

Date: 10/14/20

Name of preparer: Gene Garate

Contact information of preparer: zoningadministrator@virgin.utah.gov

Reason for change:

Updates to Chapter 18 – Move definition to Chapter 2 (See Utah State Code 10-9a-103(65)(a),(b), and (c))

Current wording:

18.04 DEFINITIONS (See VULU Chapter 2)

1. Subdivision. Any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms and conditions. "subdivision" includes: (See VULU 18.08 below for applicable procedure)
 1. the subdivision of land for all non-residential uses; that is, commercial/industrial purposes; and
 2. the subdivision or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat or another recorded instrument.
2. Subdivision" does not include: (See VULU 18.06 B Below for applicable procedure)
 1. Joining of Agricultural land. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
 2. Mutual Boundary adjustment. A recorded agreement between owners of adjoining subdivided or un-subdivided properties adjusting their mutual boundary if:
 1. no new lot is created; and VULU 18.04 B,2,b the adjustment does not violate applicable land use ordinances;
 3. Recorded document by owner. A recorded document executed by the owner of record:
 1. Revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or
 2. joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances;
 4. Partition of land for future development approvals. A bona fide division or partition of land by deed or other instrument where the land use authority expressly approved in writing the division in anticipation of further land use approvals on the parcel or parcels.
 5. transfers of interests in land by will or pursuant to court order; VULU 18.04 B,6 cemetery plats.

Proposed wording:

18.04 DEFINITIONS (See VULU Chapter 2)

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 - ~~2. the subdivision or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat or another recorded instrument.~~~~
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 - ~~1. Revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property;~~
 - ~~or~~
 - ~~2. joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances;~~~~
 - ~~4. Partition of land for future development approvals. A bona fide division or partition of land by deed or other instrument where the land use authority expressly approved in writing the division in anticipation of further land use approvals on the parcel or parcels.~~
 - ~~5. transfers of interests in land by will or pursuant to court order; VULU 18.04 B,6 cemetery plats.~~~~

1. "Subdivision" includes:

- (i) the division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and
- (ii) except as provided in Utah State Code 10-9a-103 Subsection (65)(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

2. "Subdivision" does not include:

- (i) a bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the

resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;

(ii) an agreement recorded with the county recorder's office between owners of adjoining unsubdivided properties adjusting the mutual boundary by a boundary line agreement in accordance with Utah State Code Section 57-1-45 if:

(A) no new lot is created; and

(B) the adjustment does not violate applicable land use ordinances;

(iii) a recorded document, executed by the owner of record:

(A) revising the legal description of more than one contiguous parcel of property that is not subdivided land into one legal description encompassing all such parcels of property; or

(B) joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances;

(iv) an agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with Utah State Code Section 10-9a-603 if:

(A) no new dwelling lot or housing unit will result from the adjustment; and

(B) the adjustment will not violate any applicable land use ordinance;

(v) a bona fide division or partition of land by deed or other instrument where the land use authority expressly approves in writing the division in anticipation of further land use approvals on the parcel or parcels;

(vi) a parcel boundary adjustment;

(vii) a lot line adjustment;

(viii) a road, street, or highway dedication plat; or

(ix) a deed or easement for a road, street, or highway purpose.

(d) The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under this Utah State Code 10-9a-103 Subsection (65) as to the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's subdivision ordinance.

VIRGIN TOWN

ORDINANCE # 2020-37

AN ORDINANCE AMENDING CHAPTER EIGHTEEN OF THE VIRGIN UNIFORM LAND USE ORDINANCES (“VULU”).

RECITALS

WHEREAS, - Utah Code provides for the adoption and amendment of Town land use ordinances by the Land Use Authority, which in Virgin is the “Town Council with recommendation by the Planning and Zoning Commission” ; and

WHEREAS, the Virgin Land Use Authority finds that the existing Virgin Town Code (VULU) Chapter Eighteen, and the various sub sections found within, require updating to meet the changing needs of the town; and

WHEREAS, the Virgin Land Use Authority finds that, to accommodate the towns desire to provide clarity and continuity within VULU; and

WHEREAS, the Virgin Town Planning and Zoning Commission held properly noticed Public Hearings on these amendments on October 14, 2020, and voted to recommend its draft amendment ordinance to the Virgin Town Council at a regular meeting on October 28, 2020;

NOW, THEREFORE BE IT ORDAINED by the Land Use Authority of Virgin, Utah that, in order to provide for the health, safety and general welfare of the citizens of Virgin, Utah, the VULU Ordinance is hereby amended to incorporate the following changes:

ORDINANCE

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

18.04 DEFINITIONS (See VULU Chapter 2)

1. "Subdivision" includes:

- (i) the division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat, or other recorded instrument, regardless of whether the division includes all or a portion of a parcel or lot; and

(ii) except as provided in Utah State Code 10-9a-103 Subsection (65)(c), divisions of land for residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

2. "Subdivision" does not include:

(i) a bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;

(ii) an agreement recorded with the county recorder's office between owners of adjoining unsubdivided properties adjusting the mutual boundary by a boundary line agreement in accordance with Utah State Code Section 57-1-45 if:

(A) no new lot is created; and

(B) the adjustment does not violate applicable land use ordinances;

(iii) a recorded document, executed by the owner of record:

(A) revising the legal description of more than one contiguous parcel of property that is not subdivided land into one legal description encompassing all such parcels of property; or

(B) joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances;

(iv) an agreement between owners of adjoining subdivided properties adjusting the mutual lot line boundary in accordance with Utah State Code Section 10-9a-603 if:

(A) no new dwelling lot or housing unit will result from the adjustment; and

(B) the adjustment will not violate any applicable land use ordinance;

(v) a bona fide division or partition of land by deed or other instrument where the land use authority expressly approves in writing the division in anticipation of further land use approvals on the parcel or parcels;

(vi) a parcel boundary adjustment;

(vii) a lot line adjustment;

(viii) a road, street, or highway dedication plat; or

(ix) a deed or easement for a road, street, or highway purpose.

(d) The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under this Utah State Code 10-9a-103 Subsection (65) as to the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's subdivision ordinance.

1. 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.
2. Conflicts/Repealer. This Ordinance repeals and supersedes the provisions of any prior ordinance in conflict herewith.
3. 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 ORDINANCE # 2020-37 will become effective on this ___ day of _____, 2020 based upon the following vote:

Council Member:

| | | |
|--------------------------|--------|--------|
| Gene Garate | 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