

# VIRGIN TOWN

## ORDINANCE # 2022-02

AN ORDINANCE AMENDING VIRGIN TOWN'S OFFICIAL ZONING MAP BY RE-ZONING PARCEL #V-89-B-1 & **V-90-B-1** (CURRENTLY RURAL RESIDENTIAL ZONE) TO COMMERCIAL ZONE.

### 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 requested the Subject Property (which is described and/or depicted more fully in Exhibit "A"& "**B**" (**V-90-B-1**) attached hereto and incorporated herein by this reference) be re-zoned from its current zoning designation of Rural Residential (RRZ) to Commercial (CZ) 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 held on February 9, 2022 & **April 13, 2022**, 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 2 East SR9, & **34 W SR9** within Virgin Town, Washington County, State of Utah, previously zoned Rural Residential Zone (RRZ) as shown on the Official Virgin Town Zoning Map is hereby re-classified and re-zoned to Commercial Zone (CZ).
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; and is hereby amended.
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 \_\_\_\_\_, 2022  
based upon the following vote:

Council Member:

|                    |        |        |
|--------------------|--------|--------|
| Gene Garate        | AYE___ | NAE___ |
| LeRoy Thompson     | AYE___ | NAE___ |
| Mistie Baird       | AYE___ | NAE___ |
| Paul Luwe          | AYE___ | NAE___ |
| Jean Krause, Mayor | AYE___ | NAE___ |

VIRGIN TOWN  
a Utah municipal corporation

\_\_\_\_\_  
Jean Krause, Mayor

ATTEST:

\_\_\_\_\_  
Krystal Percival, Town Clerk

**EXHIBIT "A"**

to Virgin Town Ordinance 2022-02

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 22, TOWNSHIP 41 SOUTH, RANGE 12 WEST, OF THE SALT LAKE BASE AND MERIDIAN; THENCE N00° 01'44"W, ALONG THE NORTH-SOUTH CENTER SECTION LINE, 1,398.83 FEET TO

A POINT LOCATED ON THE NORTH RIGHT-OF-WAY LINE OF UTAH STATE ROUTE9; THENCE DEPARTING SAID SECTION LINE AND RUNNING N89° 39'37"E, ALONG SAID RIGHT-OF-WAY LINE, 688.07 FEET TO THE POINT OF BEGINNING, THENCE

DEPARTING SAID RIGHT-OF-WAY LINE AND RUNNING N01° 28'00"E, 170.89 FEET, THENCE N69° 38'00"W, 2.77 FEET; THENCE N08°30'W, 38.37 FEET; THENCE N88° 45'30"W, 41.36 FEET; THENCE N00° 00'00"E, 335.96 FEET TO THE NORTHWEST

CORNER OF WASHINGTON COUNTY TAX PARCEL V-89-B, AND AN EXISTING BENT 5/8" REBAR WITH AN EXISTING WOOLSEY LAND SURVEYING REBAR CAP MONUMENT SET AT THE BEND OF SAID 5/8" REBAR; SAID POINT ALSO BEING LOCATED ON THE WESTERLY PROJECTION OF THE SIERRA BELLA PHASE I AMENDED AND EXTENDED SUBDIVISION BOUNDARY LINE; THENCE S89° 58'53 "E, ALONG SAID SUBDIVISION PROJECTION, 0.50 FEET TO THE SUBDIVISION BOUNDARY CORNER OF SAID SUBDIVISION; THENCE CONTINUING ALONG SAID SUBDIVISION BOUNDARY LINE THE FOLLOWING FOUR (4) COURSES• S89°58'53"E, 390.64 FEET; THENCE S00° 01'07"W, 130.75 FEET; THENCE S58° 48'00"W, 117.29 FEET TO A CURVE TO THE LEFT, HAVING A RADIUS OF 168.00 FEET, AND A CENTRAL ANGLE OF 59°43'35"; THENCE SOUTHWESTERLY ALONG SAID CURVE, 175.13 FEET. THENCE CONTINUING ALONG SAID SUBDIVISION BOUNDARY LINE AND ITS PROJECTION, S00° 55'35"E, 165.15 FEET TO A POINT LOCATED ON THE NORTH RIGHT-OF-WAY LINE OF UTAH STATE ROUTE-9; THENCE S89° 58'35"W, ALONG SAID RIGHT-OF-WAY LINE, 14.96 FEET TO AN ANGLE POINT IN SAID RIGHT-OF-WAY AND TO AN EXISTING UTAH DEPARTMENT OF TRANSPORTATION BRASS CAP RIGHT-OF-WAY MARKER, THENCE S00° 55'17"W, ALONG SAID RIGHT-OF-WAY

