

VIRGIN TOWN

ORDINANCE # 2023-XX

AN ORDINANCE AMENDING THE RURAL RESIDENTIAL ZONING DESIGNATION OF OBSERVATION ESTATES SUBDIVISION (V-OBS-1, V-OBS-2, V-OBS-3, V-OBS-4, V-OBS-5) TO INCLUDE A SHORT-TERM RENTAL DEVELOPMENT OVERLAY ZONE DESIGNATION.

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 amended to include short term rental development overlay zoning designation. 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 January 11, 2023, 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 V-OBS-1, V-OBS-2, V-OBS-3, V-OBS-4, V-OBS-5, within Virgin Town, Washington County, State of Utah, zoned Rural Residential Zone (RR) as shown on the Official Virgin Town Zoning Map is hereby re-classified and amended to include the Short-Term Rental Development Overlay Zoning Designation (STR OVERLAY).
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 the current RURAL RESIDENTIAL ZONE (RR) to include the Short-Term Rental Development Overlay Zoning Designation (STR OVERLAY) from VULU.
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 , 2023
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”

OBSERVATION ESTATES (V) Lot: 1, OBSERVATION ESTATES (V) Lot: 2, OBSERVATION ESTATES (V) Lot: 3, OBSERVATION ESTATES (V) Lot: 4, OBSERVATION ESTATES (V) Lot: 5