

PROPOSED AMENDMENT TO CHAPTER 8  
Correcting numbering error and inserting section 8.12  
**TOWN STANDARDS, CONDITIONS, AND CONDITIONAL USES**

8.11 LIMITED PERMANENT COMMERCIAL HABITATION

Renumbering to correct sequence error

8.12.6 ENFORMENT	8.11.6 ENFORCEMENT
8.12.6.A.	8.11.6.A
8.12.6.B.	8.11.6.B
8.12.6.C.	8.11.6.C
8.12.6.D.	8.11.6.D

8.12 LIMITED TEMPORARY USE OF RECREATIONAL VEHICLES (RVs) IN THE COMMERCIAL ZONE

8.12.1 PURPOSE

The purpose of this section is to establish a permitting process, standards for temporary occupancy of Recreational Vehicles (RVs) in commercial zones, and penalties for noncompliance. This ordinance replaces and supersedes any previous ordinance or resolution regarding temporary occupancy of RVs in commercial zones. The Resort Zone is hereby excepted from the provisions of this section. It is the intent of the town to allow for temporary occupancy of RVs in commercial zones based on the following.

All rules of the underlying zone must be met.

8.12. AN RV AS DEFINED BY THIS ORDINANCE.

A vehicle designed and/or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah Motor Vehicle Act which is: (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently tow-able by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

8.12.3 ON-STREET PARKING OF RVS IS PROHIBITED.

8.12.4. Application and Permit

8.12.4.A. Residential owner-builders are prohibited from living in an RV on their building lot during construction unless an exception is granted by the Land Use Authority (LUA).

8.12.4.B. Those requesting an exception must submit a written request for consideration according to existing rules for such. Permit applications must be made by the owner and requires a \$50.00 administrative fee.

8.12.4.C. The LUA shall review the request during public meetings and make a determination that an exception is prudent because it helps promote owner-builder goals contained in town policies and will not harm the public health, safety, or welfare. The LUA may impose conditions to mitigate any anticipated nuisance.

8.12.4.D. The RV shall not be on site more than five days prior to the beginning of construction for which a valid building permit has been issued and shall be removed within five days of completion, granting of certificate of occupancy, or expiration of building permit, whichever occurs first.

#### 8.12.5. RV OCCUPATION

When occupying an RV under the provisions of this chapter, approved power cords and water hoses are allowed for utility hook-ups. Occupants are expressly prohibited from tying in to the septic system anytime during occupancy unless connecting via an approved hook-up on site. If connecting to an approved hook-up, applicant shall show that the impact will not exceed 1-ERU capacity on the septic system.

8.12.5.A Whether occupied or not, the area surrounding an RV shall be kept tidy and free from trash and debris.

8.12.5.B Whether occupied or not, RV shall be in good repair and free from substantial defects or unsightliness.

8.12.5.C A maximum of one permit for one limited living quarters may be granted on a Commercial lot.

8.12.5.D Maximum occupancy of an RV under the provisions of this chapter is limited to two (2).

8.12.5.E Violations of this ordinance are subject to provisions outlined in VULU Chapter Ordinance 1.14., Penalties.

8.12.5.F Only the owner, proprietor or operator of an approved business can apply for a permit to occupy an RV in a commercial zone. Applicant must demonstrate to the satisfaction of the Land Use Authority that occupancy is complementary to the primary use and not for rental purposes AND that a presence is necessary to ensure the safety and security of an established business OR the nature of the business requires an off-hours presence on the premises.

8.12.5.G Applications for a permit allowing occupancy of an RV in a commercial zone shall be made in writing to the Land Use Authority and include, at a minimum, the following details:

8.12.5.G.1 Description of need or purpose for a residential presence.

8.12.5.G.2 The dates of occupancy. Temporary occupancy shall not last longer than six (6) months without an exception from the LUA.

8.12.5.G.3 Hours of operation and Nature of work to be performed by the RV occupant.

8.12.5.G.4 Additionally, applications shall include a copy of a valid building permit if applicable, photos of the RV to be occupied and how it will be situated on the lot and a signed statement indicating applicant has read and understands the provisions of this chapter and associated penalties for violations of such. Land Use Authority may require a change in RV placement or the installation of screening to mitigate offsite visual impact.

8.12.5.H Except as expressly outlined herein, there are no exceptions to the rules established by this Chapter.

## PROPOSED AMENDMENT TO CHAPTER 8

8.13.7 RV Parks etc becomes a Development Agreement (see below)

### **TOWN STANDARDS, CONDITIONS, AND CONDITIONAL USES**

#### **8.13.7 STANDARDS FOR RECREATIONAL VEHICLES (RVs), TRAVEL TRAILERS, CAMP GROUNDS AND CABIN PARKS**

##### 8.13.7A. SEPARATE DEVELOPMENT AGREEMENT

Any park for recreational vehicles, travel trailers, campgrounds and cabin park shall be by separate development agreement, to be recorded against the property, and shall include the following conditions set forth in 8.16.2 through 8.16.14 as a starting point for the Development Agreement and shall not be restricted to the following, subject to case-by-case review:

##### 8.13.7.B. PURPOSE

The purpose of this subsection is to permit development of facilities for recreational vehicles, travel trailers, camp grounds and cabins parks, in appropriate districts and to require that recreational vehicle travel trailer, camp grounds and cabin accommodations be of such design as to promote the objectives and purpose of this Ordinance, to protect the integrity and characteristics of the districts contiguous to those in which recreational vehicle travel trailer, camp grounds and cabin parks are located, and to protect other use values contiguous to or near recreational vehicle travel trailer, camp grounds and cabin park uses.

8.13.7.C. Recreational vehicles, travel trailers, camp grounds and cabins parks shall generally shall be located:

8.13.7.C.i. Adjacent to a major traffic artery or highway.

##### 8.13.7.D. Occupation Period

Recreational vehicles, travel trailers, camp grounds and cabins park spaces shall not be occupied or otherwise used by any one (1) individual for more than 180 days in a one (1) year period beginning at the initial date of occupancy or other use of the space.

8.13.7.D.i. Recreational vehicles, travel trailers, camp grounds and cabins parks shall only be used as temporary residences in the Town of Virgin. It is the intent of this Ordinance and Virgin Town that recreational vehicles and travel trailers not be used for permanent living quarter within approved locations or elsewhere within Virgin.

##### 8.13.7.E. Ingress, Egress, & Utilities

Recreational vehicles, travel trailers, camp grounds and cabins parks may be accommodated in an approved and licensed park, provided that:

8.13.7.E.i The recreational vehicle, travel trailer, camp ground and cabin parks shall have direct access to a collector or arterial street.

8.13.7.E.ii. Separate ingress and egress shall be provided for recreational vehicle, travel trailer, camp ground and cabin parks as required by The International Fire Code.

8.13.7.G. Recreational vehicle, travel trailer, camp ground and cabin parks shall be connected to available municipal facilities of the Town of Virgin and a local power company

8.13.7.H. Approval.

A recreational vehicle, travel trailer, camp ground and cabin park may not be constructed unless first approved by the Virgin Town Council as a conditional use under a Development Agreement. Review of plans for said recreational vehicle, travel trailer, camp ground and cabin park shall be made by the Virgin Town Planning and Zoning Commission to insure that the proposed development shall:

8.13.7.H.i. Be in keeping with the general character of the surrounding zones with which the proposed development will be located.

8.13.7.H.ii. Be located on a parcel of land under one (1) legal ownership, of twenty (20) acres or more.

8.13.7.H.iii. Have at least eight (8) spaces completed and ready for occupancy before the first occupancy is permitted.

8.13.7.H.iv. Meet all requirements of the Development Agreement

8.16.7.H.v. Meet all requirements of the State of Utah Code of Camp, Trailer Court, Hotel, Motel, and Resort Sanitation Regulations which are intended to apply to trailer, camper and tent camps

8.13.7.I. Design Qualifications

Be designed by a qualified architect, landscape architect, engineer, or professional land use planner, or team which includes one (1) or more of such professionals, and at the very minimum the plans are to be 'stamped' with the seal of authority of the primary designer. Determination of qualifications of any such required professional individuals or firms, shall be made by the Virgin Town Planning and Zoning Commission

8.13.7.J. Density

Contain not more than Eight (8) units per acre, subject to the constraints set forth in

8.13.7.P.ii(3) The spaces may be clustered, provided that the total number of spaces does not exceed the number permitted on one (1) acre, multiplied by the number of acres in the development. The remaining land not contained in individual spaces, roads or parking, shall be set aside and developed as parks, playgrounds, and/or service areas for the common use and enjoyment of occupants of the development and visitors thereto.

8.13.7.K. Development Agreements Details

All Development Agreements for a recreational vehicle, travel trailer, camp ground and cabin park, shall meet requirements set forth in VULU 8.3.1 as well as the following specific requirements shall also apply:

- 8.13.7.K.i. An overall plan for development of a recreational vehicle, travel trailer, camp ground and cabin park shall be submitted to the Virgin Town Planning and Zoning Commission for review. The plan shall be drawn to scale not smaller than one inch (1") to fifty feet (50'). At least three (3) paper copies and one (1) electronic copy of the plan shall be submitted. The plan shall show:
  - 8.13.7.K.ii. The topography of the site, when required by the Planning and Zoning Commission, represented by contours shown at not greater than two foot (2') intervals.
  - 8.13.7.K.iii. The proposed street and recreational vehicle, travel trailer, camp ground and cabin park space pad layout, including points of ingress and egress such as required AND agreed and approved by UDOT
  - 8.13.7.K.iv. Proposed reserved areas for parks, playgrounds and open spaces.
  - 8.13.7.K.v. Tabulations showing the percent of area to be devoted to parks, playgrounds and open spaces, the number of spaces, and the total area to be developed.
  - 8.13.7.K.vi. Proposed location, number and design of parking spaces.
  - 8.13.7.K.vii. Generalized landscaping and utility plan, including location of water, sewer, electricity, gas lines and fire hydrants. As per The International Fire Code
  - 8.13.7.K.viii. Any other data the Virgin Town Planning and Zoning Commission may require.
- 8.13.7.L. The applicant for a recreational vehicle, travel trailer, camp ground and cabin park, shall pay to the Town of Virgin at the time of application an inspection and review fee, in addition to all other required fees. The inspection and review fee shall be established by the Virgin Town Council.
- 8.13.7.M. Completed Development Agreement shall be in writing, reviewed by Virgin Town's attorney (any associated attorney fees to be paid by the developer), and then submitted to the Virgin Town Planning and Zoning Commission at its regular meeting and shall be recommended for approval or disapproval to the Virgin Town Council within a reasonable time, not to exceed three months.
- 8.13.7.N. A Development Agreement recommended for approval or disapproval by the Virgin Town Planning and Zoning Commission shall be submitted to the Virgin Town Council, which decision must be made in writing within ten (10) days after recommendation is submitted by the Virgin Town Planning and Zoning Commission to the Virgin Town Council.

8.13.7.O. Development Agreements can not be considered for approval until all Development Agreement information is submitted.

8.13.7.P. SAFETY, SANITATION AND LANDSCAPING REQUIREMENTS.

Each recreational vehicle, travel trailer, camp ground, and cabin park shall provide and maintain the following minimum requirements for safety, sanitation and landscaping purposes:

8.13.7.P.i. Each recreational vehicle and travel trailer park shall provide each space an adequate water supply hookup equipped with an approved back flow prevention device.

8.13.7.P.ii. Waste Disposal

Recreational vehicle, travel trailer, camp ground and cabin parks may provide for adequate waste disposal, including the provision of a sanitary dumping station for users of the park.

