Date: 3/17/21
Name of preparer: Sean Amodt
Contact information of preparer: amodtsg@gmail.com
The following definitions have been reviewed over many public meetings and have been determined to need changes. Most are just simplified by finding legal definitions to replace them.

Current:

2.12 - DEFINITIONS

Developer. Either: (i) an applicant for subdivision approval; (ii) an applicant for a building permit or another permit issued; or (iii) the owner of any right, title, or interest in real property for which subdivision/division of land approval or concept plan approval is sought.

Development. Any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Development Envelopes. A delineated area that identifies the location within which all grading, clearing, excavation, and development shall be located on a parcel. Exceptions may be made for underground improvements, drainage and utility installations (or other similar associated improvements), improvements approved by the Fire Authority for wildfire mitigation purposes, trails dedicated to public use, and driveways.

Disabled/Disability. A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment. "Disability" does not include current illegal use of, or addiction to, any Federally- controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802, or successor law. Disabled/disability includes those as defined in Sections 62A-5-1O1 UCA and 57-21-2 UCA.

District. A portion of the territory of the Town of Virgin, established as a zoning district by this ordinance, within which certain uniform regulations or requirements or various continuations thereof apply under the provisions of this ordinance; also includes "zone", and "zoning district."

Drainage Course, Natural (Natural Drainage Course). Any natural watercourse, which is open continuously for flow of water in a definite direction or course.

Driveway. A private entrance, the use of which is limited to persons residing, employed or otherwise using or visiting the premises on which the entrance is located.

Dwelling. Any building or portion thereof designed or used primarily as a long-term residence or sleeping place of one or more family members, but not including a tent, recreational vehicle, travel trailer, hotel, motel, hospital, or nursing home.

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 be occupied by more than two (2) families, and having more than two (2) dwelling units.

Dwelling, Single-Family (Single-Family Dwelling). A building arranged or designed for the long term occupancy of one (1) family, the structure having only one (1) dwelling unit.

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.

Proposed:

2.12 - DEFINITIONS

Developer. ~~Either: (i) an applicant for subdivision approval; (ii) an applicant for a building permit or another permit issued; or (iii)~~ the owner of any right, title, or interest in real property for which a building permit, subdivision/division of land, ~~approval~~ or concept plan approval is sought.

Development. ~~Any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.~~

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

Development Envelopes. ~~A delineated area, in a legally plotted subdivision, that identifies the location within which all grading, clearing, excavation, and development shall be located on a parcel. Exceptions may be made for underground improvements, drainage and utility installations (or other similar associated improvements), improvements approved by the Fire Authority for wildfire mitigation purposes, trails dedicated to public use, and driveways.~~

new def. : A line drawn on a plan of a lot to define the limits for the siting of any buildings/structures on that lot.

Disabled/Disability. ~~A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment. "Disability" does not include current illegal use of, or addiction to, any Federally- controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802, or successor law. Disabled/disability includes those as defined in Sections 62A-5-1O1 UCA and 57-21-2 UCA.~~

new def.: 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. ~~A portion of the territory of the Town of Virgin, established as a zoning district by this ordinance, within which certain uniform regulations or requirements or various continuations thereof apply under the provisions of this ordinance; also includes "zone", and "zoning district."~~

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

Drainage ~~Course~~, Natural (Natural Drainage ~~Course). Any natural watercourse, which is open continuously for flow of water in a definite direction or course.~~ (only 'natural drainage' shows up in the ordinances.)

new def. : The area where excess water flows off the land without the help of artificial means, like with pipes or drains.

Driveway. ~~A private entrance, the use of which is limited to persons residing, employed or otherwise using or visiting the premises on which the entrance is located.~~

Legal def. : A short private road that leads to a house or garage which is maintained by an individual or group.

Dwelling. ~~Any building or portion thereof designed or used primarily as a long-term residence or sleeping place of one or more family members, but not including a tent, recreational vehicle, travel trailer, hotel, motel, hospital, or nursing home.~~

New def.: 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.~~

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

Dwelling, Multiple Unit ~~Family~~ (Multiple Unit ~~Family~~ Dwelling). A building arranged or designed to ~~be occupied by more than two (2) families, and having~~ have two (2) or more ~~than two (2)~~ dwelling units.

~~**Dwelling, Single-Family** (Single-Family Dwelling). A building arranged or designed for the long-term occupancy of one (1) family, the structure having only one (1) dwelling unit.~~

~~**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.~~ (This can fit under multiple unit dwelling.)

VIRGIN TOWN

ORDINANCE # 2021-56

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 _____, 2021, and voted to recommend its draft amendment ordinance to the Virgin Town Council at a regular meeting on _____, 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

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 nonresidential uses that create a need for new, expanded, or improved public facilities within the Town.

Development Envelopes. A line drawn on a plan of a lot to define the limits for the siting of any buildings/structures on that lot.

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, like with pipes or drains.

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

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

~~**Dwelling, Single-Family** (Single-Family Dwelling). A building arranged or designed for the long-term occupancy of one (1) family, the structure having only one (1) dwelling unit.~~

~~**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.~~

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 will become effective on this 28th day of April, 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: