

Date: 7/27/21
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 Facilities or Services, Essential (Essential Facilities or Services). Utilities or sanitary and public safety facilities or services provided by a public utility or other governmental agency. Facility for the Disabled/Residential Facility for Persons with a Disability, Residential. A residence in which two or more persons with a disability reside and which is licensed or certified by the Department of Human Services under Title 62A, Chapter 5, of the Utah Code, Services to People with Disabilities; or is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act. Facility for the Elderly, Residential (Residential Facility For The Elderly). A dwelling unit that is either owned by one of the residents or by an immediate family member of one of the residents, or is a facility for which the title has been placed in trust for a resident; and is occupied on a twenty-four (24) hour-per-day basis by eight (8) or fewer elderly persons in a family-type arrangement. A residential facility for elderly persons shall not include any facility which is operated as a business (provided, that such facility may not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility); where persons being treated for alcoholism or drug abuse are placed; where placement is not on a strictly voluntary basis or where placement is part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution; which is a health care facility as defined by Section 26-21-2 of the Utah Code; or which is a residential facility for persons with a disability. Facility, Congregate Living (CLF) (Congregate Living Facility). A residence in which five (5) or more persons which do not constitute a family reside, including but not limited to Residential Facilities for the Disabled and Residential Facilities for the Elderly. 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: 1. Lives and cooks together in a residence as a "single housekeeping unit"; and 2. shares expenses for food, rent, utilities or other household expenses; and 3. is to "all outward appearances, a relatively normal, stable, and permanent family unit;" and 4. is not a "temporary living arrangement as would be a group of college students sharing a house;" and

5. will inhabit a dwelling which does not provide "a framework for transients or transient living;" and
6. shares the entire house; and
7. includes 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."

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from: (i) the overflow of inland or tidal waters; or (ii) the unusual and rapid accumulation or runoff of surface waters from any source.

Flood or Spot Light. Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a direct beam in a particular direction.

Flood Proofing. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood Protection System. Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Flood, Base (Base Flood). The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Floodplain or Flood-Prone Area. Any land area susceptible to being inundated by water from any source (see definition of flooding).

Frontage. All property fronting on one (1) side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. an intercepting street shall determine only the boundary of the frontage on the side of the street of which it intercepts.

Frontage, Lot (Lot Frontage). The lineal measurement of the front lot line.

Sign. Any identification, description, illustration, symbol, insignia, medium, statue or other physical or visual device or representation, which is visible from outside the premises on which such device is located, designed to advertise, identify or convey information or direct or attract attention to a product, place, activity, person, institution or business.

Sign. A presentation or representation of words, letters, figures, designs, pictures or colors, publicly displayed so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a request for aid; also, the structure or framework or any natural object on which any sign is erected or is intended to be erected or exhibited or which is being used or is intended to be used for sign purposes.

Proposed:

2.12 - DEFINITIONS

Facility for the Disabled/Residential Facility for Persons with a Disability, Residential. A residence in which two or more persons with a disability reside and which is licensed or certified by the Department of Human Services under Title 62A, Chapter 5, of the Utah Code, Services to People with Disabilities; or is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

Facility for the Elderly, Residential (Residential Facility For The Elderly). A dwelling unit that is either owned by one of the residents or by an immediate family member of one of the residents, or is a facility for which the title has been placed in trust for a resident; and is occupied on a twenty-four (24) hour per-day basis by eight (8) or fewer elderly persons in a family-type arrangement. A residential facility for elderly persons shall not include any facility which is operated as a business (provided, that such facility may not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility); where persons being treated for alcoholism or drug abuse are placed; where placement is not on a strictly voluntary basis or where placement is part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution; which is a health care facility as defined by Section 26-21-2 of the Utah Code; or which is a residential facility for persons with a disability.

Facility, Congregate Living (CLF) (Congregate Living Facility). A residence in which five (5) or more persons which do not constitute a family reside, including but not limited to Residential Facilities for the Disabled and Residential Facilities for the Elderly.

