

VIRGIN TOWN
ORDINANCE # 2024-XX

AN ORDINANCE OF THE TOWN OF VIRGIN, UTAH, AMENDING SECTION 4.02, SECTION 4.02(D) AND SECTION 4.02(F) OF THE VIRGIN UNIFORMED LAND USE (VULU) CODE TO CLARIFY THAT PLANNING COMMISSION CHAIR, CHAIR PRO TEM, AND RULES OF PROCEDURE ARE SUBJECT TO APPROVAL BY VIRGIN TOWN COUNCIL.

RECITALS

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WHEREAS, pursuant to Utah Code Ann. § 10-1-201 Virgin Town (“the Town”) is a Utah municipal corporation and political subdivision of the State of Utah;

WHEREAS, pursuant to Utah Code Ann. § 10-3b-401 the Virgin Town Council (“Town Council”) is the legislative and governing body of the Town;

WHEREAS, pursuant to Utah Code Ann. § 10-9a-103(30) the Town Council, in addition to being the legislative and governing body of the Town, is also the Land Use Authority vested with the power to enact all Land Use Regulations and make all Land Use Decisions within the Town unless the latter administrative power is delegated to another body or person;

WHEREAS, the Town desires to clarify that the _____
_____;

WHEREAS, the Town Planning & Zoning Commission has reviewed this proposed ordinance and made a recommendation to the Town Council;

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WHEREAS, after reviewing the recommendation from the Town Planning & Zoning Commission, the Town Council finds it to be in the best interest of the health, safety and general welfare of the Town to amend Virgin’s Uniformed Land Use (“VULU”) Code by requiring that_____
_____..

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF VIRGIN TOWN, UTAH:

Section 1: **AMENDMENT.** That Section 4.02 PLANNING AND ZONING COMMISSION, NUMBER OF MEMBERS, APPOINTMENT of the Virgin Uniform Land Use (VULU) Code of Virgin Town, Utah be amended as follows:

BEFORE ADOPTION

The Virgin Town Planning and Zoning Commission shall consist of five (5) seat members appointed by the Virgin Town Mayor with the advice and consent of the Virgin Town Council. The Virgin Town Council may designate, by resolution, the composition of the Virgin Town Planning and Zoning Commission. It is the intent of this ordinance that seat members are not all from the same field of expertise. All seat members of the Virgin Town Planning and Zoning Commission shall be residents of Virgin Town. At least three (3) of the five (5) regular seat members shall hold no other public office or position within the Town. The Virgin Town Mayor may appoint, with the advice and consent of the Virgin Town Council, one (1) or two (2) alternate members of the Virgin Town Planning and Zoning Commission, who shall serve in the absence of a member from the Commission, at the request of a member who wishes to abstain from a particular item due to a conflict of interest, or as chairman of an appointed committee at the request of the chair of the Virgin Town Planning and Zoning Commission, and whose terms shall be staggered, and of the same length as regular members. The Virgin Town Council may, in addition to the Zoning Administrator, appoint a representative from among its members to act as a liaison between the Virgin Town Council and the Virgin Town Planning and Zoning Commission.

AFTER ADOPTION

The Virgin Town Planning and Zoning Commission shall consist of five (5) seat members appointed by the Virgin Town Mayor with the advice and consent of the Virgin Town Council. The Virgin Town Council may designate, by resolution, the composition of the Virgin Town Planning and Zoning Commission. It is the intent of this ordinance that seat members are not all from the same field of expertise. All seat members of the Virgin Town Planning and Zoning Commission shall be residents of Virgin Town. At least three (3) of the five (5) regular seat members shall hold no other public office or position within the Town. ~~The Virgin Town Mayor may appoint, with the advice and consent of the Virgin Town Council, one (1) or two (2) alternate members of the Virgin Town Planning and Zoning Commission, who shall serve in the absence of a member from the Commission, at the request of a member who wishes to abstain from a particular item due to a conflict of interest, or as chairman of an appointed committee at the request of the chair of the Virgin Town Planning and Zoning Commission, and whose terms shall be staggered, and of the same length as regular members.~~ The Virgin Town Council may, in addition to the Zoning Administrator, appoint a representative from among its members to act as a liaison between the Virgin Town Council and the Virgin Town Planning and Zoning Commission.

Section 2: **AMENDMENT.** That Section 4.02(D) OFFICERS, of the Virgin Uniform Land Use (VULU) Code of Virgin Town, Utah be amended as follows:

BEFORE ADOPTION

The Virgin Town Planning and Zoning Commission shall elect from its appointed members, a Chairperson and Chairperson Pro-Tem, whose term shall be for one (1) year.

AFTER ADOPTION

The Virgin Town Planning and Zoning Commission shall elect from its appointed members, a Chairperson and Chairperson Pro-Tem, subject to approval by Virgin Town Council, whose term shall be for one (1) year.

Section 3: **AMENDMENT.** That Section 4.02(F) RULES AND PROCEDURES, of the Virgin Uniform Land Use (VULU) Code of Virgin Town, Utah be amended as follows:

BEFORE ADOPTION

The Virgin Town Planning and Zoning Commission may adopt such rules and regulations governing its procedure as it may consider necessary or advisable, consistent with State Law, and shall keep a record of its proceedings, such record shall be open to inspection by the public at all reasonable times.

AFTER ADOPTION

The Virgin Town Planning and Zoning Commission may ~~adopt~~ propose such rules and regulations governing its procedure as it may consider necessary or advisable (subject to approval by Virgin Town Council), consistent with State Law, and shall keep a record of its proceedings, such record shall be open to inspection by the public at all reasonable times.

Section 4: 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.

Section 5: Conflicts/Repealer: This Ordinance repeals and supersedes the provisions of any prior ordinance in conflict herewith.

Section 6: Effective Date. This Ordinance shall become effective immediately upon adoption by the Virgin Town Council and execution by the Virgin Town Mayor..

PASSED AND ADOPTED BY THE TOWN COUNCIL OF VIRGIN TOWN, STATE OF UTAH, ON
THE _____ DAY OF _____ 2024.

VIRGIN TOWN

a Utah municipal corporation

Attest:

Jean Krause, Mayor

Krystal Percival, Town Clerk/Recorder

Town Council Vote as Recorded:	AYE	NAY	ABSENT	ABSTAIN
Town Council Member, Mistie Baird	_____	_____	_____	_____
Town Council Member, Marci Holm	_____	_____	_____	_____
Town Council Member, Paul Luwe	_____	_____	_____	_____
Town Council Member, April McKeon	_____	_____	_____	_____
Mayor, Jean Krause	_____	_____	_____	_____

RECORDED this _____ day of _____ 2024

PUBLISHED OR POSTED this _____ day of _____ 2024.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I the Clerk/Recorder of Virgin, Utah hereby certifies that the foregoing Ordinance was duly passed and published or posted at:

- 1) Utah Public Notice Website, utah.gov/pmn/
- 2) Virgin, Utah website, virgin.utah.gov
- 3) Virgin, Utah Town Hall

on the above referenced dates.

Krystal Percival, Town Clerk/Recorder
Virgin, Utah