

# **VIRGIN TOWN ORDINANCE #**

## **AN ORDINANCE RESTATING CHAPTER TWENTY COMMERCIAL ZONE. (“VULU”).**

### **RECITALS**

**WHEREAS**, Virgin Town (“Town”) is a municipal corporation duly organized and existing under the laws of the State of Utah, particularly Title 10 of the Utah Code.

**WHEREAS**, Virgin Town Council (“Town Council”) is both the Town’s governing body and Land Use Authority pursuant to Utah Code § 10-9a- 101 et seq.

**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 Twenty (20) Commercial Zone, 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 clarify regulations in VULU; and

**WHEREAS**, the Virgin Land Use Authority finds that, to accommodate the towns desire to make more uses permitted; and

**WHEREAS**, the Virgin Land Use Authority finds that, to accommodate the towns desire have commercial properties fronting State Route Nine (SR-9); and

**WHEREAS**, the Virgin Town Planning and Zoning Commission held properly noticed Public Hearings on these amendments on \_\_\_\_\_, and voted to recommend its draft amendment ordinance to the Virgin Town Council at a regular meeting on \_\_\_\_\_;

**NOW, THEREFORE BE IT ORDAINED** by the Land Use Authority of Virgin, Utah acting by and through the Town Council 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:

## **CHAPTER 20: COMMERCIAL ZONE (C)**

### **20.1. PURPOSE.**

The purpose of this zone is to promote the economic well-being of the Town through the generation of sales and other taxes, and implement land use policies of the General Plan as follows:

**20.1.1.** Restrict the commercial properties to State Route 9;

**20.1.2. Restrict commercial buildings to protect views and environment;**

**20.1.3. Limit density to minimize infrastructure demands;**

**20.1.4. Encourage incorporation of open public spaces;**

**20.1.5. Encourage the preservation of historical sites;**

**20.1.6. Encourage the use of natural landscaping and minimize site disturbance;**

**20.1.7. Encourage the development of services for community and tourist.**

**20.2. GENERAL.**

The Commercial Zone shall be characterized by clean, low-lit and suitably scaled development and buildings that reflect the rural character of Virgin. The zone provides for recreational, commercial, strictly limited residential, and visitor activities. The Zone is intended to provide for commercial activities, employment, and outdoor recreational opportunities.

**20.3. LOCATION.**

Commercial Zone designation is available along the State Route Nine (SR-9) frontage, extending West from 150 west to the furthest West Commercially zoned parcel.

**20.4. PERMITTED USES.**

20.4.1. Retail trade: ie book, news stand, rock, floral, boutique, farmers markets, and specialty shops;

20.4.2. Professional. business offices and financial institutions;

20.4.3. Art gallery and museums;

20.4.4. Studios: i.e. Photography, music, dance, martial arts, yoga. in door recreation and silk-screening;

20.4.5. Municipal building and Community building – Meeting halls; 20.4.6. Reception or event facility;

20.4.7. Outfitting/guide/tour services;

20.4.8. Restaurant, cafe, coffee shop, deli with or without outdoor eating areas; (See VULU 8.14.1.)

20.4.9. Short Term Rentals;

**20.4.10.** Health care facilities;

20.4.11. Limited Temporary & Permanent Commercial Habitation; and (See VULU 8.13)

20.4.12. Churches.;

**20.5. CONDITIONAL USES.**

The approval for any project and its continuing use shall be subject to a Conditional Use Permit. Refer to VULU Chapter 8 for procedure and additional standards. Because of the visual and topographic fragility of this area, development standards will be specifically tailored to minimize site disturbance and visual impact. Conditionally permitted uses in the Commercial Zone are:

20.5.1. General or convenience store; (no gasoline sales, or lighted canopies).

20.5.2. Trail-ride staging (strict buffers, numbers of animals, accessory stables or barns, and nuisance abatement to be addressed during Conditional Use review). (See VULU 8.14.4)

20.5.4. Shuttle stop.

20.5.5. Hotel/Motel; (For additional specific standards such as Units per acre See VULU 8.14.3. Lodging, VULU 20.20.1.)

20.5.5.A. Small scale facilities thirty (30) lodging units or less; and

20.5.5.B. Medium scale "Boutique" facilities One hundred (100) lodging units or less.

**20.5.6.** Veterinary clinics;

**20.5.9.** Private schools;

**20.5.10.** Automobile service station; (See VULU 8.14.8., VULU 20.20.2.)and

**20.5.11.** Food Trucks.

20.6. Prohibited Used

**20.6.1.** Sexually Oriented Businesses (SOB);

**20.6.2.** Congregate Living Facilities; and

**20.6.3.** Campgrounds/RV parks.

**20.7. BUILDING LOCATION.**

Structures shall not be located on ridges, hilltops, or within twenty-five feet (25') of SR-9 right-of-way. Development envelopes shall be designated during the approval process and recorded on the final plan. There shall be no excavation or disturbance of the natural vegetation or landforms beyond the approved streets, driveways, and development envelopes.

**20.7.1.** Minimum Area and Setback Requirements. \*SETBACKS (measured in feet)

Acres	From SR-9	From Other Zones	Front	Side	Rear
1	25'	40'*see note	20'	10'	20'

- Note setback may be reduce to a distance of not less than 20' with informed written consent of property owner or owners.

**20.8. BUFFERS AND LANDSCAPING.**

Those properties with FRONTAGE on SR-9 shall have a minimum twenty-five feet (25') landscaped or well-maintained natural buffer between the boundary of SR-9 and the development. In lieu of sidewalks along the state highway, a continuous paved trail for use by pedestrians and bicycles shall be developed in accordance with Town standards, which may be located within this buffer zone. A thirty-foot (30') landscaped buffer shall also be provided between commercial and residential properties. To the extent practical, existing significant landscape features, including existing non-noxious trees and large shrubs, shall be preserved and incorporated into the final landscape and site plans.

**20.9. PARKING.**

A minimum of twenty five feet (25') depth landscape screen is required where parking occurs between a building and SR-9. This landscaping screen may be counted toward buffer required in Chapter 20.7. At least eighty percent (80%) of required parking must be located on the side or-front of each land use. No contiguous parking area may be more than one-hundred feet (100') long. Parking areas shall be screened by berms and/or landscaping as. Shade trees may be required in larger lots.

**20.10. WATER FEATURES.**

Conservation of water is a goal of the community. All decorative pools, ponds, fountains, waterfalls, hot tubs or spas shall conform to the requirements of the design and conditional use standards of this ordinance.

### **20.11. OPEN SPACE.**

Each project shall include open space intended for use or enjoyment by all occupants and guests of a development, and often by the general public. This space may include vegetated recreation-oriented areas. The maximum permissible coverage of all buildings shall not exceed twenty-five percent (25%) of all acreage. Fifty percent (50%) of all acreage must be left as open space. Parking and paved areas, except for approved trails dedicated for public use, may not be counted toward open space.

### **20.12. BUILDINGS.**

All building will be in compliance with Virgin Town design standards and all other applicable regulations.

### **20.13. BUILDING HEIGHT.**

Maximum building height will be twenty-two feet (22') in height, as measured from the average lot elevation. No building may exceed two (2) stories.

### **20.14. OUTBUILDING/ACCESSORY BUILDING HEIGHT.**

No shed, garage, storage facility or auxiliary building shall be more that eighteen feet (18').

### **20.15. MAXIMUM BUILDING SIZE.**

Maximum size of a building is 3,000 square feet unless building size bonuses are granted during design or conditional use review. In no case shall any one building exceed 12,000 square feet.

20.15.1. A 1000 square foot bonus will be granted for the following:

20.15.1.A. Majority of land scaping is xeriscape and low water use plants;

20.15.1.B. Public Trails;

20.15.1.C. Facilities that are open for community use;

20.15.1.D. Shared parking areas with other facilities;

20.15.1.E. Incorporation of solar panels;

20.15.1.F. Open space of greater than 50% of total acreage; or

20.15.1.G. Reclamation plan of unused property.

20.15.2. A 3000 Square foot bonus will be granted for the following:

20.15.2.A. Treatment and reuse of wastewater for irrigation; or

20.15.2.B Use of Leadership in Energy and Environmental Design (LEED) Standards

20.15.3. A 5000 Square foot bonus will be granted for the following;

20.15.3.A Use of underground parking.

**20.16. ARCHITECTURE AND DESIGN.** Architecture may be addressed in detail during design and conditional use review. Generally, development will utilize indigenous, regional architectural styles and materials for all structures to blend with the surrounding natural landscape without drawing undue attention to the development.

