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|---|
| Date: 2/1/21 |
| Name of preparer: Gene Garate |
| Contact information of preparer: zoningadministrator@virgin.utah.gov |
| Reason for change:<br><br>Current definition is inaccurate and restrictive. Not all subdivision common open space is left undeveloped, or restricted from further development. (ie. A subdivision may develop their open space initially, or HOA's may be granted power to vote to add playgrounds, walking paths, etc.)<br>In addition, "common open space" is found outside of subdivisions in towns in the form of parks, playgrounds, etc. |
| Current wording:<br><br>**2.12 - DEFINITIONS**<br><br>**Common Open Space**. Undeveloped land within a subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development or the Town or by the public. |
| Proposed wording<br><br>**2.12 - DEFINITIONS**<br><br>**Common Open Space**. ~~Undeveloped~~ Shared land within a subdivision or town that has been designated, dedicated, reserved, restricted, ~~in perpetuity from further development and is~~ or set aside for the use and enjoyment ~~by~~ of residents of the development, or the Town, or by the public. |

VIRGIN TOWN

ORDINANCE # 28

AN ORDINANCE AMENDING CHAPTER TWO 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 Two, 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 February 10, 2021, and voted to recommend its draft amendment ordinance to the Virgin Town Council at a regular meeting on February 24, 2021;

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:

**2.12 - DEFINITIONS**

**Common Open Space**. Shared land within a subdivision or town that has been designated, dedicated, reserved, restricted, or set aside for the use and enjoyment of residents of the development, or the Town, or by the public.

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 NUMBER will become effective on this 24th day of February, 2021 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

## REQUEST FOR VIRGIN TOWN COUNCIL ACTION

| |
|---|
| To: Mayor and City Council |
| From: Planning and Zoning |
| Date: |
| Subject: |
| Citizen comments summary: |
| Recommendation: |
| Background and Findings: |
| Fiscal Impact: |
| Supporting Documents: |
| This request prepared by: |
| This request prepared on: |