

VIRGIN TOWN

ORDINANCE # 2024-XX

AN ORDINANCE RESCINDING ORDINANCE # 2023-12 THAT HAD AMENDED VIRGIN TOWN'S OFFICIAL ZONING MAP BY RE-ZONING V-2-1-21-2342 FROM 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, on December 5, 2023, the Town Council certified the Town's general election of November 21, 2023, whereby two new town council members were elected and who will take office on January 1, 2024;

WHEREAS, the two newly elected town council members campaigned on protection of neighborhoods and orderly planning and zoning;

WHEREAS, after the election, the Town's Planning and Zoning Commission ("P&Z Commission") conducted a public hearing on December 13, 2023 and reviewed a zone change request concerning the Subject Property (V-2-1-21-2342 and which is described and/or depicted more fully in Exhibit "A" attached to and incorporated into Ordinance # 2023-12) and recommended the Subject Property be re-zoned from Rural Residential Zone (RR) to Commercial Zone (C) zoning designation and that the Town's Official Zoning Map be amended accordingly;

WHEREAS, the Town Council at its regular meeting on December 19, 2023, considered the Zone Change Request and recommendation of the P&Z Commission;

WHEREAS, the Town Council at this regular meeting considered a motion to table this Zone Change Request until the next regular meeting in order for the newly elected council to consider this Zone Change Request which failed by a vote of 2 to 2 (with one member being absent) with two of the departing members voting against the motion;

WHEREAS, a citizen proponent for the zone change was allowed to testify in favor of the Zone Change Request while the Mayor and Town Council did not allow citizen opponents and others to testify on this request;

WHEREAS, the Town Council approved the Zone Change Request and passed Ordinance 2023-12 by the vote of 3 to 1 with one member being absent and with two of the departing council members voting to approve the Zone Change Request;

WHEREAS, the subject property is surrounded by Rural Residential Zone on three sides and BLM on the fourth side;

WHEREAS, the uses in the Commercial Zone are incompatible with the surrounding Rural Residential Zone;

WHEREAS, the zone change to Commercial does not protect nonurban development nor facilitate orderly growth;

WHEREAS, changing the zone to the more use intensive Commercial zoning designation at this time will degrade the morals, peace, good order, comfort, convenience, and aesthetics of the Town and of the Town's present and future inhabitants and businesses; and

WHEREAS, the Town Council finds it to be in the best interest of the health, safety and general welfare of the Town to rescind Ordinance # 2023-12.

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

1. Ordinance #2023-12 is hereby rescinded and made void *ab initio*.
2. The amendment to the Town's Official Zoning Map necessitated by Ordinance #2023-12 is accordingly cancelled and the Town's Official Zoning Map shall return to its status prior to Ordinance #2023-12.
3. 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 16th day of January 2024 based upon the following vote:

Council Member:

April McKeon

AYE___ NAE___

Marci Holm

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