

Date: 10/14/20
Name of preparer: Gene Garate
Contact information of preparer: zoningadministrator@virgin.utah.gov
Reason for change: Updating Manufactured Home definition. (See Utah State Code 15A-1-302(6))
Current wording: 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.
Proposed wording: Manufactured Home - a transportable factory-built housing unit constructed on or after June 15, 1976, according to the HUD Code, in one or more sections, that: (a) in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet: and (b) is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

Date: 10/14/20
Name of preparer: Gene Garate
Contact information of preparer: zoningadministrator@virgin.utah.gov
Reason for change: Updating “Mobile Home” definition. (See Utah State Code 15A-1-302(7))
Current wording: 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.
Proposed wording: Mobile Home. a transportable factory-built housing unit built before June 15, 1976, in accordance with a state mobile home code which existed prior to the HUD Code.

Date: 10/14/20
Name of preparer: Gene Garate
Contact information of preparer: zoningadministrator@virgin.utah.gov
Reason for change: Removing excessive language in definition – (Additional information to be updated and included in VULU Chapter 18) (See Utah State Code 10-9a-103(65))
Current wording: 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.
Proposed wording: Subdivision. Any land that is divided, resubdivided, or proposed to be divided into two or more lots 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.

Date of document preparation: 5-25-2020
Name of preparer: Sean Amodt
Contact information of preparer: amodtsg@gmail.com
Reason for change: <ul style="list-style-type: none"> • To simplify definitions. • Remove unnecessary words. • Add needed words used in the interpretation of our ordinances.
Current wording: <u>2.12 DEFINITIONS</u> 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. 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 (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 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.

Building, Height of (Height of Building). The vertical distance from the average 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

Proposed changes and additions:

2.12 DEFINITIONS

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.

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.~~

Builder. The applicant for a building permit.

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

Building Code. Regulations governing building design, construction, and maintenance which are covered under the Uniform Building Code.

~~**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.~~ **The person officially designated by the Town Council to review plans and visit construction sites to ensure all local and national building codes and regulations are being met.**

~~**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.

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~~**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~~

New def.:

- 1- The organized efforts and activities of individuals to produce and sell goods and services for profit.
- 2- An organization or enterprising entity engaged in commercial, industrial, or professional activities.

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2.12 DEFINITIONS

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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

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Business.

- 1- The organized efforts and activities of individuals to produce and sell goods and services for profit.
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VIRGIN TOWN
ORDINANCE # 2020-34

AN ORDINANCE AMENDING CHAPTER 2.12 (GENERAL PROVISIONS AND DEFINITIONS) IN ORDER TO MAINTAIN CONTINUITY BETWEEN OTHER SECTIONS OF VULU.

- Updating Manufactured Home definition
- Updating “Mobile Home” definition
- Updating Subdivision definition
- Updating Letter “B” Definitions

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 Two, 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 provide clarity and continuity within VULU; and

WHEREAS the Virgin Town Planning and Zoning Commission held properly noticed Public Hearings on these amendments on October 14, 2020, and voted to recommend its draft amendment ordinance to the Virgin Town Council at a regular meeting on October 28, 2020;

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:

- **Manufactured Home** - a transportable factory-built housing unit constructed on or after June 15, 1976, according to the HUD Code, in one or more sections, that:
 - (a) in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet: and
 - (b) is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

- **Mobile Home.** a transportable factory-built housing unit built before June 15, 1976, in accordance with a state mobile home code which existed prior to the HUD Code.
- **Subdivision.** Any land that is divided, resubdivided, or proposed to be divided into two or more lots 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.

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Business.

1- The organized efforts and activities of individuals to produce and sell goods and services for profit.

2- An organization or enterprising entity engaged in commercial, industrial, or professional activities.

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# 2020-34 will become effective on this ___ day of _____, 2020 based upon the following vote:

Council Member:

Gene Garate	A YE___ NAE___
LeRoy Thompson	A YE___ NAE___
Kevin Stout	A YE___ NAE___
Jay Lee	A YE___ NAE___
Matthew Spendlove, Mayor	A YE___ NAE___

VIRGIN TOWN
 a Utah municipal corporation

 Matthew Spendlove, Mayor

ATTEST:

Monica Bowcutt, Town Clerk