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| --- |
| Date: 1/30/20 |
| Name of preparer: Gene Garate |
| Contact information of preparer: zoningadministrator@virgin.utah.gov |
| Reason for change:Our current definition for “Family” is wordy, confusing and open to interpretation. After examining definitions from a list of 68 cities and towns, the most common practice is no definition at all. Those towns that do have a definition use a realtors definition with additional allowable persons added. (See Below) |
| Current wording:2.12 – Family - One (1) or more individuals occupying a dwelling unit and living together as a single household unit with common access to, and common use of, all facilities comprising the dwelling unit, as distinguished from a boarding or rooming house, fraternity or sorority house, club, motel and other similar uses. In general, five (5) or more unrelated persons living in a single Dwelling do not constitute the functional equivalent of a traditional family. However, a group of five (5) or more unrelated individuals may request designation by the Planning commission as the functional equivalent of a family for the purposes of this zoning ordinance. The Planning Commission will hear the request and find that a group qualifies as a family if the group:Lives and cooks together in a residence as a "single housekeeping unit”; andshares expenses for food, rent, utilities or other household expenses; andis to “all outward appearances, a relatively normal, stable, and permanent family unit;" andis not a “temporary living arrangement as would be a group of college students sharing a house;" andwill inhabit a dwelling which does not provide "a framework for transients or transient living;” andshares the entire house; andincludes one (1) or more adults domiciled in the residence (see 42 U.S.C. § 3602(k), and Keys Youth Services v. City of Olathe); any minor occupants are domiciled therein with: (i) a parent or another person who has or is in the process of securing legal custody of such individual or individuals; or (ii) the designee of such parent or other person having such custody, with the written permission of such parent or other person." |
| Proposed wording:2.12 Family - An individual, or two (2) or more persons related by blood, marriage or adoption, or a group of not more than four (4) persons (excluding servants) who are not related, living in a dwelling unit as a single housekeeping unit and using common cooking facilities. |

**VIRGIN TOWN**

**ORDINANCE # .**

AN ORDINANCE EXPRESSLY DEFINING AND MODERATEING CAMPING IN ANY ZONE WITHIN THE MUNICIPAL BOUNDARIES OF THE TOWN EXCEPT IN APPROVED AND LEGAL NON-CONFORMING CAMPGROUNDS.

# RECITALS

**WHEREAS,** Virgin Town (“Town”) is an incorporated municipality duly organized under the laws of the State of Utah;

**WHEREAS,** the Town is authorized pursuant to Utah Code Annotated, Title 10, Chapter

9A, to enact ordinances necessary or appropriate for the use of land within the Town’s municipal boundaries;

**WHEREAS,** pursuant to Utah Code Annotated, Title 10, Chapter 3b, Section 301, the Virgin Town Council (“Town Council”) is designated as the governing body of the Town.

**WHEREAS,**

**WHEREAS,**

**WHEREAS,** the Town, by and through its Town Council, has determined that it is in the best interests of the health, safety and general welfare of the Town and its residents to expressly define camping and moderate it throughout the Town, including public land located within the Town boundaries, except in existing campgrounds.

# ORDINANCE

**NOW THEREFORE** be it ordained by Virgin Town, Washington County, State of Utah, acting by and through the Town Council amend VULU as follows:

**REQUEST FOR VIRGIN TOWN COUNCIL ACTION**

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| 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:  |