Date: 11-3-23
Name of preparer: Sean Amodt
Contact information of preparer: amodtsg@gmail.com 435-467-1664
Reasons for change: • 1- This ordinance has never been used since it was written. • Many portions of this ordinance are considered unconstitutional, against current state law, and are a liability for the city. • 2- The process for Master Plan Overlay Zone is too cumbersome for all parties to exact any mutual benefits from. • 3- Development agreements are more normally used for these large, mixed-use types of developments. • The State of Utah has set forth the parameters for municipalities to do development agreements.
Current: **CHAPTER 56 MASTER PLAN OVERLAY DISTRICT (MPO)** -And all accompanying text for this chapter.
Proposed: Deletion of the entirety of the chapter and replace the current title with: **CHAPTER 56 DEVELOPMENT AGREEMENTS** (The Planning and Zoning will commence working out the types of developments that would be eligible for these agreements as well as establishing the public process it must follow, which would include the newly formed development review committee.)

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 56, 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)

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-

Index	**Utah Code**
Title 10	**Utah Municipal Code**
Chapter 9a	**Municipal Land Use, Development, and Management Act**
Part 5	**Land Use Regulations**
Section 532	**Development agreements.**
	(Effective 5/3/2023)

Effective 5/3/2023
10-9a-532. Development agreements.

(1) Subject to Subsection (2), a municipality may enter into a development agreement containing any term that the municipality considers necessary or appropriate to accomplish the purposes of this chapter.

(2) (a) A development agreement may not:

(i) limit a municipality's authority in the future to:

(A) enact a land use regulation; or

(B) take any action allowed under Section 10-8-84;

(ii) require a municipality to change the zoning designation of an area of land within the municipality in the future; or

(iii) allow a use or development of land that applicable land use regulations governing the area subject to the development agreement would otherwise prohibit, unless the legislative body approves the development agreement in accordance with the same procedures for enacting a land use regulation under Section 10-9a-502, including a review and recommendation from the planning commission and a public hearing.

(b) A development agreement that requires the implementation of an existing land use regulation as an administrative act does not require a legislative body's approval under Section 10-9a-502.

(c) (i) If a development agreement restricts an applicant's rights under clearly established state law, the municipality shall disclose in writing to the applicant the rights of the applicant the development agreement restricts.

(ii) A municipality's failure to disclose in accordance with Subsection (2)(c)(i) voids any provision in the development agreement pertaining to the undisclosed rights.

(d) A municipality may not require a development agreement as a condition for developing land if the municipality's land use regulations establish all applicable standards for development on the land.

(e) To the extent that a development agreement does not specifically address a matter or concern related to land use or development, the matter or concern is governed by:

(i) this chapter; and

(ii) any applicable land use regulations.

Amended by Chapter 478, 2023 General Session