

# VIRGIN TOWN

## ORDINANCE # 2018-~~022818~~-5

AN ORDINANCE AMENDING SECTIONS OF CHAPTER 28 OF THE VIRGIN UNIFORM LAND USE ORDINANCE (“VULU”) TO REDUCE THE SIZE OF PARCELS OF REAL PROPERTY THAT MAY BE CONSIDERED FOR A MASTER PLAN OVERLAY DISTRICT.

### 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, VULU Section 28.1.1 only allows the Town to consider a master plan overlay district on parcels of real property that are at least twenty (20) acres in size;

WHEREAS, the Town has determined that a reduction in the size of parcels of real property that may be considered for a master plan overlay district would benefit the Town by increasing the amount of undeveloped real property located in the Town for which a master plan overlay district could be considered, thus allowing the city the benefits of planned development on a greater portion of the undeveloped parcels of real property located in the Town;

WHEREAS, in order to provide for the health, safety and general welfare of the Town and its residents, while protecting individual property rights, the Town, acting by and through the Town Council, desires to reduce the size of parcels of real property located in the Town for which a master plan overlay district can be considered to parcels of real property that are at least ten (10) acres in size.

### ORDINANCE

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

1. Amended VULU Section 28.1.1. Applicability. VULU Section 28.1.1. is hereby amended as follows:

#### **28.1.1. APPLICABILITY.**

Master Plan Overlay Zone designation is only available for:

**28.1.1.A.** Tracts of land, under one (1) legal ownership, of ~~twenty (20)~~ ten (10) acres or more.

**28.1.1.B.** Where multiple parcels are considered, a single discontinuity is allowed for every ~~twenty (20)~~ ten (10) acres under consideration [one-hundred (100) acres would allow up to ~~five (5)~~ ten (10) discontinuities].

**28.1.1.C.** Tracts that fulfill the potential of providing: easements, roads, trails, contiguous open space, publicly accessible parks and parcels designated for future public use in Town planning documents.

2. 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.

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

4. 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 this 28th day of February, 2018 based upon the following vote:

Council Member:

Dan Snyder	AYE__	NAE__
LeRoy Thompson	AYE__	NAE__
Kevin Stout	AYE__	NAE__
Jay Lee	AYE__	NAE__
Matthew Spendlove, Mayor	AYE__	NAE__

VIRGIN TOWN  
a Utah municipal corporation

\_\_\_\_\_  
Matthew Spendlove, Mayor

ATTEST:

\_\_\_\_\_  
Monica Bowcutt, Town Clerk