

Date: 13Jun22
Name of preparer: Cameron Spendlove
Contact information of preparer: Camspendlove84@gmail.com
A. Reason for change: B. Allow for non-conforming lots that meet other requirements to be eligible for Highway resort zone. C. Promit the town to rezone lots for uniformity. D. The change will allow for commercial development on smaller lots that otherwise would be able to be rezoned to HRZ.
Current: <u>44.12 SITE CONSIDERATIONS</u> A. MINIMUM AREA AND SETBACK REQUIREMENTS. **Setbacks (measured in feet).
Proposed: <u>44.12 SITE CONSIDERATIONS</u> A. MINIMUM AREA AND SETBACK REQUIREMENTS. **Setbacks (measured in feet). <u>1. Non-conforming lots, less than one (1) acre, established before the date of adoption of this ordinance (July 2022) that meet all other requirements and abut an existing lot zone Highway Resort Zone may be rezoned to Highway Resort Zone.</u>

VIRGIN TOWN

ORDINANCE #

AN ORDINANCE AMENDING CHAPTER 44 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) 40.14 , 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 maintain continuity of zones in an area; and

WHEREAS, the Virgin Town Planning and Zoning Commission held properly noticed Public Hearings on these amendments on _____, 2022, and voted to recommend its draft amendment ordinance to the Virgin Town Council at a regular meeting on _____, 2022;

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:

44.12 SITE CONSIDERATIONS

- A. MINIMUM AREA AND SETBACK REQUIREMENTS. **Setbacks (measured in feet).
1. Non-conforming lots, less than one (1) acre, established before the date of adoption of this ordinance (July 2022) that meet all other requirements and abut an existing lot zone Highway Resort Zone may be rezoned to Highway Resort Zone.

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 _____ day of _____ month, 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

REQUEST FOR VIRGIN TOWN COUNCIL ACTION

To: Mayor and City Council
From: Planning and Zoning
Date:
Subject: Ordinance to allow for non-conforming lots in Highway Resort Zone

Citizen comments summary: None at the Public Hearing, but concerns were made at previous meeting that allowing rezoning of non-conforming lots in commercial zone would create an unusable property because of extensive setbacks.
Recommendation: We recommend approval by Unanimous consent
Background and Findings: We find that to accommodate the town's desire to have commercial along SR9 non-conforming lots would need to be allowed a rezone. The change would also eliminate the chance of having lone residential zones surrounded by commercial property.
Fiscal Impact: Positive because more commercial activities could be had.
Supporting Documents: See Minutes
This request prepared by: Cameron Spendlove
This request prepared on: 21 May 22