

VIRGIN TOWN, UTAH

ORDINANCE 2025-??

AN ORDINANCE AMENDING TITLE 16, CHAPTER 4, SECTION 2(I) TO ALLOW TOWN COUNCIL TO CONSIDER PLANNING COMMISSION'S FAILURE TO MAKE A TIMELY RECOMMENDATION AS A NEGATIVE RECOMMENDATION PURSUANT TO STATE CODE AND TO RETRIEVE UNTIMELY ORDINANCES FROM PLANNING COMMISSION.

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 Annotated, Title 10, Chapter 3b, Section 401, the Virgin Town Council ("Virgin Town Council") is designated as the governing body of the Town;

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 with the Town's municipal boundaries;

WHEREAS, in times past the Planning Commission has failed to act or even place on their agenda ordinances proposed by Town Council and forwarded to Planning Commission for action;

WHEREAS, Town Council adopted rules of procedure for town council meetings on December 17, 2024 and the below language was contained therein,

WHEREAS, Utah State Code 10-9a-302(4), 10-9a-502(2)(c) and 10-9a-602(2)(b) are inconsistent whether the municipality's legislative body must adopt such procedures by ordinance;

WHEREAS, Virgin Town's legislative body has sent this ordinance to Planning Commission for action on August 19, 2025;

WHEREAS, the Planning & Zoning Commission held a public hearing on _____

WHEREAS, the Planning & Zoning Commission recommended _____ on

NOW THEREFORE, be it ordained by the Town Council of Virgin Town, in the State of Utah, as follows:

SECTION 1: ADOPTION. "Title 16, Chapter 2, and Planning and Zoning Commission, Number of Members, Appointment" of the Virgin Land Use Ordinances is hereby *adopted* as follows:

BEFORE ADOPTION

16.04.02(l) (*non-existent*)

AFTER ADOPTION

16.04.02(l) FAILURE TO TIMELY RECOMMEND.

Pursuant to Utah State Code 10-9a-302(4) and 10-9a-502(2)(c) the Town Council may consider a planning commission's failure to make a timely recommendation on a proposed land use regulation as a negative recommendation and place it as an item on the Town Council agenda for further discussion and action.

1. **Timely** means:
 - a. For a land use regulation proposed by the Town Council and referred to the Planning Commission to create and draft the ordinance, no more than 4 months from the date of referral from the Town Council;
 - b. For a land use regulation first proposed and drafted by the Town Council and referred to the Planning Commission for action in a fully drafted form, then timely means no more than 2 months from the date of referral from the Town Council unless otherwise stated in the referral.
2. Date of referral in 1(a) and (1b) means the date of the Town Council meeting on which the motion was made and approved by the Town Council to refer the proposed ordinance to the Planning Commission for action.

Severability Clause: Should any part of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Effective Date: This Ordinance shall be in full force and effect from _____ and after the required approval and publication according to law.

Repealer Clause: All Virgin Town ordinances or resolutions or part thereof, which are in conflict herewith, are hereby repealed.

PASSED AND ADOPTED BY THE VIRGIN TOWN COUNCIL, _____.

Attest:

Jean M. Krause, Mayor
Virgin Town, Utah

Krystal Percival, Town Clerk/Recorder
Virgin Town, Utah

VIRGIN TOWN COUNCIL Vote as Recorded AYE NAY ABSENT ABSTAIN

Virgin Town Councilmember, Mistie Baird

Virgin Town Councilmember, Paul Luwe

Virgin Town Councilmember, April McKeon

Virgin Town Councilmember, Valerie Wenz

Virgin Town Mayor, Jean Krause

RECORDED this _____ day of _____, 2025.

PUBLISHED or POSTED this _____ day of _____, 2025.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §63G-30-102 as amended, I, the Town Clerk/Recorder of Virgin, Utah, hereby certifies that the foregoing Ordinance was duly passed and published or posted via Class A Notice at:

- 1) *Utah Public Notice website*
- 2) *Virgin Town website, www.virgin.utah.gov*
- 3) *Virgin Town Hall*

Krystal Percival, Town Clerk/Recorder
Virgin Town, Utah

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