8.13.7.P.ii(1). Unless a public waste-water system is available and required, the Land Use Authority shall determine the method of wastewater treatment, which shall be approved by the local health authority.

8.13.7.P.ii.(2). Recreational vehicle, travel trailer, camp ground and cabin parks shall also provide for individual hook-ups for those users who desire to connect the recreational vehicle or travel trailer to the parks waste-water system for temporary use.

8.13.7.P.ii(3). Saturation. The LUA shall not approve a Development Agreement which can be expected to contribute to septic saturation in the Town greater than the equivalent of one dwelling per acre overall.

8.13.7.Q. Each recreational vehicle and travel trailer space within said park shall be provided with an electrical outlet of appropriate voltage. Said electrical service shall be installed underground to each pad in compliance with applicable codes utilizing approved connectors.

8.13.7.R. Each recreational vehicle and travel trailer park owner and/or operator shall provide a communal solid-waste receptacle area(s). Container(s) shall be fitted with tight fitting lid(s) so as to prevent refuse from scattering. Said container(s) shall be located in an area screened from public view by enclosure in a solid fence structure having a closable gate. Construction of said structure shall be of brick, finished concrete, pre-cast concrete, aggregate or decorative concrete block, or combination thereof, designed so as to prevent littering. Said receptacle structures shall not be constructed of chain-link fencing or wood. Said owner/operators shall be responsible for proper disposal of all refuse, garbage and litter accumulated within the recreational vehicle and trailer park, as necessary, but in no case shall refuse be collected less than once a week.

8.13.7.S. Recreational Space. Each recreational vehicle, travel trailer, camp ground

and cabin park shall be required to provide a minimum of one hundred (100) square feet of recreational open space and/or recreational facilities for each recreational vehicle and travel trailer space. Public or private streets, vehicle storage areas and exterior boundary landscaping areas shall not be included in calculating recreation open space.

#### 8.13.7.T. Boundaries and Setbacks.

8.13.7.T.i. Boundaries: All exterior boundaries of the recreational vehicle, travel trailer, camp ground and cabin parks shall be adequately screened from surrounding uses by decorative walls and or fences. Plans for screening shall be approved by the Planning and Zoning as part of the project approval process.

8.13.7.T.ii. Setbacks shall be a minimum from 30' from any highway and 50' from any adjoining habitation.

**PROPOSED AMENDMENT TO CHAPTER 16**  
adding section 16.9

**16.9 STANDARDS FOR TEMPORARY USE OF RECREATIONAL VEHICLES (RVs)  
IN THE RESIDENTIAL ZONE**

16.9.1 PURPOSE.

To establish procedure and standards regarding temporary occupancy of Recreational Vehicles (RVs) in residential and rural residential zones and penalties for noncompliance. This ordinance replaces and supersedes any previous ordinance or resolution regarding temporary occupancy of RVs in residential and rural residential zones. In the best interests of public health and safety, and in an effort to maintain the integrity of individual septic systems, using an RV as a permanent residence or satellite bedroom for a primary residence, is expressly prohibited by this ordinance.

16.9.2. AN RV AS DEFINED BY THIS ORDINANCE.

A vehicle designed and/or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah Motor Vehicle Act which is: (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently tow-able by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

16.9.3. VIRGIN TOWN WILL ALLOW FOR TEMPORARY OCCUPANCY OF  
RVS IN THE RESIDENTIAL ZONE BASED ON THE FOLLOWING:

16.9.3.1. All rules of the underlying zone must be met.

16.9.3.2 On-street parking of RVs is prohibited.

16.9.3.3 Application and Permit

16.9.3.3.a. Residential owner-builders are prohibited from living in an RV on their building lot during construction unless an exception is granted by the Land Use Authority (LUA).

16.9.3.3.b. Those requesting an exception must submit a written request for consideration according to existing rules for such. Permit applications must be made by the owner and requires a \$50.00 administrative fee.

16.9.3.3.c. The LUA shall review the request during public meetings and make a determination that an exception is prudent because it helps promote owner-builder goals contained in town policies and will not harm the public health, safety, or welfare. The LUA may impose conditions to mitigate any anticipated nuisance.

16.9.3.4 When occupying an RV under the provisions of this chapter, power cords and water hoses are allowed for utility hook-ups. Occupants are expressly prohibited from tying in to the septic system anytime during the visit unless connecting via an approved hook-up at the host's residence.

16.9.3.5 Whether occupied or not, the area surrounding an RV parked in a residential or rural residential zone must be kept tidy and free from trash and debris.

16.9.3.6 Residents may host RV guests on their privately owned residential lots for up to thirty (30) days with no encumbrances.

16.9.3.6.a. No visit shall exceed thirty (30) days without a permit issued by the Virgin Town Zoning Administrator or an exception is granted by the Land Use Authority. Permit applications must be made by the host resident and require a \$50.00 administrative fee.

16.9.3.6.b. Applications shall contain a proposal for mitigation of health and safety concerns related to an extended visit and show the impact will not exceed 1-ERU capacities on the septic system.

16.9.3.6.c. Unless an exception is granted by the Land Use Authority under provisions outlined in Section 13.3.3.G. above, no stay shall exceed thirty (30) days in a 180-day period.

16.9.3.6.d. Applicant must demonstrate to the satisfaction of the Land Use Authority that occupancy is not for rental purposes.

16.9.4. Except as expressly outlined herein, there are no exceptions to the rules established by this chapter.

16.9.5. Violations of this ordinance are subject to provisions outlined in VULU Chapter 1.14., Penalties.

PROPOSED AMENDMENT TO CHAPTER 17  
adding section 17.8

**17.8 STANDARDS FOR TEMPORARY USE OF RECREATIONAL VEHICLES (RVs)  
IN THE RURAL RESIDENTIAL ZONE**

17.8.1 PURPOSE.

To establish procedure and standards regarding temporary occupancy of Recreational Vehicles (RVs) in residential and rural residential zones and penalties for noncompliance. This ordinance replaces and supersedes any previous ordinance or resolution regarding temporary occupancy of RVs in residential and rural residential zones. In the best interests of public health and safety, and in an effort to maintain the integrity of individual septic systems, using an RV as a permanent residence or satellite bedroom for a primary residence, is expressly prohibited by this ordinance.

17.8.2 AN RV AS DEFINED BY THIS ORDINANCE.

A vehicle designed and/or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah Motor Vehicle Act which is: (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently tow-able by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

17.8.3 VIRGIN TOWN WILL ALLOW FOR TEMPORARY OCCUPANCY OF RVS IN THE RURAL RESIDENTIAL ZONE BASED ON THE FOLLOWING.

17.8.3.1 All rules of the underlying zone must be met.

17.8.3.2 On-street parking of RVs is prohibited.

17.8.3.3 Application and Permit

17.8.3.3.a Residential owner-builders are prohibited from living in an RV on their building lot during construction unless an exception is granted by the Land Use Authority (LUA).

17.8.3.3.b Those requesting an exception must submit a written request for consideration according to existing rules for such. Permit applications must be made by the owner and requires a \$50.00 administrative fee.

17.8.3.3.c The LUA shall review the request during public meetings and make a determination that an exception is prudent because it helps promote owner-builder goals contained in town policies and will not harm the public health, safety, or welfare. The LUA may impose conditions to mitigate any anticipated nuisance.

17.8.3.4 When occupying an RV under the provisions of this chapter, power cords and water hoses are allowed for utility hook-ups. Occupants are expressly prohibited from tying in to the septic system anytime during the visit unless connecting via an approved hook-up at the host's residence.

17.8.3.5 Whether occupied or not, the area surrounding an RV parked in a residential or rural residential zone must be kept tidy and free from trash and debris.

17.8.3.6 Residents may host RV guests on their privately owned residential lots for up to thirty (30) days with no encumbrances.

17.8.3.6.A No visit shall exceed thirty (30) days without a permit issued by the Virgin Town Zoning Administrator or an exception is granted by the Land Use Authority. Permit applications must be made by the host resident and require a \$50.00 administrative fee.

17.8.3.6.B Applications shall contain a proposal for mitigation of health and safety concerns related to an extended visit and show the impact will not exceed one ERU capacity on the septic system.

17.8.3.6.C Unless an exception is granted by the Land Use Authority under provisions outlined in Section 13.3.3.G. above, no stay shall exceed thirty (30) days in a 180-day period.

17.8.3.6.D. Applicant must demonstrate to the satisfaction of the Land Use Authority that occupancy is not for rental purposes.

17.8.4. Except as expressly outlined herein, there are no exceptions to the rules established by this chapter.

17.8.5. Violations of this ordinance are subject to provisions outlined in VULU Chapter 1.14., Penalties.

# PROPOSED AMENDMENTS TO CHAPTER 4

revising section 4.15

## 4.15 Fences, Walls, and Hedges

### 4.15.1 General regulations

#### 4.15.1.A Location and Maintenance

4.15.1.A.1 All fences must be located on the property of the owner constructing them, unless adjoining property owners jointly sign a letter stating the agreement to construct and maintain a fence on the property line.

4.15.1.A.2 The owner of a fence or visual screen, consisting of materials requiring painting, staining, or other significant periodic maintenance, shall be responsible for all maintenance of the fence.

4.15.1.A.3 Hedges or living fences shall be maintained so as not to encroach upon neighboring properties, sidewalks, right-of-ways, or hinder the vision of a vehicle driver.

#### 4.15.1.B View-shed

Clear View of Streets. Fences, walls, and hedges must conform to the provisions of Section 4-14 of this chapter.

#### 4.15.1.C Approval

Building approval from Zoning Administrator and or Planning and Zoning is required for all fences, walls, entryway or driveway entrance structures over six (6) feet in height.

#### 4.15.1.D Fence Height

Fence height is the vertical distance as measured from the ground level at the lowest grade level within four (4) feet of either side of such fence to the upper-most portion of the fence.

#### 4.15.1.E Materials

Permitted fencing materials include wood, masonry, metal, vinyl, and chain-link. Fencing shall be of materials originally intended for residential neighborhood fencing and shall not include materials intended for other purposes.

##### 4.15.1.E.1 Livestock Fencing

When associated with the containment of animals, livestock fencing, is permitted in Residential, Rural Residential, and Agricultural Zones that have legal nonconforming use of animals. Fencing shall include barbed and low voltage electrical wire (with appropriate warning notices) .

##### 4.15.1.E.2 Pools and Spas

Fencing and/or walls six feet (6') in height, including protective gates, shall be

required around swimming pools, and similar structures that do not have a safety cover that does not comply with (*International Residential Code ASTM F1346 - 91(2010)*).

4.15.1.E.2.a Spas, swim spas, hot tubs and swimming pools that have a safety cover which complies with the ASTM F-1346 of the International Residential Code, (*ASTM F1346 - 91(2010) Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs*) are recommended to have as minimum, a four (4) foot wall although not required.

#### 4.15.1.E.3 Masonry Walls

Masonry walls and retaining walls shall meet the current minimum standards of the Uniform Building Code at the time they are constructed.

4.15.1.E.3.a Any embankment to be retained that is over 48 inches in height shall be stepped so that no individual exposed retaining wall exceeds 36 inches in height, and each intervening step is a minimum width of 36 inches.

4.15.1.E.3.b Exception: If professional engineering can show otherwise and Planning Zoning review and approve the plans.

#### 4.15.1.E.4 Tiered retaining walls

Single and tiered retaining walls exceeding (4) feet in height, measured from the lowest existing grade including the footing, shall require a building permit and depending on soils, slope and surcharge, may require professional engineering.

### 4.15.2 Zoning District Height and Setback Regulations.

#### 4.15.2.A Zoning

Regulations for fences, walls, and hedges contained in this section apply to the R, RR, and A zoning districts. For properties zoned C, RZ, HRZ, and RD, the height, location and design of fencing shall be determined during Conditional Use Permit application review, and regulated under an approved CUP.

#### 4.15.2.B Front Yards

The following are allowed on the front property line or in the front yard:

4.15.2.B.1 Fences, walls and hedges with a maximum height of four (4) feet;

4.15.2.B.2 Pedestrian gates and trellises used as entryway features, not exceeding eight feet in height, three feet in depth or five feet in width;

4.15.2.B.3 Ranch or farm style entrance, constructed of poles or posts not exceeding 18 feet (18') in height, or columns with a cross section no more than three feet by three feet (3'x 3') which do not exceed nine feet (9') in height,

and where any top horizontal pole is no less than fifteen (15') feet above driveway grade to allow emergency access.

4.15.2.B.4.3.i. Any gate within a ranch or farm style entrance shall not exceed four (4) feet in height unless the gate encloses livestock, in which case the gate shall not exceed six (6') feet in height. All structures permitted by this subsection must meet the requirements of section 4-14 of this chapter.

#### 4.15.2.C Side and Rear Yards

Walls, fences and hedges with a maximum height of six (6) feet are allowed in the side or rear yard.

#### 4.15.2.D Corner Lots

Fences, walls, and hedges with a maximum height of six (6) feet are allowed in the front yard or street side setback if:

4.15.2.D.1 The lot upon which the fence is located is less than fifteen-thousand (15,000) square feet in area; and

4.15.2.D.2 Not more than thirty (30) percent of the front yard or forty (40) percent of the street side setback is enclosed by the taller fence, + and

4.15.2.D.3. A minimum setback of three (3) feet from the front property line is provided; and

4.15.2.D.4. The fence, wall or hedge meets the requirements of section 4-14 of this Chapter.

#### 4.15.2.E Livestock and agricultural fences

Livestock and agricultural fences sufficient for livestock retention greater than six (6) feet in height are permitted within a front yard setback so long as they do not obstruct the clear view of intersecting streets and must conform to the provisions of Section 4-14 of this chapter.

## PROPOSED AMENDMENT TO CHAPTER 4 significant changes to 4.20 (follows Springdale model)

### 4-20 Outdoor Lighting.

#### 4.20.1 Purpose.

The purposes of this section are: to encourage outdoor lighting practices that minimize light pollution, glare, light trespass and sky glow in order to preserve the natural dark of the night sky; to prevent lighting nuisances on properties; to maintain nighttime safety, utility, and security; to prevent unnecessary or inappropriate outdoor lighting; to maintain the rural atmosphere character of the town; and to encourage low level outdoor lighting through the use of low wattage bulbs, full cutoff light luminaries, and limits on the location and uses of outdoor lighting.

- i. Warm White and Natural Lamps (3500K) are preferred to minimize detrimental night sky viewing and negative telescope effects.

#### 4.20.2 Definitions.

Terms used in this section shall be as defined in VULU Chapter 1.6 and subsection 4-20(15).

#### 4.20.3 Regulations.

All public and private outdoor lighting installed in the Town of Virgin after the effective date of the section shall conform to the requirements established by this Section. All existing outdoor lighting that does not meet the requirements of this section and is not exempted by the section shall be considered a nonconforming use and as such shall be scheduled for amortization as outlined in section 4-20-13. Should this section be found to be in conflict with other sections of this code, the more restrictive shall apply.

#### 4.20.4 Control of Glare—Luminaire Design Factors.

##### 4.20.4.a Full Cutoff.

Full Cutoff Luminaries (see Luminaries definition 1.6) Required. Unless specifically exempted by the section, all outdoor lighting shall use full cutoff fixtures and shall be installed so light is directed downward with no light emitted above the horizontal. Lighting must not be placed at a location, angle, or height that directs illumination outside the property boundaries where the light fixtures are located.

##### 4.20.4.a.1 Qualifications:

To qualify as a “full cutoff” luminaire, a luminaire must conform to the performance specifications of classifications established by the Illuminating Engineering Society of North America (IESNA).

##### 4.20.4.a.2 Characteristics.

Full cutoff luminaries must have the top and sides made of completely opaque material such that light only escapes through the bottom of the fixture. Luminaries with translucent or transparent sides, or sides with perforations or slits, do not qualify as full cutoff. Any glass or diffuser on the bottom of the fixture must be flush with the

fixture (no drop lenses). Merely placing a luminaire under an eave, canopy, patio cover, or other similar cover does not qualify as full cutoff.

#### 4.20.4.b. Exemptions to Full Cutoff Requirements.

##### 4.20.4.b.1 Output:

Fixtures having a total light output less than one thousand (1,000) lumens (allowing a maximum of a 60 watt incandescent or a 15 watt compact fluorescent bulb) are exempted from the full cutoff requirement provided:

4.20.4.b.1.a The fixture has a top that is completely opaque such that no light is directed upwards.

4.20.4.b.1.b The fixture has sides that completely cover the light source and are made of opaque or semi-opaque material. Fixtures with opaque sides may have incidental decorative perforations that emit small amounts of light. Semiopaque material such as dark tinted glass or translucent plastic may be used if the light source is not discernible behind the material. Completely transparent materials, such as clear glass, are not allowed.

4.20.4.b.1.c The lights source must not be visible from any point outside the property on which the fixture is located.

##### 4.20.4.c Spotlights

Spotlights controlled by motion sensors having a light output less than one thousand (1,000) lumens per lamp (allowing a maximum of a 60 watt incandescent or a 15 watt compact fluorescent bulb) are exempted from the full cutoff requirement provided:

4.20.4.c.1 The fixture is a spotlight or other type of directed light that shall be directed at a forty five degree (45) angle or less, where the zero angle is pointing straight down.