New Def: Facility, Residential Care (Residential Care Facility). A state licensed facility that provides long-term care given to adults or children who stay in a residential setting rather than in their own home or relatives home.

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:

1. ~~Lives and cooks together in a residence as a "single housekeeping unit"; and~~
2. ~~shares expenses for food, rent, utilities or other household expenses; and~~
3. ~~is to "all outward appearances, a relatively normal, stable, and permanent family unit;" and~~
4. ~~is not a "temporary living arrangement as would be a group of college students sharing a house;" and~~
5. ~~will inhabit a dwelling which does not provide "a framework for transients or transient living;" and~~
6. ~~shares the entire house; and~~
7. ~~includes 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."~~

New def. ideas: Family. A group of persons united by the ties of marriage, blood, or adoption, constituting a single household and interacting with each other in their respective social positions, usually those of spouses, parents, children, and siblings.

Or: "A family consists of two or more people, one of whom is the householder, related by birth, marriage, or adoption and residing in the same housing unit. A household consists of all people who occupy a housing unit regardless of relationship. A household may consist of a person living alone or multiple unrelated individuals or families living together" (U.S. Census Bureau, 2005).

Or: the smallest, organized, durable network of kin and non-kin who interact daily, providing domestic needs of children and assuring their survival" (Stack, 1996, p. 31).

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from: (i) the overflow of inland or tidal waters; or (ii) the unusual and rapid accumulation or runoff of surface waters from any source.

~~**Flood or Spot Light.** Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a direct beam in a particular direction. (see spot luminaire. This is not correct for flood light anyway.)~~

~~**Flood Proofing.** Any combination of structural and non structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. (only found in definitions.. Inferred definition anyway.)~~

~~**Flood Protection System.** Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards. (only found in definitions. Inferred definition anyway.)~~

Flood, Base (Base Flood). The flood having a one percent (1%) chance of being equaled or exceeded in any given year. (Technical term. Do we need this?)

~~**Floodplain or Flood-Prone Area.** Any land area susceptible to being inundated by water from any source (see definition of flooding). (new def: the flat area bordering a river, composed of sediment deposited during flooding)~~

~~**Frontage.** All property fronting on one (1) side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead end street, or political subdivision boundary, measured along the street line. an intercepting street shall determine only the boundary of the frontage on the side of the street of which it intercepts. (new def: the boundary between a plot of land or a building and the road onto which the plot or building fronts; or the length of the front lot line along a dedicated street or right-of-way.)~~

~~**Frontage, Lot** (Lot Frontage). The lineal measurement of the front lot line. (use new frontage def.)~~

(There are 2 definitions for sign in VULU. Which one do we want? Or do we want to change it?)

Sign. Any identification, description, illustration, symbol, insignia, medium, statue or other physical or visual device or representation, which is visible from outside the premises on which such device is

located, designed to advertise, identify or convey information or direct or attract attention to a product, place, activity, person, institution or business.

Sign. A presentation or representation of words, letters, figures, designs, pictures or colors, publicly displayed so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a request for aid; also, the structure or framework or any natural object on which any sign is erected or is intended to be erected or exhibited or which is being used or is intended to be used for sign purposes.

Ideas: A device placed on or before the premises to identify its occupant and the nature of the business done there or, placed at a distance, to advertise a business or its products.

Sign, Advertising: Signs intended to promote the sale of goods or services, or to promote attendance at events or attractions.

VIRGIN TOWN

ORDINANCE # 2021-57

AN ORDINANCE AMENDING CHAPTER TWO (DEFINITIONS) 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:

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Sign. A presentation or representation of words, letters, figures, designs, pictures or colors, publicly displayed so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a request for aid; also, the structure or framework or any natural object on which any sign is erected or is intended to be erected or exhibited or which is being used or is intended to be used for sign purposes.

Ideas: A device placed on or before the premises to identify its occupant and the nature of the business done there or, placed at a distance, to advertise a business or its products.

Sign, Advertising: Signs intended to promote the sale of goods or services, or to promote attendance at events or attractions.

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: