

VIRGIN TOWN

ORDINANCE # 2018-08

AN ORDINANCE AMENDING VIRGIN TOWN'S OFFICIAL ZONING MAP BY RE-ZONING APPROXIMATELY 28.70 ACRES OF REAL PROPERTY LOCATED AT APPROXIMATELY 1000 E SR9 VIRGIN, UTAH ("SUBJECT PROPERTY") FROM ITS PRESENT DESIGNATION OF RURAL RESIDENTIAL (RR) TO HIGHWAY RESORT ZONE (HRZ).

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 received a request submitted by an authorized agent of the Subject Property (which is described and/or depicted more fully in Exhibit "A" attached hereto and incorporated herein by this reference) requesting that it be re-zoned from its current zoning designation of Rural Residential (RR) to Highway Resort Zone (HRZ) 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 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 1000 E SR9, with Virgin Town, Washington County, State of Utah, previously zoned Rural Residential (RR) as shown on the Official Virgin Town Zoning Map is hereby re-classified and re-zoned to Highway Resort Zone (HRZ).
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.
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 _____, 20___ 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

EXHIBIT "A"
to Virgin Town Ordinance 2018-08

(Legal Description and/or Depiction of Subject Property)

ZONE CHANGE DESCRIPTION (28.70 acres)

Legal S: 23 T: 41S R: 12W BEG AT PT 9.82 CHS E FM NW COR SW1/4 SW1/4 SEC 23 T41S R12W TH S 49°09' E 8.43 CHS; TH S 34°54' E 4.14 CHS; TH S 15°55'E 5.30 CHS; TH E 11 CHS; TH S 6 CHS; TH E 29 CHS; TH N 20 CHS; TH W 50.18 CHS TO BEG. LESS: 12.01 AC M/L DEEDED TO HARRIS. LESS: 1.92 AC TO WRIGHT. LESS: ANY LAND FOR HWY. LESS: 4.84 AC TO MILLS. LESS: 6.018 AC TO BRINGHURST. LESS: BEG NW COR SW1/4 SE1/4 SEC 23 TH S 89°57'07 E ALG 1/16 SEC/L 667.03 FT; TH S 10°20'36E 87.08 FT; TH S 21°06'52 W 467.91 FT TO POB; TH S 66°10'18 E 212.37 FT; TH S23°46' W 199.30 FT; TH N 72°15'11 W 203.26 FT; TH N 21°06'52 E 221.08 FT TO POB. LESS: 11.83 AC TO SMITH. LESS: BEG S1/4 COR SEC 23 T41S R12W; TH N89°57'27W ALG SEC/L 594 FT; TH N0°02'33E 396 FT; THN89°57'27W 136.68 FT; TH N28°05'36E 520.04 FT TO PT S R/W LN HWY U-9; TH S58°15'27E 540.18 FT TO R/W MARKER STA 5087+00; TH S57°49'37E 1073.80 FT TO PT R/W LN INTSEC S B/L SEC 23; TH N89°57'27W ALG SEC/L 882.80 FT TO POB