

**VIRGIN TOWN
ORDINANCE # 2019-25**

AN ORDINANCE RESTATING CHAPTER ONE GENERAL PROVISIONS & INTRODUCTION TO DEFINITIONS SECTION 1.6 DEFINITIONS. (“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 One, 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 clarify and provide continuity to VULU; and

WHEREAS, the Virgin Town Planning and Zoning Commission held properly noticed Public Hearings on these amendments on September 11, 2019, and voted to recommend its draft amendment ordinance to the Virgin Town Council at a regular meeting on _____;

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:

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

~~**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.~~

~~**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.~~

~~**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.~~

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

~~**Building, Elevated** (Elevated Building). A non-basement building (i) built, in the case of a building in FIRM zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in zones V1-30, VE or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the~~

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water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1 30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1 30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the NFIP regulations.

Easement. The 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.

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

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.

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.

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 2019-25 will become effective on this ___ day of _____, 2019 based upon the following vote:

Council Member:

Dan Snyder	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

ATTEST:

Matthew Spendlove, Mayor

Monica Bowcutt, Town Clerk

ORDINANCE _____
Chapter ____ Section _____
APPROVED: _____