

EXHIBIT B

2.12 DEFINITIONS

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this ordinance. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure" and the word "structure" shall include the word "building"; the words "used" or "occupied" shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be leased; the word "shall" is mandatory and not directory, and the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the word "lot" includes the words lot or parcel. Words used in this ordinance but not defined herein shall have the meaning as defined in any other ordinance adopted by the local jurisdiction.

Abandoned Sign. A sign, including all structural, support elements or components, which is located on a property, premises or structure which becomes vacant and unoccupied for a period of one year or more.

Accessory. A system designed as a secondary use to existing buildings or facilities, wherein the power generated is used primarily for on-site consumption.

Accommodation, Reasonable (Reasonable Accommodation). A change in a rule, policy, practice, or service necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. See Chapter 50.06 A,7 for specific review standards, as used in this definition:

- A. "Reasonable" means a requested Accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit that the Accommodation would provide to a person with a disability.
- B. "Necessary" means the applicant must show that, but for the Accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice.
- C. "Equal opportunity" means achieving equal results as between a person with a disability and a non-disabled person. Acreage, Gross (Gross Acreage). The total area of a parcel including the area of perimeter street rights-of-way to the centerline of the street.

Adult Arcade. An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors or similar machines, or other image producing machines, for viewing by five (5) or fewer persons each, are regularly used to show films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult Bookstore, Adult Novelty Store or Adult Video Store. A commercial establishment which has as a significant or substantial portion of its stock in trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising to the sale or rental, for any form of consideration, or any one or more of the following:

- A. Books, magazines, periodicals or other printed matter, or photographs films, motion pictures, videocassettes, slides or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"
- B. Instruments, devices or paraphernalia which are designed for use or marketed primarily for

stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

- C. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas", and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas".

Adult Cabaret. A nightclub, bar, restaurant, "bottle club" or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features;

- A. Persons who appear nude or in a state of nudity or seminude;
- B. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", or
- C. Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult Motel. A motel, hotel, or similar commercial establishment which:

- A. Offers public accommodations, for any form of consideration, which provides patrons with closed circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right of way, or by means of any off premises advertising, including, but not limited to newspapers, magazines, pamphlets or leaflets, radio or television; or
- B. Offers a sleeping room for rent for a period of time less than ten (10) hours; or
- C. Allows a tenant or occupant to subrent the sleeping room for a time period of less than ten (10) hours.

Adult Motion Picture Theater. A commercial establishment where films, motion pictures, videocassettes, slides or similar photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" are regularly shown for any form of consideration.

Adult Theater. A theater, concert hall, auditorium or similar commercial establishment which for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of "specified sexual activities" or "specified anatomical areas".

Adversely Affected Party. A person, individual, corporation, partnership, organization, association, trust, governmental entity or other form of legal entity other than a land use applicant who:

- A. owns real property adjoining the property that is the subject of a land use application or land

use decision; or

- B. will suffer damage different in kind than, or injury distinct from, that of the general community as a result of the land use decision.

Affected Entity.¹ A county, municipality, local district, special service district under Title 17D, Chapter 1, Special Service district act, school district, inter-local cooperation entity established under Title 11, Chapter 13, Inter-local Cooperation Act, specified public utility, a property owner, a property owners association, or the Utah Department of Transportation, if:

- A. the entity has filed with the municipality a copy of the entity's general or long-range plan; or
- B. the entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under this Chapter.

Agricultural Industry or Business. Also referred to as "Agribusiness". Agribusiness is the industry or business of agricultural production. It includes or may include agrichemicals, breeding, conservation, crop production (farming and contract farming), distribution, farm machinery, management, production, processing, ranching, and seed supply, as well as marketing and retail sales. All agents of the food and fiber value chain and those institutions that influence it are part of the agribusiness system.

Agriculture. As defined by the State of Utah Legislative Code 4-1-109.2, "Agriculture" means the science and art of the production of plants and animals useful to man, including the preparation of plants and animals for human use and disposal by marketing or otherwise.

Alley. A passage, as through a continuous row of properties or houses, permitting access from the street to backyards, properties, garages, etc.

Alteration, Structural (Structural Alteration). Any changes in the supporting members of a building such as bearing walls, columns, beams or girders.

Animals, Domestic Farm or Livestock. In accordance with Utah State Legislative Code 76-9-301, Farm or Ranch "Livestock" are domesticated cattle, sheep, goats, turkeys, swine, equines, camelidae, ratites, bison, elk (domesticated), and any other domesticated nonhuman vertebrate creature, domestic furbearer, or domestic poultry, raised, kept, or used for agricultural purposes.

Animals, Fowl. Includes pheasants, turkeys, grouse and the common domestic chicken.

Animals, Household Pets (Household Pets). Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, but not including a sufficient number of dogs to constitute a kennel, as is defined in this ordinance, but not including the keeping of normally dangerous animals, such as, but not limited to, lions, tigers, bears or venomous snakes.

Apartment. A room or set of rooms within a building fitted especially with housekeeping facilities and usually leased as a dwelling.

Additional Information. Virgin Town does not apply the term "Apartment" to Hotels or Motels.

Appeal Authority. The person appointed by the mayor with the advice and consent of council to hear appeals from person(s) who have been affected by the implementation of the Land Use

Ordinances.²

Apex, Alluvial Fan (Alluvial Fan Apex). A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Applicant. The owner of land proposed to be subdivided or such owner's duly authorized agent. Any agent must have written notarized authorization from the owner.

Architectural Projection. Any building or structural projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a structure, but not including signs.

Attorney, Local (Local Attorney). The attorney who represents Virgin Town.

Basement. Any area of the building having its floor partially or completely sub-grade (below ground level).

Benchmark. A mark affixed to a permanent or semi-permanent object to furnish a datum level in survey.

Billboard. Any freestanding sign or affixed graphic or visual representation, including any lighted or unlighted drawn, printed, painted, electric, LED, digital or mechanical representation designed or intended to advertise or direct attention to a business, product, service, organization, idea or cause which is not sold, offered, or existing on the property whereupon the sign is located.

Board of Adjustment. A board appointed by the Virgin Town Council as provided in this ordinance to hear appeals by any person aggrieved by his/her ability to obtain a building permit under this ordinance or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of this ordinance.³

Bond Agreement. An agreement to install improvements secured by a stand-by irrevocable letter of credit, performance bond, escrow deposit, trust deed, or any combination of the preceding as approved by the Town Council.

Buildable Area. The portion of a lot remaining after setbacks have been provided.

Building. Any structure used or intended to be used for the shelter, or enclosure, of persons, animals or property.

Building Inspector. The official designated by the Town Council as the building inspector for the Town of Virgin. The Virgin Town building Inspector may also be the Virgin Town Zoning Administrator, if so designated.

Building Inspector, Local (Local Building Inspector). The Virgin Town building Inspector; also the Zoning Enforcement Officer or person so designated and officially representing the Town of Virgin.

Building, Accessory (Accessory Building). A building which is subordinate to, and the use of which is incidental to, that of the main building or use on the same lot.

Building, Coverage (Coverage Building). The percent of the total site area covered by buildings.

Building, Elevated A building that has no basement and that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Building, Height of (Height of Building). The vertical distance from the finished grade surface to the highest point of any building roof or coping.

Building, Main (Main Building). The principal building or one (1) of the principal buildings upon a lot, or the building or one (1) of the buildings housing a principal use upon a lot.

Building, Public (Public Building). A building owned and/or operated by a public entity or public agency or intended to be used by the public.

Business. Any and all activities engaged in within this town carried on for the purpose of gain or economic profit, except that the acts of employees rendering service to employers shall not be included in the term business unless otherwise specifically provided. Engaging in business includes but is not limited to the sale of tangible personal property at retail or wholesale, the manufacturing of goods or property, soliciting patronage for the business (actively or passively), performing or attempting to perform any part of such business in the town, and the rendering of personal services for others for a consideration by a person, firm or corporation engaged in any profession, trade, craft, business, occupation or other calling, except the rendering of personal services by an employee to his employer under any contract of personal employment.⁴

Camp or Camping The act of one or more overnight stays away from an individual's home, either in the outdoors or in a temporary structure that has no individual permanent address.

Campground. A place designated for the short-term occupancy of multiple groups or individuals, Excluding Dwellings.

Campground Cabin. A small building designed for the short-term occupancy of persons or groups contained within a campground.⁵

Cannabis Production Establishment. As defined in section 4-41a-102 of the Utah Code, and includes a cannabis cultivation facility, a cannabis processing facility, or an independent cannabis testing laboratory.

Carport. A private garage not completely enclosed by walls or doors.

Church. A building, together with its accessory buildings and uses, maintained and controlled by a duly recognized religious organization where persons regularly assemble for worship.

Clinic, Dental or Medical (Dental or Medical Clinic). A building in which a group of dentists, physicians, and related professionals and their staff are associated for the conduct of their professions. The clinic may include a dental and/or a medical laboratory and an apothecary, but it shall not include inpatient care or operating rooms for major surgery.

Club, Private (Private Club). An organization, group, association or corporation supported by the members thereof, the sole purpose of which is to render service customarily rendered for members and their guests but shall not include any service, the chief activity of which is customarily carried on as a business, and does not include labor union organizations or similar labor or business organizations.

Commission. The Planning and Zoning Commission of the Town.

Commission's Authorized Representative. The Planning And Zoning Commission or any other Town employee or official who has been designated by the commission to represent the Town in

carrying out the functions of the commission.

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.

Communication Tower, Private (Private Communication Tower). A freestanding or building mounted structure, including appurtenances and antennas, intended for airway communication purposes; such as a television antenna, amateur radio tower, or satellite dish, utilized for non-commercial purposes.

Conditional Use. A land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only with certain conditions that mitigate or eliminate the detrimental impacts.

Conditional Use Permit (CUP). A permit issued by the town allowing a use or set of uses with conditions upon real property "Permit" or "CUP" means the permit issued by the Town allowing a use or set of uses with conditions upon real property.

Condominium. An ownership structure established in accordance with the Utah Condominium Act; a community association combining individual unit ownership with shared use or ownership of common property or facilities. A condominium is a legal form of ownership of real estate and not a specific building type or style.

Congregate Living Facility (CLF). A 24-hour group living environment for four or more individuals unrelated to the owner or provider.

Congregate Living Facility (CLF), Closed. A 'closed' residence is one where inhabitants are strictly monitored, where movements of occupants may be limited by formal program rules and/or external law. A 'closed' facility does not necessarily provide unrestricted interaction with the community. Such facilities do not encourage unsupervised integration into the neighborhood.

Congregate Living Facility (CLF), Non-tax-based Contributory. A 'non-tax-base contributory' facility is one which does not contribute substantial sales, service, tourist, or resort taxes to the town.

Congregate Living Facility (CLF), Non-tourist Based. A 'non-tourist-based' CLF or residence means any building or portion thereof not necessarily intended for those visiting the area for recreation or entertainment.

Congregate Living Facility (CLF), Open. An 'open' residence is one where inhabitants come and go as they please, where movements of occupants and their visitors are unrestricted by formal program rules or by external law. An 'open' facility is one in which residents have unrestricted interaction with the community. Such facilities encourage integration of residents in a neighborhood atmosphere and, in commercial areas, connect and enhance surrounding commerce spaces.

Congregate Living Facility (CLF), Permanent. A 'permanent' residence or CLF means any building or portion thereof where individuals are actually residing at a given point in time and intend to remain, and not a place of temporary sojourn or transient visit.

Congregate Living Facility (CLF), Temporary. A 'temporary' CLF or residence means any building or portion thereof intended to house occupants on a temporary basis.

Construction, Existing (Existing Construction). For the purposes of determining flood insurance

rates, structures for which the "initial construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. "existing construction" may also be referred to as "existing structures."

Construction, Initial (Initial Construction). Includes substantial improvement and means the date the building permit was issued, provided the actual initial construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Construction, Start of (Start of Construction). Any manmade change to improved or unimproved lands, including, but not limited to, buildings or structures, mining, dredging, filling, paving, grading, excavation or drilling operations.

Convenience Store. A one-story, retail store containing less than 3,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchased only a relatively few items (in contrast to a "supermarket"). It is designed to attract and depends upon a large volume of stop-and-go traffic. Illustrative examples of convenience stores are those operated by the "Circle K," "7-11" and "Maverick" chains.

Covenants, Codes And Restrictions (CC&Rs). are limits and rules placed on a group of homes in a subdivision by a builder, developer, neighborhood association, or homeowners association wherein an owner gives up certain freedoms but gains certain protections, as part of a shared community.

Cul-De-Sac. A minor terminal street provided with a turn-around. cul-de-sacs shall only be applicable to local streets and shall be a minimum of one hundred feet (100') in diameter.

Culinary Water Authority. The Town of Virgin.

Damage, Substantial (Substantial Damage). Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

Developer. The owner of any right, title, or interest in real property for which a building permit, subdivision/division of land, or concept plan approval is sought.

Development. The construction or modification of improvements to real property that creates additional residential dwelling units within the Town or that results in the nonresidential uses that create a need for new, expanded, or improved public facilities within the Town.

Development Envelopes. A defined area of a lot that limits the siting of any buildings/structures on that lot.

Development Review Committee (DRC). A Board created by resolution of the Town Council

consisting of the Zoning Administrator, the Town Engineer, the Town's Public Works Director, other members of the Town Staff and representatives from the Hurricane Valley Fire District, other Special Service Districts, Public Utility Companies and Private Utility Companies providing utility services within the Town.

Disabled/Disability. The Disability Discrimination Act (DDA) defines a disabled person as someone who has a physical or mental impairment that has a substantial and long term adverse effect on his or her ability to carry out normal day to day activities.

District. An area of the Town established as a zoning district with uniform regulations or requirements.

Drainage, Natural (Natural Drainage). The area where excess water flows off the land without the help of artificial means.

Driveway. A private road that leads to a house or garage which is maintained by an individual or group.

Dwelling. A substantial building or place of shelter to live in.

Dwelling Unit. One (1) or more rooms in a dwelling, apartment hotel or apartment motel, designed for or occupied by one family for living or sleeping purposes and having kitchen and bathroom facilities for the use of not more than one (1) family.

Dwelling, Group (Group Dwelling). A group of two (2) or more detached buildings used as dwellings.

Dwelling, Multiple Family (Multiple Family Dwelling). A building arranged or designed to have two (2) or more dwelling units.

Dwelling, Single-Family (Single-Family Dwelling). One or more rooms arranged for the use of one or more individuals as a single housekeeping unit with cooking, living, sanitary and sleeping facilities.

Dwelling, Two-Family (Two-Family Dwelling). A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

Easement. The legal right to use the real property of another for a specific purpose.

Additional Information. Within Virgin Town, the easement may be for use under, on, or above said properties. Easements in force override setback allowances. Authorization by property owner for the use by another must be recorded on the deed to be considered in force.

Easement, Conservation (Conservation Easement). The grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall remain in its natural, scenic, open or wooded state, limiting future or additional development.

Engineer, Town (Town Engineer). A civil engineer hired to officially represent the Town of Virgin in matters relating to public works.

Equine. Any member of the equidae family.

Equine activity:

- A. equine shows, fairs, competitions, performances, racing, sales, or parades that involve any breeds of equines and any equine disciplines, including dressage, hunter and jumper horse shows, grand prix jumping, multiple-day events, combined training, rodeos,, driving, pulling, cutting, polo, steeple chasing, hunting, endurance trail riding, and western games;
- B. boarding or training equines;
- C. teaching persons equestrian skills;
- D. riding, inspecting, or evaluating an equine owned by another person regardless of whether the owner receives monetary or other valuable consideration;
- E. riding, inspecting, or evaluating an equine by a prospective purchaser; or
- F. other equine activities of any type including rides, trips, hunts, or informal or, spontaneous activities sponsored by an equine activity sponsor.

Equine activity sponsor. An individual, group, governmental entity, club, partnership, or corporation, whether operating for profit or as a nonprofit entity, which sponsors, organizes, or provides facilities for an equine activity, including:

- A. pony clubs, hunt clubs, riding clubs, 4-H programs, therapeutic riding programs, and public and private schools and postsecondary educational institutions that sponsor equine activities; and
- B. operators, instructors, and promoters of equine facilities, stables, clubhouses, pony ride strings, fairs, and arenas.

Equine professional. A person compensated for an equine activity by:

- A. instructing a participant;
- B. renting to a participant an equine to ride, drive, or be a passenger upon the equine; or
- C. renting equine equipment or tack to a participant.

Facilities or Services, Essential (Essential Facilities or Services). Utilities or sanitary and public safety facilities or services provided by a public utility or other governmental agency.

Facility, Congregate Living (CLF) (Congregate Living Facility). A residence in which five (5) or more persons which do not constitute a family reside, including but not limited to Residential Facilities for the Disabled and Residential Facilities for the Elderly.

Facility, Residential Care (Residential Care Facility). A State licensed facility that provides long-term care given to adults or children who stay in a residential setting rather than in their own home or relatives home.

Fee Schedule. The schedule or any appendix of fees adopted periodically by resolution of the Town Council setting forth various fees charged by the Town.

Fence. A physical barrier to delineate, contain, or designate an area designed for a specific use, i.e. an enclosure for a dwelling unit, an area of storage, etc.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard. Potential hazard to land or improvements by water.

Flood Insurance Rate Map (FIRM). An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study. The official report provided by the federal emergency management agency. The report contains flood profiles, water surface elevation of the base flood, as well as the flood boundary-floodway map.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from: (i) the overflow of inland or tidal waters; or (ii) the unusual and rapid accumulation or runoff of surface waters from any source.

Floodlight. An artificial light so directed or diffused as to give a comparatively uniform illumination over a rather large given area.

Floodplain. Any land area susceptible to being inundated by water from any source as identified by FEMA (see definition of flooding).

Floor Area. Area included within surrounding walls of a building, or portion thereof, exclusive of vents, shafts and courts.

Frontage or Fronting. The boundary between a plot of land or a building and the road onto which the plot or building fronts; or the length of a lot line along a dedicated street or right-of-way.

Garage, Private (Private Garage). A detached accessory building, or a portion of a main building, used or intended to be used for the storage of private motor vehicles.

Garage, Public (Public Garage). A building or portion thereof, other than a private garage, designed or used for commercial servicing, equipping, renting, selling or storing motor-driven vehicles.

Garage, Repair (Repair Garage). A structure or portion thereof other than a private garage, designed for the commercial repair or refinishing of self-propelled vehicles, trailers, or boats, including general repair, rebuilding or reconditioning of engines, motor vehicles, or trailers, and minor repairs or overall automobile or truck painting.

Glare. An intense and blinding light that reduces visibility.

Grade, (For Building Height Determination) - The lowest level of finished ground elevation adjoining a building or structure typically measured at the front primary exterior wall

Health Department. The Utah State Division of Environmental Health or local health agency having jurisdiction.

Heat Transfer Fluid. A gas or liquid that takes part in heat transfer by serving as an intermediary in cooling on one side of a process, transporting and storing thermal energy, and heating on another side of a process.

Home Occupation. Any occupation or business use, full or part time, conducted within a dwelling or an accessory structure, or both, by a resident of the property, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes.

Homeowners Association (HOA). A community association incorporated or not incorporated, combining individual home ownership with shared use or ownership of common property or facilities.

Horizontal Axis Wind Turbine. A wind turbine design in which the rotor shaft is parallel to the ground and the blades are perpendicular to the ground.

Hospital. An institution that is built, staffed, and equipped for the diagnosis of disease; for the treatment both medical and surgical, of the sick and the injured; and for their housing during this process.

Hospital, Veterinary or Animal (Veterinary or Animal Hospital). A building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

Hotel. A building, commonly with multiple floors staircases/elevators, and internal corridors, that furnish lodging, etc. to travelers or other guests, for compensation.

Additional Information. Virgin Town does not apply the term "Hotel" to Apartments or Apartment Complexes though it may be used synonymously with the term motel, inn, tourist camp, tourist court, or tourist cabin.

House, Boarding (Boarding House). A building with not more than five (5) guest rooms where, for compensation, meals are provided for not more than fifteen (15) persons.

House, Lodging (Lodging House). A building where lodging only is provided for compensation to at least three (3) but not more than fifteen (15) persons, but not including motels or hotels.

Inherent risk (with regard to equine activities). Those dangers or conditions which are an integral part of equine or livestock activities, which may include:

- A. the propensity of the animal to behave in ways that may result in injury, harm, or death to persons on or around them;
- B. the unpredictability of the animal's reaction to outside stimulation such as sounds, sudden movement, and unfamiliar objects, persons, or other animals;
- C. collisions with other animals or objects; or
- D. the potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the animal or not acting within his or her ability.

Insurance, General Liability. Insurance coverage that can protect an individual or business from a variety of claims such as personal injury, property damage, and other claims that can arise.

Junk. Any or all worn out, cast off, or discarded article or material which is ready for destruction or removal from property for waste or salvage.

Kennel. An establishment having (4) or more dogs for the purpose of boarding, breeding, buying, grooming, letting for hire, training for fee or selling.

Lamp. The component of a luminaire that produces the actual light.

Land, Division of (Division of Land). Division of a parcel of land into four (4) or more lots.

Land Use Authority. Anyone who has the authority to interpret or implement the city ordinances as defined by the Land Use Ordinance.

Land Use Ordinance. is defined in Title 10, Chapter 9a of the Utah Code.

Liability Insurance, General. General liability insurance is insurance coverage that can; protect an individual or business from a variety of claims such as personal injury, property damage, and other claims that can arise. General liability insurance has two components always included together: bodily injury and property damage

Additional Information. As a municipality, Virgin Town may require certain businesses to obtain liability insurance as a safeguard against litigious claims that could involve the town. The nature and scope of the business are the deciding factors, and this is addressed in the Business License application process, and Conditional Use Permit process. The requirement of insurance must be applied equally for like businesses and the limits of the said insurance cannot be outside of the standard required by other like businesses either in Virgin Town or in surrounding communities. The requirement of liability insurance cannot be used or manipulated to be a restrictive or prohibitive means of stopping a business from establishing itself in Virgin Town.

Light Source/Lamp. The component of a luminaire that produces the actual light (ex. the bulb).

Light Trespass. The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Light, Direct (Direct Light). Illumination resulting from light emitted directly from a lamp, luminary or reflector.

Light, Indirect (Indirect Light). The light spread that lands outside of the direct scope and lights objects other than those in the direct illumination spread.

Lighting, Outdoor (Outdoor Lighting). The nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

Lighting, Outdoor, Temporary (Temporary Outdoor Lighting). The specific illumination of an outside area or object by any man-made device located outdoors that produces light by any means for a period of less than seven (7) days, with at least 180 days passing before being used again.

Lights, Fully Shielded (Fully Shielded Lights). Outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

Local Jurisdiction. Any political subdivision of government. The Town of Virgin is the local jurisdiction of VULU.

Lot.

- A. A parcel or tract of land within a subdivision and abutting a public street, or a private street, which is or may be occupied by one building and the accessory buildings or uses customarily

incident thereto, including such open spaces as are arranged and designed to be used in connection with the building according to the zone with which the lot is located.

- B. A parcel or unit of land described by metes and bounds and held or intended to be held in separate lease or ownership; or a unit of land shown as a lot or parcel on a recorded subdivision map; or a unit of land shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger tract into two (2) or more smaller units.

Lot Line, Front (Front Lot Line). For an interior lot, the lot line adjoining the street for a corner lot or through lot, the lot line adjoining either street, as elected by the owner.

Lot Line, Rear (Rear Lot Line). Ordinarily, that line of a lot which is opposite and most distant from the front line of the lot. In the case of a triangular or gore-shaped lot, a line ten feet (10') in length within the parcel parallel to and at a maximum distance from the front lot line. In cases where these definitions are not applicable, the virgin town building inspector shall designate the rear lot line.

Lot Line, Side (Side Lot Line). Any lot boundary line not a front or rear lot line. A side lot line separating a lot from another lot or lots in an interior side lot line; a side lot line separating a lot from a street is a street side lot line.

Lot, Corner (Corner Lot). A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five degrees (135°).

Lot, Depth of (Depth of Lot). The horizontal distance between the front and rear lot lines measured in the main direction of the side lot line.

Lot, Double Frontage (Double Frontage Lot). A lot where the front lot line and back lot line both front on a street.

Lot, Flag (Flag Lot). A lot that has been approved by the town with access provided to the bulk of the lot by means of a narrow corridor.

Lot, Right-Of-Way (Right-Of-Way Lot). A strip of land of not less than sixteen feet (16') in width connecting a lot to a street for use as a private access to that lot.

Lot, Width of (Width of Lot). The horizontal distance between the side lot lines, measured at the required front setback line or rear setback line, whichever is shorter.¹⁰

Lumen. A unit of luminous flux. One-foot (1') candle is one (1) lumen per square foot.

Luminaire. A complete lighting unit consisting of a lamp or lamps together with parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.

Luminaire, Fully shielded/Full cutoff. (Fully shielded/Full Cutoff Luminaire). Outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane.

Luminaire, Height of (Height of Luminaire). The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct light-emitting part of the luminaire.

Luminaires, Grandfathered (Grandfathered Luminaires). Luminaires not conforming to this code

that were in place at the time this code was voted into effect. When an ordinance "grandfathers" a luminaire, it means that such already-existing outdoor lighting does not need to be changed unless a specified period is specified for adherence to the code.

Manufactured home. A structure transportable in one or more sections, which is built on a permanent chassis and must be attached to a permanent foundation and connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle." Said manufactured home shall be classified as a mobile home unless it is placed on a permanent foundation and complies with all applicable building and housing codes. Said manufactured home shall have a minimum of 1,000 square feet; a minimum 4:12 slope/pitch of roof. Brick veneer, stucco, or other similar materials are to be used on the exterior of the manufactured home. A transportable factory built housing unit constructed after June 15, 1976, according to the federal home construction and safety standards act of 1974 (HUD code), in one or more sections, and is identified by the manufacture's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards.¹¹

Map, Official (Official Map). A map which has been adopted as the official map of the town of virgin showing existing public streets, streets on plats of subdivisions which have been approved by the Virgin Town Land Use Authority, and/or other street extensions, widening, narrowing, or variations which have been accurately surveyed and definitely located.

Massage Parlor. Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment manipulation of the human body which occurs as a part of or in connection with "specified sexual activities" or where any person providing such treatment, manipulation or service related thereto, exposes his or her "specified anatomical areas". The definition of a sexual oriented business shall not include the practice of massage in any licensed hospital, nor by a licensed physician, surgeon, chiropractor or osteopath, nor by any nurse, or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program.

Medical Cannabis Pharmacy. An entity that acquires or intends to acquire, possesses, and sells or intends to sell cannabis in a medicinal dosage form. a cannabis product in a medicinal dosage form, or a medical cannabis device, to a medical cannabis cardholder, as defined under section 26-61a-102 of the Utah Code.

Mobile Home. A detached single-family dwelling unit designed for long-term occupancy and to be transported on its own wheels (permanent or detachable), or on flatbed or other trailer and arriving at the site where it is to be occupied as a complete dwelling unit ready for occupancy except for connections to utilities and other minor work. Modular or prefabricated homes not placed on a permanent foundation shall be regarded and regulated as mobile homes.

Mobile Home Park. A space designed for and approved by the Town of Virgin for occupancy by Mobile Homes, to be under single ownership or management, and meeting all requirements of the Virgin Town Zoning Ordinance and the Virgin Town Mobile Home Park ordinance for Mobile Home Parks.

Mobile Home Space. A space within a mobile home park, designed and to be used for the accommodation of one (1) mobile home.

Mobile Home Subdivision. A subdivision designed and intended for residential use where the lots are to be individually owned or leased, and occupied by mobile homes exclusively.

Motel. A building or group of buildings, commonly with a one or two floor layout with access directly from the parking lot, that furnish lodging, etc. to travelers or other guests for compensation and is designed and located to serve the motoring public.

Additional Information. Virgin Town does not apply the term "Motel" to Apartments or Apartment Complexes though it may be used synonymously with the term "Hotel".

Noncomplying Structure. A building or other artificial structure which complied with a zoning ordinance when it was built, but which would no longer comply due to ordinance changes. A structure can be noncomplying due to such things as setback or height requirements.

Nonconforming Sign or Sign Structure. A sign or sign structure or portion thereof lawfully existing at the time of its construction which does not conform to current regulations prescribed in the zone in which it is located.

Nonconforming Use. A land use that was established when allowed by a zoning ordinance, has been maintained continuously, but which would no longer be allowed due to an ordinance change.

Nude Entertainment Business. A business, including adult theater, where employees perform or appear in the presence of patrons of the business in a state of nudity or semi-nudity. A business shall also be presumed to be a nude entertainment business if the business holds itself out as such a business.

Nude Model Studio. Any place where a person who regularly appears in a state of nudity or displays "specified anatomical areas" is provided for money or any form of consideration, to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons.

Nuisance. Any item, thing, manner or condition whatsoever that is dangerous to human life, or health, or renders soil, air, water, or food impure or unwholesome.

Nuisance, Public. When a person, item, thing, manner, activity, or condition unreasonably interfere with the rights that the general public share in common.

Nuisance, Private. When a person, item, thing, manner, activity, or condition substantially and unreasonably interferes with an individual's use and enjoyment of his or her land.

Occupancy, Long-Term. (Long Term occupancy). Permanent occupancy; occupancy for a period of thirty (30) or more days.

Occupancy, Short-Term. Transient occupancy; occupancy for a period less than thirty (30) days.

Open Space. Space reserved in parks, courts, playgrounds, golf courses and other similar open areas, and those areas reserved to meet the density requirements of development.

Ordinance, Zoning (Zoning Ordinance). The Virgin Land Use Code (VULU) as presently adopted and as amended hereafter by the town council.

Owner. The owner in fee simple, or real property as shown in the records of the Washington County Recorder's Office and includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, trust, private corporation, other entities authorized by the state of Utah, or any combination of any of the foregoing.

Parcel, Parent (Parent Parcel). The existing parcel of record, as identified by individual tax parcel numbers, as of the effective date of this ordinance.

Parking Lot. A cleared, dedicated area intended for parking vehicles.

Parking, Off-Street. Any parking area, lot, garage, etc for vehicles that is not on a public street.

Plan, Site (Site Plan). A plan containing the information required by VULU chapter 2.20 of this Ordinance.

Plan, Subdivision Concept (Subdivision Concept Plan). A sketch or concept drawing of a proposed division of land prior to the preliminary plat to enable a subdivider to reach a general agreement with the Planning Commission as to the form of the plat and the objectives of these regulations, and to receive guidance as to the requirements for subdivisions within the Town.

Planning and Zoning Administrator. The person appointed by the Town to perform the duties and responsibilities of the Planning and Zoning Administrator, as defined by the Town ordinances.

Planning and Zoning Commission. The Virgin Town Planning And Zoning Commission.

Plat, Final (Final Plat). A map of a subdivision, required of all subdivisions, which is prepared for final approval and recordation, which has been accurately surveyed, so that streets, lots, and other divisions thereof can be identified; such plat being in conformity with the ordinances of the town and title 10, chapter 9a, of the Utah Code annotated, 2006, as amended.

Plat, Preliminary (Preliminary Plat). A map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it. Such map need not be essentially a study plan which, when approved, will serve as a basis for an accurate or final survey of the property. The preliminary plat is preparation of the final plat.

Professional Staff. The Municipal Staff; including the Mayor, Town Clerk/Deputy Town Clerk, Town Public Works Manager, Town Zoning Administrator, Town Engineer, and Town Attorney.

Public Improvements. Parks, streets, recreation, water, sewer, storm drains, irrigation, wells, hydrants, natural gas, street lighting, power, telephone, cable, and other similar facilities which are required to be dedicated to the Town in connection with subdivision/division of land, conditional use, or site plan approval.

Recreational Lighting. Lighting used to illuminate sports fields, ball courts, playgrounds or similar outdoor recreational facilities.

Recreational Vehicle (RV), Motor Home, And Travel Trailer. A recreational vehicle (RV), motor home, or travel trailer is a vehicle designed and/or constructed to travel on public thoroughfares which is: (i) built on a single chassis; (ii) designed to be self-propelled or tow-able by a truck; and (iii) designed primarily for recreational, camping, travel, or seasonal use and not for use as a permanent dwelling but as temporary living quarters. In this ordinance, a recreational vehicle, travel trailer & motor home are collectively referred to as "recreational vehicle" or "RV".¹²

Residential Hosting. The act of renting a portion of a residential dwelling unit or casita on a temporary basis for any period less than thirty (30) consecutive days, where a permanent resident or the Owner resides.

Residential Hosting Facility or RHF. A residential Dwelling Unit where part, but not all, of the

Dwelling Unit is used, or advertised for use, on a temporary basis for any period less than thirty (30) consecutive days, regardless of the type and extent of consideration or remuneration received by the Owner, and where the Owner resides in the remainder of the Dwelling Unit. Notwithstanding the definition of Dwelling Unit, within this Section, Boarding Houses, Lodging Houses, Hotels, Motels, Tents, Campground Cabins, Travel Trailers, Recreational Vehicles ("RV"), Mobile Homes and Congregate Living Facilities may not be an RHF.

RHF Guest Quarter. That portion of a RHF comprised of a bedroom or sleeping area and bathroom where a guest or guests privately reside.

RHF Permit. An annually renewed permit an Owner of an RHF must obtain and maintain in order to utilize his/her/their Dwelling Unit as a RHF where Residential Hosting may occur. The standards and requirements for obtaining and maintaining a RHF Permit is set forth in VULU Chapter 60.04.¹³

Rubbish. Rubbish means and includes discarded items of metal, cardboard, paper, wood, plastic, or any other waste material.¹⁴

Sanitary Sewer Authority. The Utah State Health Department.

School. A public kindergarten, elementary, middle, junior high or high school.

Security Lights. Lighting designed to illuminate a property or grounds for the purpose of visual security.

Seminude Dancing Bars. Any business which sells or allows the consumption of any alcoholic beverage on its premises that permits dancing, modeling or other performances or appearance however characterized, in a state of semi-nudity.

Service Station, Automobile (Automobile Service Station). A place where gasoline, or any other motor fuel for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, but not including automobile repair. An Automobile Service Station may include a Convenience Store and a restaurant within the primary commercial building, subject to approval by the Land Use Authority as required elsewhere in the Ordinance.¹⁵

Setback. The distance that is required by the Land Use Ordinance to be maintained in an undeveloped state between a structure and the property line of the lot on which the structure is located. The term "setback" refers to a required minimum distance while the term "yard" refers to the areas to the front, side and rear of a primary structure.¹⁶

Setback, Corner (Corner Setback). The distance from the street side property line not designated as a "front setback" to the closest distance a structure may be located from the property line.¹⁷

Setback, Front (Front Setback). The distance from the front property line, or the center of the street, to the closest point a structure can be constructed to the front property line. See 8.18 for specific regulation.

Setback, Side (Side Setback). The distance from the interior side property lines to the closest distance a structure may be located from the property line.¹⁹

Setback, Rear (Rear Setback). The distance from the rear property line to the closest distance a structure may be located from the property line.²⁰

Sexual encounter Establishment. A business or commercial establishment, that as one of its primary business purposes, offers for any form of consideration, a place where two (2) or more persons may congregate, associate or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one or more of the persons is seminude. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

Sign. A presentation or representation of words, letters, figures, designs, pictures or colors, publicly displayed so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a request for aid; also, the structure or framework or any natural object on which any sign is erected or is intended to be erected or exhibited or which is being used or is intended to be used for sign purposes.

Sign, Height of. The vertical distance from the average adjacent ground level to the top of the sign including the support structure and all design elements.

Sign Structure. Any structure which supports, has supported or is designed to support a sign.

Short-Term Rental or STR. Any Dwelling Unit or other structure, or portion thereof, that is leased or rented for lodging purposes, for a period of less than thirty (30) days unless a valid RHF permit has been properly issued by the Town for the dwelling unit or structure. Notwithstanding the definition of Dwelling Unit, within this Section, Boarding Houses, Lodging Houses, Hotels, Motels, Tents, Travel Trailers, Recreational Vehicles ("RV"), Mobile Homes and Congregate Living Facilities may not be an STR.²¹

Sign. A presentation or representation of words, letters, figures, designs, pictures or colors, publicly displayed so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a request for aid; also, the structure or framework or any natural object on which any sign is erected or is intended to be erected or exhibited or which is being used or is intended to be used for sign purposes.

Sign, Advertising (Advertising Sign). A sign used for the purpose of advertising a business, profession, commodity, service, or entertainment conducted, sold, or offered.

Site or Unit. A dedicated space of ground occupied or to be occupied by an RV, cabin, or tent. 22

SMART Standard. SMART is an acronym giving criteria to guide in the setting of objectives. The letters mean: S-Specific, M-Measurable, A-Achievable or Attainable, R-Relevant, and T-Time-Bound.

Spotlight. A fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a direct beam in a particular direction.

Stable, Public (Public Stable). Any stable where horses are boarded and/or kept for remuneration, hire or sale.

Story. That portion of a building included between the surface of any floor and the floor or ceiling next above it.

STR Permit. An annually renewed permit an Owner of an STR Unit must obtain and maintain in order to utilize his/her/their Dwelling Unit as a STR Unit where Short-Term Rental use may occur.

The standards and requirements for obtaining and maintaining a STR Permit is set forth in VULU 60.02.

STR Unit. A residential Dwelling Unit located in either a Residential, Agricultural or Commercial Zone of the Town which has received an STR Permit for use by the Owner as a Short-Term Rental.²³

Street. A right of way, which has been dedicated to the town and accepted by the town council, or which the town has acquired by prescriptive right, deed or by dedication.

Street, Arterial (Arterial street). A major traffic way, which is intended to serve as a controlled-access highway, major street parkway, or other equivalent term to identify those streets comprising the basic structure of the street plan. Arterial streets shall have an eighty-foot (80') right of way.

Street, Private (Private street). A right of way, which has been reserved by dedication unto the subdivider or lot owners to be used as a private access to serve property and complying with the adopted street cross section standards of the town for the type of street as described above. All private streets shall be approved by the Town, constructed to the same standards as required of public streets, and maintained by the subdivider or other private agency.

Street, Public (Public street). A street, which affords access to abutting property, including highways, roads, lanes, avenues and boulevards.

Structure. Anything constructed, the use of which requires fixed location on the ground, or attachment to something having a fixed location upon the ground; includes "building" (see definition of building), and a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Structure, Historic (Historic Structure). Any structure that is:

- A. Listed individually in the national register of historic places (a listing maintained by the department of interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the national register; or
- B. Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district; or
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (i) by an approved state program as determined by the secretary of the interior; or (ii) directly by the Secretary Of The Interior in states without approved programs.

Structure, Nonconforming (Nonconforming Structure). A structure that: (i) legally existed before its current land use designation; and (ii) because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of the land.

Sub Divider. Any person, corporation, partnership, association, individual, firm, trust or agent dividing or proposing to divide land resulting in a subdivision.

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: (i) the subdivision of land for all non-residential uses; that is, commercial/industrial purposes; (ii) the subdivision or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat or other recorded instrument.

Subdivision Concept Plan. A sketch or concept drawing of a proposed division of land prior to the preliminary plat to enable a sub divider to reach general agreement with the Planning Commission as to the form of the plat and the objectives of these regulations, and to receive guidance as to the requirements for subdivisions within the town.

Subdivision, Cluster (Cluster Subdivision). A housing development in a rural setting that is characterized by compact lots and common open space, and where the natural features of the land are maintained to the greatest extent possible.

Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before "initial construction" of the improvement. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: (i) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (ii) any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Systems, Alternative Energy. A ground source heat pump, wind or solar energy system.

System, Solar Energy. A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation or water heating.

Tent. A collapsible shelter of canvas or other material stretched and sustained by poles and used for shelter/sleeping quarters outdoors.²⁵

Use or Structure, Accessory (Accessory Use Or Structure). A use or structure on the same lot with, and of a name customarily incidental and subordinate to, the principal use or structure.

Use, Accessory (Accessory Use). A use subordinate and incident to the main use of a building or land located upon the same lot or parcel.

Use, Conditional (Conditional Use). A land use that because of its unique characteristics or potential impact on the Town of Virgin, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts. A conditional use permit is required, pursuant to this ordinance.

Use, Nonconforming (Nonconforming Use). A use of land that: (i) legally existed before its current land use designation; (ii) has been maintained continuously since the time the land use ordinance governing the land changed; and (iii) because of one or more subsequent land use changes, does not conform to the regulations that now govern the use of the land.

Utilities. See Improvements, Public.

Utility, Public (Public Utility). Underground water, power, sewer, communication systems, or natural gas carrier.

Variance. A grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (for complete requirements, see section 60.6 of the NFIP.)

Vehicle, Recreational (Recreational Vehicle). A vehicle designed and/or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah motor vehicle act which is: (i) built on a single chassis; (ii) two and four-tenths (2.4) square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently tow able by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Vehicle and Travel Trailer Park, Recreational (Recreational Vehicle And Trailer Park). An area or tract of land or a designated section within a mobile home park where lots are rented or held for rent to one (1) owner or user of a recreational vehicle for a temporary time, not to exceed 180 days.

Wind Turbine. Any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

Wind Turbine, Residential. A wind turbine of ten kilowatt (10 kw) name plate generating capacity or less.

Wind Turbine, Small. A wind turbine of one hundred-kilowatt (100 kw) nameplate generating capacity or less.

Wind Turbine, Utility. A wind turbine of more than one hundred kilowatt (100 kw) name plate generating capacity.

Yard. An open Space on a Lot, other than a Court, which Open Space is unoccupied and unobstructed from the ground upward by buildings or structures, except as permitted elsewhere in this Ordinance.²⁶

Yard, Front (Front Yard). A space on the same lot with a building, between the front line of a building and the front lot line, and extending across the full width of the lot. The “depth” of the front yard is the minimum distance between the front lot line and the front line of the building.

Yard, Rear (Rear Yard). A space on the same lot with a building, between the rear line of the building and the rear lot line, extending across the full width of the lot. The “depth” of the rear yard is the minimum distance between the rear lot line and the rear line of the building.

Yard, Side (Side Yard). A space on the same lot with a building, between the sideline of the building, and the side lot line and extending from the front yard to the rear yard. The “width” of the side yard is the minimum distance between the side lot line and the sideline of the building.

Zone. A portion of the territory of the Town of Virgin, established as a zone by ordinance, within which certain uniform regulations or requirements or various continuations thereof apply.

Zoning Administrator. The local official designated by the virgin town council to enforce the regulations of this ordinance; the Virgin Town Zoning Administrator may also be the Virgin Town building Inspector.

- ¹ As amended 2013.08
- ² As amended by ordinance #2015-092315-1 BOA replaced the Appeal Authority
- ³ As repealed and replaced by ordinance #2015-092315-1 Appeal Authority
- ⁴ As amended August 2013 pursuant to ordinance #082813-B
- ⁵ As amended July 2016 pursuant to ordinance #2016-072716-3
- ⁶ As amended July 2016 pursuant to ordinance #2016-072716-3
- ⁷ As amended July 2016 pursuant to ordinance #2016-072716-3
- ⁸ As amended pursuant to ordinance # 2013-082813-B
- ⁹ As amended September 2013 pursuant to ordinance #13-092513-2
- ¹⁰ As amended pursuant to Ordinance #2017-1
- ¹¹ As amended Feb 28, 2007
- ¹² As amended July 2016 pursuant to ordinance #2016-072716-3
- ¹³ As amended pursuant to ordinance # 2018-1
- ¹⁴ As amended 9-26-2013
- ¹⁵ As amended pursuant to ordinance #2017-032217-1
- ¹⁶⁻²⁰ As amended pursuant to ordinance #2017-1
- ²¹ As amended pursuant to ordinance # 2018-1
- ²² As amended July 2016 pursuant to ordinance #2016-072716-3
- ²³ As amended pursuant to ordinance # 2018-1
- ²⁴ As amended pursuant to ordinance #2018-29
- ²⁵ As amended July 2016 pursuant to ordinance #2016-072716-3
- ²⁶ As amended pursuant to ordinance #2017-1

HISTORY

Amended by Ord. [2019-14](#) on 7/17/2019
Amended by Ord. [2019-21](#) on 9/4/2019
Amended by Ord. [2019-18](#) on 9/4/2019
Amended by Ord. [2019-25](#) on 9/25/2019
Amended by Ord. [2019-19](#) on 11/19/2019
Amended by Ord. [2019-40](#) Addition of Cannibus definitions on 12/18/2019
Adopted by Ord. [2020-01](#) Addition of Professional Staff definition on 1/22/2020
Amended by Ord. [2020-25](#) Amends Building Height Definition on 9/23/2020
Adopted by Ord. [2020-29](#) Building Height Definition on 11/18/2020
Amended by Ord. [2020-45](#) CLF Definitions on 11/18/2020
Amended by Ord. [2021-02](#) Amends Building Elevated definition on 1/27/2021
Amended by Ord. [2021-03](#) Amends Heat Transfer Liquid definition on 1/27/2021
Amended by Ord. [2021-05](#) Removal of Health Officer, Local definition on 1/27/2021
Amended by Ord. [2021-06](#) Removal of Glamping definition on 1/27/2021
Amended by Ord. [2021-07](#) Amends various Grade related definitions on 1/27/2021
Amended by Ord. [2021-08](#) Clarifies Junk definition on 1/27/2021
Amended by Ord. [2021-09](#) Removal of Junk Cars definition on 1/27/2021
Amended by Ord. [2021-10](#) Removal of Junk Yard definition on 1/27/2021
Amended by Ord. [2021-11](#) Amends Lumen definition on 1/27/2021
Amended by Ord. [2021-12](#) Amends Luminaire definition on 1/27/2021
Amended by Ord. [2021-13](#) Removal of various Levee based definitions on 1/27/2021
Amended by Ord. [2021-15](#) Amends Parking Lot definition on 1/27/2021
Amended by Ord. [2021-16](#) Amends Residential Hosting definition on 1/27/2021
Amended by Ord. [2021-17](#) Removal of Park, Travel Trailer definition on 1/27/2021
Amended by Ord. [2021-04](#) Amends Home Occupation definition on 1/27/2021
Amended by Ord. [2021-14](#) Amends Off Street Parking definition on 1/27/2021
Amended by Ord. [2021-20](#) Amends Engineer definition on 2/24/2021
Amended by Ord. [2021-21](#) Removes definition of Fixture on 2/24/2021
Amended by Ord. [2021-23](#) Amends definition of Codes, Covenants and Restrictions on 2/24/2021

Amended by Ord. [2021-25](#) Removes definition of Court on 2/24/2021
Amended by Ord. [2021-26](#) Amends Height of Sign definition on 2/24/2021
Amended by Ord. [2021-27](#) Removes definition of Entities of Public Ownership on 2/24/2021
Amended by Ord. [2021-28](#) Amends definition of Common Open Space on 2/24/2021
Amended by Ord. [2021-40](#) Amends Advertising Sign definition on 4/21/2021
Amended by Ord. [2021-42](#) Removes definitions with no reference on 4/21/2021
Adopted by Ord. [2021-47](#) Removal of terms not found in VULU on 5/19/2021
Adopted by Ord. [2021-53](#) Sexually Oriented Business Definitions on 6/23/2021
Amended by Ord. [2021-56](#) "Definitions in section "D on 7/28/2021
Amended by Ord. [2021-57](#) Updating multiple outdated definitions on 8/21/2021
Amended by Ord. [2021-69](#) Front Setback clarification on 10/20/2021
Amended by Ord. [2021-81](#) Various definition amendments on 10/20/2021
Amended by Ord. [2021-84](#) Definition adjustments on 12/16/2021
Amended by Ord. [2022-04](#) Insurance definition on 2/23/2022
Amended by Ord. [2022-05](#) Lighting/Luminaire definition adjustments on 2/23/2022
Amended by Ord. [2023-05](#) Added definition of "Adversely Affected Party" on 5/16/2023
Amended by Ord. [2024-01](#) to revise definition of STR Unit on 1/16/2024
Amended by Ord. [2024-05](#) revised definition of Short-Term Rental or STR on 3/19/2024
Amended by Ord. [2024-06](#) Added definition for Billboard on 3/19/2024