

Date: 1/13/21
Name of preparer: Gene Garate
Contact information of preparer: zoningadministrator@virgin.utah.gov
Reason for change: Other than determining the height of buildings or structures, all other definitions of grade are engineering terms. For all other building purposes, the IBC provides necessary guidance and therefore has no need to be included in VULU.
Current wording: 2.12 - DEFINITIONS Grade. For buildings or structures adjoining one (1) street only, the elevation of the sidewalk at the center of the wall adjoining the street. For buildings or structures adjoining more than one (1) street, the average of the elevation of the sidewalk at the centers of all walls adjoining the streets. For buildings or structures having no wall adjoining the street, the average level of the finished natural surface of the ground adjacent to the centers of all exterior walls of the building. For the purposes of this section, natural surface level includes: (i) the level at time of lot purchase; (ii) a previously excavated level, if substantially unchanged for ten (10) or more years; or (iii) a new level resulting from expressly approved excavation of lot. Any wall or structure parallel or nearly parallel to and not more than five feet (5') from a street line is to be considered as adjoining the street. Grade, For Buildings or Structures Adjoining one (1) street only. The elevation of the sidewalk the elevation of the sidewalk at the center of the wall adjoining the street. Grade, For Buildings or Structures Adjoining more than one (1) street. The average of the elevation of the sidewalk at the centers of all walls adjoining the streets. Grade, For Buildings or Structures Having No Wall Adjoining a street. The average level of the finished natural surface of the ground adjacent to the centers of all exterior walls of the building. Grade, Highest Adjacent (Highest Adjacent Grade). The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
Proposed wording 2.12 - DEFINITIONS Grade, (Building Height Determination) - The lowest level of finished ground elevation adjoining a building or structure at the front primary exterior wall. ~~Grade. For buildings or structures adjoining one (1) street only, the elevation of the sidewalk at the center of the wall adjoining the street. For buildings or structures adjoining more than one (1) street, the average of the elevation of the sidewalk at the centers of all walls adjoining the streets. For buildings or structures having no wall adjoining the street, the average level of the finished natural surface of the ground adjacent to the centers of all exterior walls of the building. For the purposes of this section, natural~~

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Grade, For Buildings or Structures Adjoining one (1) street only. The elevation of the sidewalk the elevation of the sidewalk at the center of the wall adjoining the street.

Grade, For Buildings or Structures Adjoining more than one (1) street. The average of the elevation of the sidewalk at the centers of all walls adjoining the streets.

Grade, For Buildings or Structures Having No Wall Adjoining a street. The average level of the finished natural surface of the ground adjacent to the centers of all exterior walls of the building.

Grade, Highest Adjacent (Highest Adjacent Grade). The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

VIRGIN TOWN
ORDINANCE # 2021-07

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:

2.12 - DEFINITIONS

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

~~**Grade.** For buildings or structures adjoining one (1) street only, the elevation of the sidewalk at the center of the wall adjoining the street. For buildings or structures adjoining more than one (1) street, the average of the elevation of the sidewalk at the centers of all walls adjoining the streets. For buildings or structures having no wall adjoining the street, the average level of the finished natural surface of the ground adjacent to the centers of all exterior walls of the building. For the purposes of this section, natural surface level includes: (i) the level at time of lot purchase; (ii) a previously excavated level, if substantially unchanged for ten (10) or more years; or (iii) a new level resulting from expressly approved excavation of lot. Any wall or structure parallel or nearly parallel to and not more than five feet (5') from a street line is to be considered as adjoining the street.~~

~~**Grade, For Buildings or Structures Adjoining one (1) street only.** The elevation of the sidewalk the elevation of the sidewalk at the center of the wall adjoining the street.~~

~~**Grade, For Buildings or Structures Adjoining more than one (1) street.** The average of the elevation of the sidewalk at the centers of all walls adjoining the streets.~~

~~**Grade, For Buildings or Structures Having No Wall Adjoining a street.** The average level of the finished natural surface of the ground adjacent to the centers of all exterior walls of the building.~~

~~**Grade, Highest Adjacent** (Highest Adjacent Grade). The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.~~

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 # 2021-07 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

REQUEST FOR VIRGIN TOWN COUNCIL ACTION

To: Mayor and City Council
From: Planning and Zoning
Date:
Subject:
Citizen comments summary:
Recommendation:
Background and Findings:
Fiscal Impact:
Supporting Documents:
This request prepared by:
This request prepared on: