Date: 10-8-23
Name of preparer: Sean Amodt
Contact information of preparer: amodtsg@gmail.com
Reasons for change: • 1- Clarifying of the proper appeal process. • 2- The Appeal Authority is to only hear cases that were decided previously by the full Land Use Authority. The Land Use Authority should not delegate all of their authority to unelected officials. • This change will mirror a similar appeal process for conditional use permits. • 3- Chapter 6 (and State law) allows 15 days for appeals, not just 10 days.
Current: **60.06.B.5** An applicant or Owner holding an RHF Permit who receives notice from the Town of denial of their RHF Permit application or the non-renewal of their existing RHF Permit may appeal said decision to the Town's Appeal Authority in compliance with VULU Chapter 6 and Utah Code Ann. § 10-9A-701 et seq. Said appeal must be made in writing within 10 business days of the adverse decision being issued.
Proposed: **60.06.B.5** An applicant or Owner holding an RHF Permit who receives notice from the Town of denial of their RHF Permit application or the non-renewal of their existing RHF Permit may appeal said decision to the Town Council as the legislative body of the Land Use Authority. Subsequent appeals will be sent to the Town's Appeal Authority in compliance with VULU Chapter 6 and Utah Code Ann. § 10-9A-701 et seq. Said appeal must be made in writing within ~~10 business~~ fifteen (15) days of the adverse decision being issued.

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)

60.06.B.5

An applicant or Owner holding an RHF Permit who receives notice from the Town of denial of their RHF Permit application or the non-renewal of their existing RHF Permit may appeal said decision to the Town Council as the legislative body of the Land Use Authority. Subsequent appeals will be sent to the Town's Appeal Authority in compliance with VULU Chapter 6 and Utah Code Ann. § 10-9A-701 et seq. Said appeal must be made in writing within ~~10 business~~ fifteen (15) days of the adverse decision being issued.

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: