

# VIRGIN TOWN

## ORDINANCE # 2020-45

AN ORDINANCE AMMENDING SECTIONS OF CHAPTER 50 and 2.12 (GENERAL PROVISIONS AND DEFINITIONS) IN ORDER TO MAINTAIN CONTINUITY BETWEEN OTHER SECTIONS OF VULU.

### 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**, sections of VULU Chapter 50 and 2.12 are currently not compatible with other parts of VULU,

**WHEREAS**, amendments to VULU Chapter 50 and 2.12 would create better continuity and compatibility within VULU,

**WHEREAS**, the Town, by and through its Town Council, has determined that it is in the best interests of the Town and its residents to amend sections of VULU chapter 50 and 2.12 to maintain continuity and compatibility within VULU

### ORDINANCE

**NOW THEREFORE** be it ordained by Virgin Town, Washington County, State of Utah, acting by and through the Town Council, and for the reasons listed below, amend VULU Chapter 50 and 2.12 Definitions from the current wording to the following proposed wording with proper formatting adjustments:

\*Changes or additions are indicated in red text for public hearing purposes only and will be formatted to proper VULU guidelines upon Town Council approval for publishing.

|                                                                                              |
|----------------------------------------------------------------------------------------------|
| Date of document preparation: 10-14-2020                                                     |
| Name of preparer: Sean Amodt                                                                 |
| Contact information of preparer: amodtsg@gmail.com                                           |
| Reason for change: <ul style="list-style-type: none"><li>• To clarify definitions.</li></ul> |

- Remove unnecessary wording.
- Moving definitions to Chapter 2.12.

Current wording:

### **50.02 SPECIAL GUIDELINES**

In order to determine which types of businesses and congregate living facilities will work best in which zones, certain properties of proposed enterprises must be considered.

1. For the purposes of this ordinance, an ‘open’ residence is one where inhabitants come and go as they please, where movements of occupants and their visitors are unrestricted by formal program rules or by external law. An ‘open’ facility is one in which residents have unrestricted interaction with the community. Such facilities encourage integration of residents in a neighborhood atmosphere and, in commercial areas, connect and enhance surrounding commerce spaces.
2. For the purposes of this ordinance, a ‘closed’ residence is one where inhabitants are strictly monitored, where movements of occupants may be limited by formal program rules and/or external law. A ‘closed’ facility does not necessarily provide unrestricted interaction with the community. Such facilities do not encourage unsupervised integration into the neighborhood and, in commercial zones, create commerce-stagnant areas which may interrupt the flow of consumer-oriented business.
3. For purposes of this ordinance, a ‘permanent’ residence or CLF means any building or portion thereof where individuals are actually residing at a given point in time and intend to remain, and not a place of temporary sojourn or transient visit.
4. For the purposes of this ordinance, a ‘temporary’ CLF or residence means any building or portion thereof intended to house occupants on a temporary basis.
5. For the purposes of this ordinance, a ‘non-tourist-based’ CLF or residence means any building or portion thereof not necessarily intended for those visiting the area for recreation or entertainment.
6. For the purposes of this ordinance, a ‘tax-base contributory’ facility is one which provides substantial sales, service, or, if authorized by the state and adopted by resolution of the Town Council, tourist or resort taxes to the town.
7. For the purposes of this ordinance, a ‘non-tax-base contributory’ facility is one which does not contribute substantial sales, service, tourist, or resort taxes to the town.

Proposed changes and additions:

### **50.02 SPECIAL GUIDELINES**

~~In order to determine which types of businesses and congregate living facilities will work best in which zones, certain properties of proposed enterprises must be considered.~~

- ~~1. For the purposes of this ordinance, an ‘open’ residence is one where inhabitants come and go as they please, where movements of occupants and their visitors are unrestricted by formal program rules or by external law. An ‘open’ facility is one in which residents have unrestricted interaction with the community. Such facilities encourage integration of residents in a neighborhood atmosphere and, in commercial areas, connect and enhance surrounding commerce spaces.~~

2. ~~For the purposes of this ordinance, a ‘closed’ residence is one where inhabitants are strictly monitored, where movements of occupants may be limited by formal program rules and/or external law. A ‘closed’ facility does not necessarily provide unrestricted interaction with the community. Such facilities do not encourage unsupervised integration into the neighborhood and, in commercial zones, create commerce stagnant areas which may interrupt the flow of consumer-oriented business.~~
3. ~~For purposes of this ordinance, a ‘permanent’ residence or CLF means any building or portion thereof where individuals are actually residing at a given point in time and intend to remain, and not a place of temporary sojourn or transient visit.~~
4. ~~For the purposes of this ordinance, a ‘temporary’ CLF or residence means any building or portion thereof intended to house occupants on a temporary basis.~~
5. ~~For the purposes of this ordinance, a ‘non tourist based’ CLF or residence means any building or portion thereof not necessarily intended for those visiting the area for recreation or entertainment.~~
6. ~~For the purposes of this ordinance, a ‘tax base contributory’ facility is one which provides substantial sales, service, or, if authorized by the state and adopted by resolution of the Town Council, tourist or resort taxes to the town.~~
7. ~~For the purposes of this ordinance, a ‘non tax base contributory’ facility is one which does not contribute substantial sales, service, tourist, or resort taxes to the town.~~

The following definitions will be added to chapter 2.12 in their respective alphabetical order

## **2.12 DEFINITIONS**

**Congregate Living Facility (CLF).** A 24-hour group living environment for four or more individuals unrelated to the owner or provider.

**CLF, Closed.** ~~For purposes of this ordinance, A ‘closed’ residence is one where inhabitants are strictly monitored, where movements of occupants may be limited by formal program rules and/or external law. A ‘closed’ facility does not necessarily provide unrestricted interaction with the community. Such facilities do not encourage unsupervised integration into the neighborhood and, in commercial zones, create commerce stagnant areas which may interrupt the flow of consumer-oriented business.~~

**CLF, Non-tax-based Contributory.** ~~For the purposes of this ordinance, A ‘non-tax-base contributory’ facility is one which does not contribute substantial sales, service, tourist, or resort taxes to the town.~~

**CLF, Non-tourist Based.** ~~For the purposes of this ordinance, A ‘non-tourist-based’ CLF or residence means any building or portion thereof not necessarily intended for those visiting the area for recreation or entertainment.~~

**CLF, Open.** ~~For purposes of this ordinance, An ‘open’ residence is one where inhabitants come and go as they please, where movements of occupants and their visitors are unrestricted by formal program rules or by external law. An ‘open’ facility is one in which residents have unrestricted interaction with the community. Such facilities encourage integration of residents in a neighborhood atmosphere and, in commercial areas, connect and enhance surrounding commerce spaces.~~

**CLF, Permanent.** ~~For purposes of this ordinance, a ‘permanent’ residence or CLF means any building or portion thereof where individuals are actually residing at a given point in time and intend to remain, and not a place of temporary sojourn or transient visit.~~

**CLF, Temporary.** ~~For the purposes of this ordinance,~~ a ‘temporary’ CLF or residence means any building or portion thereof intended to house occupants on a temporary basis.

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**CLF, Closed.** A ‘closed’ residence is one where inhabitants are strictly monitored, where movements of occupants may be limited by formal program rules and/or external law. A ‘closed’ facility does not necessarily provide unrestricted interaction with the community. Such facilities do not encourage unsupervised integration into the neighborhood.

**CLF, Non-tax-based Contributory.** A ‘non-tax-base contributory’ facility is one which does not contribute substantial sales, service, tourist, or resort taxes to the town.

**CLF, Non-tourist Based.** A ‘non-tourist-based’ CLF or residence means any building or portion thereof not necessarily intended for those visiting the area for recreation or entertainment.

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