of public notice;

B. A ten (10) days published notice and public hearing held before the Planning and Zoning Commission;

C. A recommendation of approval or denial given by a vote of the Planning and Zoning commission;

   1. Any ordinance given a recommendation by a vote of the Commission must be heard by the Town Council within forty-five (45) days of receiving such recommendation from the Planning and Zoning commission, or as soon thereafter as possible.

   2. Any ordinance that was placed onto a public hearing agenda by a vote of the Town Council must be returned to the Town Council within forty-five (45) days after the public hearing, or as soon thereafter as possible.

D. In the case of an application by a property owner or other citizen for zone change or other amendment to VULU, the Virgin Town Staff and/or Planning and Zoning Commission, as a pre-requisite to the consideration of such application, may require the applicant, at their own expense, to furnish:

   1. Written title evidence indicating the ownership of the property to be affected by the proposed amendment;

   2. Any interest therein of the applicant;

   3. And may also require that notice of such proposed amendment be given to all parties claiming an interest in such property.[1]

[1] As amended pursuant to ordinance #2018-33

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 _____will become effective on this _____ day of _____ month, 2023, based upon the following vote:

Council Member:

Gene Garate	AYE___	NAE___
LeRoy Thompson	AYE___	NAE___
Mistie Baird	AYE___	NAE___
Paul Luwe	AYE___	NAE___
Jean Krause, Mayor	AYE___	NAE___

VIRGIN TOWN

a Utah municipal corporation

_____

Jean Krause, Mayor

ATTEST:

_____

Krystal Percival, Town Clerk

REQUEST FOR VIRGIN TOWN COUNCIL ACTION

To: Mayor and City Council
From: Planning and Zoning
Date:
Subject:
Citizen comments summary:
Recommendation:
Background and Findings:
Fiscal Impact:
Supporting Documents:
This request prepared by:
This request prepared on:

Extra Information-

10-9a-302 Planning commission powers and duties -- Training requirements.

(1) The planning commission shall review and make a recommendation to the legislative body for:

(a) a general plan and amendments to the general plan;

(b) land use regulations, including:

(i) ordinances regarding the subdivision of land within the municipality; and

(ii) amendments to existing land use regulations;

(c) an appropriate delegation of power to at least one designated land use authority to hear and act on a land use application;

(d) an appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of the land use authority; and

(e) application processes that:

(i) may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested; and

(ii) shall protect the right of each:

(A) land use applicant and adversely affected party to require formal consideration of any application by a land use authority;

(B) land use applicant or adversely affected party to appeal a land use authority's decision to a separate appeal authority; and

(C) participant to be heard in each public hearing on a contested application.

(2) Before making a recommendation to a legislative body on an item described in Subsection (1)(a) or (b), the planning commission shall hold a public hearing in accordance with Section 10-9a-404.

(3) A legislative body may adopt, modify, or reject a planning commission's recommendation to the legislative body under this section.

(4) A legislative body may consider a planning commission's failure to make a timely recommendation as a negative recommendation.

(5) Nothing in this section limits the right of a municipality to initiate or propose the actions described in this section.