

Date: 1/13/21
Name of preparer: Gene Garate
Contact information of preparer: zoningadministrator@virgin.utah.gov
Reason for change: A layman's definition is sufficient for our ordinances. Persons building elevated structures can reference the IBC for detailed information.
Current wording: 2.12 DEFINITIONS 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.
Proposed wording: 2.12 DEFINITIONS 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.
Reason for change: Child Nursery is not found in our ordinances other than in definitions. The current definition is acting as an ordinance. If the commission feels that the ordinance contained therein is necessary, it should be added to the appropriate ordinance. The town definitions are not meant to be a dictionary or a glossary for terms outside of the existing ordinances.
Current wording: 2.12 - DEFINITIONS Nursery, Child (Child Nursery). An establishment, excluding a public school, for the care and/or the instruction of six (6) or more children other than members of the family residing on the premises.
Proposed wording 2.12 – DEFINITIONS ~~Nursery, Child (Child Nursery). An establishment, excluding a public school, for the care and/or the instruction of six (6) or more children other than members of the family residing on the premises.~~

VIRGIN TOWN

ORDINANCE # 2021-02

AN ORDINANCE AMENDING CHAPTER TWO OF THE VIRGIN UNIFORM LAND USE ORDINANCES (“VULU”).

RECITALS

WHEREAS, - Utah Code provides for the adoption and amendment of Town land use ordinances by the Land Use Authority, which in Virgin is the “Town Council with recommendation by the Planning and Zoning Commission” ; and

WHEREAS, the Virgin Land Use Authority finds that the existing Virgin Town Code (VULU) 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 January 13, 2021, and voted to recommend its draft amendment ordinance to the Virgin Town Council at a regular meeting on January 27, 2021;

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:

VULU 2.12 DEFINITIONS

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.

~~**Nursery, Child** (Child Nursery). An establishment, excluding a public school, for the care and/or the instruction of six (6) or more children other than members of the family residing on the premises.~~

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 # 2021-02
will become effective on this ____ day of _____, 2021 based upon the following vote:

Council Member:

Gene Garate	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

Matthew Spendlove, Mayor

ATTEST:

Monica Bowcutt, Town Clerk