LINE, 42.91 FEET TO AN ANGLE POINT IN SAID RIGHT-OF-WAY AND TO AN EXISTING 1/2" REBAR; THENCE S89° 39'37"W, ALONG SAID RIGHT-OF-WAY LINE, 156.51 FEET TO THE POINT OF BEGINNING. CONTAINING 3.23 ACRES.

TOGETHER WITH A 16.50-FOOT-WIDE PRIVATE INGRESS/EGRESS ACCESS EASEMENT, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 22, TOWNSHIP 41 SOUTH, RANGE 12 WEST, OF THE SALT LAKE BASE AND MERIDIAN, THENCE N00° 01'44"W, ALONG THE NORTH-SOUTH CENTER SECTION LINE, 1,714.89 FEET, THENCE N89° 45'29"E, 827.62 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING N89°45'29"E, 8.33 FEET; THENCE N00° 06'00"W, 14.22 FEET, THENCE S59° 36'33"E, 23.22 FEET; THENCE S00° 55'35"E, 274.18 FEET TO A POINT LOCATED ON

THE NORTH RIGHT-OF-WAY LINE OF UTAH STATE ROUTE-9; THENCE S89° 58'35"W, ALONG SAID LINE AND ITS PROJECTION, 16.50 FEET; THENCE N00°

55'35"W, 264.65 FEET; THENCE N59° 36'33"W, 13 89 FEET TO THE POINT OF BEGINNING.

NOTE: THIS DEED IS BEING GIVEN TO COMBINE THE FOLLOWING WASHINGTON COUNTY TAX PARCELS: V-89-A-1, V-89-B, AND V-92-A-5, INTO ONE (1) PARCEL OF LAND.

**EXHIBIT "B"**  
**34 W SR9 V-90-B-1**

**REQUEST FOR VIRGIN TOWN COUNCIL ACTION**

|                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| To: Mayor and City Council                                                                                                                                                                                                                                                                                        |
| From: Planning and Zoning                                                                                                                                                                                                                                                                                         |
| Date: 10Feb22 & <b>13April22</b>                                                                                                                                                                                                                                                                                  |
| Subject: V-89-B-1 & <b>V-90-B-1</b> Rural Residential to Commercial (2 E SR9)                                                                                                                                                                                                                                     |
| Citizen comments summary: The community expressed concerns about the Rural Residential lot that would be enveloped by Commercial properties. They also expressed concerns about ingress and egress from the property onto SR9. They also discussed the desire to have a good company come into the town and area. |
| Recommendation: P&Z recommends approval of the zone change by unanimous vote.                                                                                                                                                                                                                                     |
| Background and Findings: We find that the change fits with the general plan and with the requirements as outlined in the Commercial Zone Ordinance. We found and discussed the regulations that protect residential zones that border commercial zones are adequate to protect residences.                        |
| Fiscal Impact: Positive fiscal impact with new businesses coming in.                                                                                                                                                                                                                                              |
| Supporting Documents: See P&Z minutes and recording                                                                                                                                                                                                                                                               |
| This request prepared by: Cameron Spendlove                                                                                                                                                                                                                                                                       |
| This request prepared on: 10Feb22 & <b>13APRIL22</b>                                                                                                                                                                                                                                                              |