4.20.4.c.2 The fixture must not be placed in such a manner that results in illumination being directed outside the property boundaries where the light fixtures are located; and

4.20.4.c.3 The fixture must be hooded or shielded to the extent necessary to prevent glare on adjacent properties or roadways.

##### 4.20.4.d Pathway lights

Pathway lights less than eighteen inches (18") in height are exempted from the full cutoff fixture requirement if the total light output from each pathway light is less than three hundred (300) lumens.

##### 4.20.4.e Architectural lights,

Architectural light, water feature illumination, and sign illumination re all exempted from the

full cutoff fixture requirement, provided such illumination meets all other applicable standards of this chapter.

#### 4.20.5 General Conditions and Standards.

4.20.5.a Minimum Necessary. Outdoor lighting should be the minimum necessary to provide for safety and functionality. The lowest wattage light source necessary for a lighting application should be used. Excessive outdoor lighting and landscape lighting are prohibited. Such lighting can be a significant source of sky glow.

4.20.5.b Allowable Applications: Outdoor lighting shall only be allowed in the following applications:

4.20.5.b.1 To illuminate entrances to buildings (including garage entrances).

4.20.5.b.2 To illuminate pathways and walkways.

4.20.5.c To illuminate parking areas and parking area access lanes;

4.20.5.d To illuminate outdoor gathering areas such as patios, pool and hot tub areas, outdoor dining areas, and recreation areas.

4.20.5.e For security purposes provided the lighting is activated by motion sensors and does not stay on all night, and is placed and directed such that no direct illumination falls outside the property boundaries where the security lighting is placed.

4.20.5.f To illuminate signage.

4.20.5.g For architectural lighting, provided all of the following conditions are met:

4.20.5.g.1 The property where the architectural lighting is placed is in a commercial zone.

4.20.5.g.2 The architectural lighting is compatible with the purposes of this section as determined by the planning commission.

4.20.5.g.3 All architectural lighting is mounted on and directed onto the front of a commercial building facing the street.

4.20.5.g.4 The architectural lighting is sufficiently shielded such that the light source is not visible beyond the property boundaries.

4.20.5.g.5 The architectural lighting is directed such that all light falls on the front of the building, and not on the adjacent ground or into the night sky.

4.20.5.g.6 The architectural lighting uses low wattage light sources.

4.20.5.g.7 The architectural lighting is not used to illuminate landscape, statues, or other similar features.

4.20.5.h To illuminate outdoor water features, provided all of the following conditions are met:

4.20.5.h.1 The lighting is angled at or below the horizontal plane.

4.20.5.h.2 The lighting is placed underneath or behind the water such that the water diffuses the light from all points where the light is visible.

4.20.5.h.3 Each light source has a total light output of one thousand (1,000) lumens or less.

#### 4.20.6 Light Curfews:

4.20.6.a Commercial establishments shall turn off all outdoor lighting, except that listed below, by twelve o'clock (12:00) midnight:

4.20.6.a.1 Lighting to illuminate the entrance to the commercial establishment.

4.20.6.a.2 Parking lot and pathway lighting required for the safety of guests.

4.20.6.a.3 Sign illumination.

4.20.6.b Recreational lighting (residential and commercial) shall be turned off by eleven o'clock (11:00) P.M. except to conclude a specific sporting event that is underway.

#### 4.20.7 Specialized Outdoor Lighting; Conditions and Standards:

##### 4.20.7.a Gas Station Canopies:

Gas station canopies may be illuminated provided all light fixtures are mounted on the undersurface of the canopy and all light fixtures are full cutoff. Except for directed beam lighting, merely placing the fixtures on the underside of the canopy does not qualify as fully shielding the light fixture. Directed beam lighting mounted under the canopy is allowed, provided the light source cannot be seen from outside the property boundaries.

##### 4.20.7.b Roadway/Streetlights:

Streetlights are prohibited unless recommended by the town engineer or required by UDOT to ensure the safety of the public. All streetlights shall utilize lamp types that are energy efficient and minimize sky glow and other unintended impacts of artificial lighting. For lights along SR-9, the lowest illumination design that meets the minimum illumination requirements set by UDOT shall be used. Lights along SR-9 shall use decorative light fixtures consistent with those specified by the Town of Virgin Streets and Roads Master Plan and/or a Virgin Town Streetscape Plan. No streetlight shall exceed \_\_\_????\_\_\_ feet in height.

##### 4.20.7.c Parking Lots:

4.20.7.c.1 Spot or flood lighting of parking lots from a building or other structure is prohibited.

4.20.7.c.2 The overall height of any light post used to illuminate parking lots in commercial zones shall not exceed fourteen feet (14'). All post mounted parking lot lights shall be set back from property lines a distance equal to two and one-half (2 1/2) times the height of the pole.

4.20.7.c.3 The overall height of any light post used to illuminate parking lots in residential zones shall not exceed six feet (6').

4.20.7.c.4 All parking lot lighting shall use full cutoff luminaries.

#### 4.20.7.d Recreational Lighting:

4.20.7.d.1 The planning commission shall review all requests for new recreational lighting fixtures for fields, courts, arenas, and similar facilities whether public or private. The planning commission shall approve such requests only after finding:

4.20.7.d.1.a The recreational lighting has provisions for minimizing glare, spill light, and uplight by the use of louvers, hoods, or shielding.

4.20.7.d.1.b The recreational lighting does not exceed illumination levels for class IV sports lighting set by the Illuminating Engineering Society of North America.

4.20.7.d.1.c The recreational lighting will only illuminate the field, court, or arena area with no direct illumination falling outside of those areas.

4.20.7.d.1.d The light source for the recreational light will not be visible from adjacent properties.

4.20.7.d.2 Pole mounted recreational lighting shall be limited to eighteen feet (18') in height. Pole mounted recreational lighting must be set back a minimum of sixty feet (60') from adjacent properties.

4.20.7.d.3 The lighting for non-field, non-court, and non-arena areas shall conform to all provision of this section.

#### 4.20.7.e Amphitheater Lighting:

Outdoor amphitheatres may use illumination to light the performance area of the amphitheater and for the safety of the public. The following standards apply to all amphitheater lighting:

4.20.7.e.1 Lighting used to illuminate the performance area must be either directed

spotlighting or full cutoff lighting. If directed spotlighting, the light source must be located and designed such that it is not visible beyond the property boundaries.

4.20.7.e.2 Lighting used to illuminate the performance area may only be turned on during performances or rehearsals.

4.20.7.e.3 Lighting used to illuminate the seating areas, pathways, and other areas of the amphitheater must meet all standards of this section.

#### 4.20.7.f Signs:

Signs may be unlighted, lighted eternally, lighted internally, or backlit. All sign lighting must be designed, directed, and shielded in such a manner that the light source is not visible beyond the property boundaries where the sign is located. Lighting for signs must be directed such that only the sign face is illuminated. All lighted signs must have stationary and constant lighting.

#### 4.20.7.f.1 Standards For Externally Illuminated signs:

4.20.7.f.1.a Lighting for externally illuminated signs must be aimed and shielded so that light is directed only onto the sign face and does not trespass onto adjacent streets, roads or properties or into the night sky.

4.20.7.f.1.b Lighting for externally illuminated signs must be mounted at the top of the sign (or within 2 feet of the top of a building mounted sign), except for freestanding monument style signs which may be illuminated by ground mounted lighting.

#### 4.20.7.f.2 Standards For Internally Illuminated Signs:

4.20.7.f.2.a Only sign copy areas and logos may be illuminated on an internally illuminated sign.

4.20.7.f.2.b Internally illuminated signs shall use semi-opaque materials for sign copy such that the light emanating from the sign is diffused. Transparent or clear materials are not allowed for sign copy. Non-copy portions of the sign (e.g., background and graphics) shall be made of completely opaque material.

#### 4.20.7.f.3 Standards For Backlit Signs:

4.20.7.f.3.a Backlit signs shall be designed such that the light source is not visible.

4.20.7.f.3.b Signs shall be designed such that harsh, direct illumination does not emanate out of the sign. Rather, the backlighting shall only allow indirect illumination to emanate from the sign. For example signs that create a "halo" effect around sign copy are allowed.

4.20.7.f.3.c Backlit signs shall use low wattage light sources.

#### 4.20.8 Hillside, Ridge-lines, and Special Cases.

In certain cases (such as, but not limited to, properties on or near ridge-lines or hillsides), additional shielding may be required to mitigate glare or light trespass. The need for additional shielding will be considered as part of the review process described in subsection \_\_\_??\_ of this section.

#### 4.20.9 Towers

4.20.9.a All monopole, antenna, tower or support facility lighting not required by the federal aviation administration (FAA) or the federal communication commission (FCC) is prohibited.

4.20.9.b When lighting is required by the FAA or the FCC, such lighting shall not exceed the minimum requirements of those agencies. Collision markers should have a dual mode for day and night to minimize impact to the night sky and migrating birds.

4.20.9.c All other lighting used on the property not regulated by the FAA or FCC shall conform to this section.

#### 4.20.10 Exemptions.

The following shall be exempt from the requirements of this chapter:

4.20.10.a Holiday lighting from November 15 to January 15 as long as it does not create a hazard or nuisance from glare.

4.20.10.b Traffic control signals and devices.

4.20.10.c Emergency lighting in use by law enforcement or government agencies or at their direction.

4.20.10.d The lighting of one federal and/or state flag per property, provided that the light is a narrow beam aimed and shielded to illuminate only the flag. Flag lighting should use appropriate illumination levels to light flag, while at the same time fulfilling the purposes of this chapter.

4.20.10.e Low voltage LED lights and solar lights used to illuminate pathways in residential areas, provided the lights are installed no more than eighteen inches (18") above the adjacent ground level and emit no more than 1000 lumens.

4.20.10.f The planning commission, as part of its review as outlined in the section, may approve lighting that does not conform to these standards if need is established. An applicant requesting such lighting is required to provide proof of requirements of property insurance or findings of competent research demonstrating the need for the

requested lighting. The planning commission may attach other conditions to the approval of such lighting that will make the lighting comply with the spirit of this section.

#### 4.20.11 Prohibited Lighting

The following are prohibited:

- 4.20.11.a Uplighting to illuminate building and other structures, or vegetation.
- 4.20.11.b Flashing, blinking, intermittent or other lights that move or give the impression of movement, not including holiday lighting between November 15 and January 15.
- 4.20.11.c Searchlights, laser source lights, mercury vapor lights, or any similar high intensity light.
- 4.20.11.d Except when used in “open/close”, “vacancy/no vacancy”, and “now serving” signs, neon or luminous tube lighting, either when outdoor mounted or indoor mounted if visible beyond the property boundaries.
- 4.20.11.e Outdoor advertising off-site signs shall not be illuminated between the hours of 11:00 P.M. and sunrise.

#### 4.20.12 Application and Review procedures:

##### 4.20.12.a Plans Required:

All sign permit applications, Conditional Use Permit applications, subdivision applications, building permit applications, and all other applications shall include a lighting plan that shows evidence that the proposed lighting fixtures and light sources shall comply with this code and shall include the following:

- 4.20.12.a.1 Plans or drawings indicating the proposed location of lighting fixtures, height of lighting fixtures on the premises, and type of illumination devices, lamps, supports, shielding and reflectors used and installation and electrical details.
- 4.20.12.a.2 Illustrations, such as contained in a manufacturer’s catalog cuts, of all proposed lighting fixtures. For commercial uses, photometric diagrams of proposed lighting fixtures are also required. In the event photometric diagrams are not available, the applicant must provide sufficient information regarding the light fixture, bulb wattage, and shielding mechanisms for the planning commission to be able to determine compliance with the provisions of this section.
- 4.20.12.a.3 A table showing the total amount of proposed exterior lights, by fixture type, wattage, lumens, and lamp type.

4.20.12.a.4 Lamp or Fixture Substitution. Should any outdoor light fixture or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the Virgin Town Council for approval, together with adequate information to assure compliance with this code, which must be received prior to substitution.

4.20.12.b Approval Procedure.

4.20.12.b.1 The lighting plan for all new development shall be submitted for approval concurrent with the associated application process.

4.20.12.b.2 A certificate of occupancy shall not be issued until such time as the property is subject to a post installation nighttime inspection by the Zoning Administrator and at least one member of the planning commission.

4.20.13 Amortization of Nonconforming Outdoor Lighting.

4.20.13.a The town shall require the termination of use of any and all nonconforming outdoor lighting fixtures, structures, lamps, bulbs or other devices that emit or generate light which are not otherwise exempted by this section, pursuant to the amortization schedule contained in this subsection.

4.20.13.b Schedule of Amortization. All outdoor lighting legally existing and installed prior to the effective date of this chapter and which is not exempted shall be considered nonconforming and shall be brought into compliance by the property owner as follows:

4.20.13.b.1 Immediate abatement as a condition for approval upon application for a building permit, sign permit, conditional use permit, new (non-renewal) business license, or similar town permit or review when said site improvements, construction, reconstruction, expansion, alteration or modification of existing sites, structures, or uses individually or cumulatively equal or exceed one thousand five hundred (1,500) square feet. Projects less than one thousand five hundred (1,500) square feet will not be subject to immediate abatement. However, they will count towards a cumulative total of projects on the same property. When the cumulative total equals or exceeds one thousand five hundred (1,500) square feet abatement shall be immediate.

4.20.13.b.2 All damaged or inoperative nonconforming lighting shall be replaced or repaired only with lighting equipment and fixtures compliant with this chapter.

4.20.13.b.3 All outdoor lighting not previously scheduled for amortization or otherwise exempted shall be brought into conformance with this section within seven (7) years from the effective date of this chapter.

4.20.13.c Audits. The town shall perform two (2) audits of all outdoor lighting in the town, on four (4) years and the other six (6) years after the effective date hereof. These audits will identify all lighting that does not conform to the

standards of this section. The results of these audits will be made available to the public.

#### 4.20.14 Violations.

4.20.14.a The following constitute violations of this section:

- 4.20.14.a.1 The installation, maintenance, or operation of any lighting fixture not in compliance with the provisions of this section.
- 4.20.14.a.2 The alteration of outdoor lighting fixtures after a certificate of occupancy has been issued without the review and approval of the planning commission when such alteration does not conform to the provisions of this section.
- 4.20.14.a.3 Failure to shield, correct, or remove lighting that is installed, operated, maintained or altered in violation of this section.

4.20.14.b Violations of this section are subject to enforcement as outlined in Chapter 4 of this title.

#### 4.20.15 Definitions.

For the purpose of this section, certain words, phrases and terms used herein shall have the meaning assigned to them by VULU Chapter 1.6, and by this subsection.

4.20.15.a Law Governing Conflicts.

Where any provision of Federal, State, County or Town statutes, codes, or laws conflicts with any provision of this code, the most restrictive shall govern unless otherwise regulated by law.

4.20.15.b Temporary Outdoor lighting.

Any temporary outdoor lighting that conforms to the requirements of this ordinance shall be allowed. Nonconforming temporary outdoor lighting may be permitted by the applicant appearing before the Planning and Zoning Commission to consider:

- 4.20.15.b.1 The public and/or private benefits that will result from the use of the temporary lighting;
- 4.20.15.b.2 Any annoyance or safety problems that may result from the use of the temporary lighting;
- 4.20.15.b.3 The duration of the temporary nonconforming lighting. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Planning and Zoning Commission, who shall consider the request at a duly called meeting of the Planning and Zoning Commission.
  - 4.20.15.b.1.a Prior notice of the meeting shall be given to the applicant and advertised in the usual manner as directed by the Virgin Town Bylaws. During the meeting, the members of the Planning and Zoning

Commission will consider the application for recommendation to the Virgin Town Council for approval or denial. The Virgin Town Council shall render a decision within two weeks after their regularly scheduled and advertised meeting, at which the applicant is in attendance. Failure of the Town Council to act within this time will constitute denial of the request.

4.20.15.c Effective Date and Grandfathering of on Conforming Luminaries.

This ordinance shall take effect immediately upon approval by the Virgin Town Council after a properly advertised public hearing. All luminaries lawfully in place prior to the date of the ordinance shall be grandfathered. However, any luminaire that replaces a grandfathered luminaire, or any grandfathered luminaire that is moved, must meet the standards of this ordinance.

Advertising signs are grandfathered for a period of five years.

4.20.15.c.1 Grandfathered luminaries that direct light toward streets or parking lots that cause disability glare to motorists or cyclists should be either shielded or re-directed within ninety (90) days of notification, so that the luminaries do not cause a potential hazard to motorists or cyclists.

PROPOSED AMENDMENT TO CHAPTER 27  
additions of paragraph 27.6.2.F.1

27.3. **DEFINITIONS.**

27.6.2.F. Roof Mounting. Roof-mounted solar collectors shall be flush mounted on pitched roofs where practical. Solar collectors may be bracket mounted on flat roofs.

*27.6.2.F.1 Where the pitch of the roof is not due south (for optimum solar gain), solar panels may be mounted with a tilt to maximum of 20° provided the highest point of any solar panel or frame does not break the ridge line of the roof.*