

# **VIRGIN TOWN**

## **ORDINANCE # 2023-XX**

AN ORDINANCE AMENDING VIRGIN TOWN'S OFFICIAL ZONING MAP BY RE-ZONING V-2-1-21-2342 (CURRENTLY RURAL RESIDENTIAL ZONE) TO COMMERCIAL 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, pursuant to Utah Code Annotated Title 10, Chapter 9a, Sections 502 thru 505, the Town Council may only amend the Town's Official Zoning Map to rezone properties within the Town after the proper notice is given compliance with Utah Code Annotated Title 10, Chapter 9a, Section 205 and an ordinance on the subject receives a recommendation from the Town's Planning Commission "Town P&Z Commission" after a public hearing is held.

WHEREAS, the Town has requested the Subject Property (which is described and/or depicted more fully in Exhibit "A" attached hereto and incorporated herein by this reference) be re-zoned from its current zoning designation of Rural Residential Zone (RR) to Commercial Zone (C) zoning designation and that the Town's Official Zoning Map be amended accordingly ("Zone Change Request").

WHEREAS, the Town P&Z Commission has reviewed and made a recommendation to the Town Council regarding the Zone Change Request and a draft of this Ordinance effectuating the same after providing proper notice and conducting a public hearing held on December 13, 2023, wherein public input was taken in compliance with Utah law and the Town's Uniform Land Use Ordinances ("VULU").

WHEREAS, after reviewing the recommendation from the Town P&Z Commission, the Town Council finds it to be in the best interest of the health, safety and general welfare of the Town that the Zone Change Request be granted.

## ORDINANCE

NOW THEREFORE be it ordained by Virgin Town, Washington County, State of Utah, acting by and through the Town Council:

1. Zone Change. The Subject Property located at approximately directly east of 1686 W SR9, (V-2-1-21-2342) within Virgin Town, Washington County, State of Utah, previously zoned Rural Residential Zone (RR) as shown on the Official Virgin Town Zoning Map is hereby re-classified and re-zoned to Commercial Zone (C).
2. Amendment of Virgin Town Official Zoning Map. The Town's Official Zoning Map is hereby amended and restated/redrawn to reflect the Zone Change set forth in Section 1, above; and is hereby amended eliminating the current RURAL RESIDENTIAL ZONE (RR) from VULU.
3. 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.
4. Conflicts/Repealer. This Ordinance repeals and supersedes the provisions of any prior ordinance in conflict herewith.
5. 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 TOWN COUNCIL this day of      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

**EXHIBIT "A"**

S: 21 T: 41S R: 12W BEG S 89°38'17" E ALG 1/4 SEC/L 577 FT FM W1/4 COR SEC 21 T41S R12W TH S 89°38'17" E ALG 1/4 SEC/L 289.19 FT; TH S 0° W436.27 FT TO N R/W LN HWY U-9; TH N 82°09'32" W ALG R/W LN 291.92 FT; TH N 0° E398.28 FT TO POB

## REQUEST FOR VIRGIN TOWN COUNCIL ACTION

|                                                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------|
| To: Mayor and City Council                                                                                                  |
| From: Planning and Zoning                                                                                                   |
| Date:                                                                                                                       |
| Subject: Rezone from RR to Commercial Zone from Long property V-2-1-21-2102                                                 |
| Citizen comments summary: No Public input                                                                                   |
| Recommendation: We recommend approval of the zone change by unanimous consent.                                              |
| Background and Findings: We find that it is in the best interest of the town and the property owner to rezone the property. |
| Fiscal Impact: Positive because more commercial activities could be had.                                                    |
| Supporting Documents: See Minutes                                                                                           |
| This request prepared by: Cameron Spendlove                                                                                 |
| This request prepared on: 12Jan23                                                                                           |