**20.16.1.** development shall exhibit a unity of design for buildings with multi-building complexes through use of similar elements such as rooflines, material, window arrangements and sign location. Exterior building materials shall be compatible with the surrounding environment.

**20.16.2.** No unbroken exterior surface shall exceed thirty feet (30') in length. A surface is considered broken when interrupted by a protrusion or inlet of at least four feet (4') extending the entire height of the wall.

~~**20.16.3.** No corporate architectural design is permitted.~~

**20.16.3.** Color may be addressed in detail during design or conditional use review. Generally, acceptable colors are earth tones reflecting the naturally occurring color in local rock, soil and vegetation. Overall color schemes shall be earth tones which enhance the natural setting.

**20.16.5.** Roof materials may be addressed in detail under design or conditional use review. Generally, roof materials will be non-reflective, except that reflective solar panels may be granted approval during design or conditional use review if the land use authority finds that they (i) will not be visible from SR-9; and (ii) will not present a nuisance to neighboring residences. Flat roofs visible from neighboring properties or SR-9 shall be earth tone in color.

**20.17. WASTEWATER COMPLIANCE.**

Wastewater systems will be subject to approval of the Southwest Utah Health Department or the Division of Environmental Quality, and Virgin Town, as appropriate. "Gray water" from treatment systems may be used for landscape irrigation if approved by the Southwest Utah Health Department or Division of Environmental Quality, as applicable. Facility location shall be examined during design or conditional use review and must be approved by the Land Use Authority.

**20.18. CONDITIONS OF USE.** (to be attached, where applicable, to every permit granted under the requirements of VULU Chapter 8).

**20.18.1. NATURAL HAZARDS.** Construction of permanent structures shall not be permitted or performed in such a manner as to place real or personal property and/or individuals at unreasonable risk of harm or injury from natural, geographic or topographic hazards such as landslides, floods or excessive soil erosion. In addition to compliance with the provisions of the building code or governing standards to meet the maximum foreseeable risk of such hazards, persons developing, improving, managing or owning such property shall have the obligation to bear the burden of so developing and/or improving the property in such a manner that the property and/or general public are safeguarded from unreasonable risk of harm or injury from such natural hazards.

**20.18.2. GRADING.** To reduce the possibility of erosion and eliminate unsightly scars within the town, all excavation grading, cut and fill operations and siting of roads shall be done under appropriate review and supervision in compliance with VULU Chapter 1 and with approval of the Town Engineer. Additional inspections may be required. After review of the building or excavation permit application, and site plan including development envelopes, the town may require a specific revegetation plan and schedule as approved by the Planning Commission, as a condition of the permit issuance. A geotechnical report describing the stability and suitability of said lot or parcel for development must be submitted and approval given prior to the issuance of any excavation permit.

**20.18.3. LIGHTING.** Exterior lighting may be installed to provide for safety and security. Proper controls must be provided to preserve, to the greatest extent possible, the visual qualities of the night sky and to protect neighboring properties from light trespass, glare, and pollution. To this end, the provisions of VULU Chapter 4.20. will be enforced.

**20.18.4. FLAGPOLES. (See VULU 26)**

**20.18.5. MECHANICAL DEVICES.** Air conditioners, heating, cooling and ventilating equipment, propane tanks, pumps and heaters, and all other mechanical devices shall be screened from the surrounding properties and streets or lanes and shall be operated so that the resulting sound does not exceed acceptable levels, or the applicable sound control as set forth in the town ordinance.

**20.18.6. TRASH.** No trash, trash containers, used materials or equipment shall be stored in open areas. All such materials shall be screened from public streets or walkways and adjacent properties with an opaque FENCE or wall, or stored within an enclosed building as determined during conditional use and design review.

**20.18.7. SCREENING.** A decorative masonry wall, fence or landscape screen may be required of a commercial use along all property lines which lie adjacent to a residential zone as determined during conditional use and design review.

**20.18.8. STORAGE.** The outside storage of objects and materials shall require conditional use approval, and complete screening from public view, or view of any contiguous property.

**20.18.9. QUIET TIME.** Is between 10:00 p.m. and 7:00 a.m.

**20.19.** All conditions of use governing safety and security issues shall be completed prior to the start of operation of any business and shall be subject to inspection for approval and compliance by the Virgin Town Zoning Administrator.

**20.20. Additional Use Specific requirements.**

**20.20.1. Hotel/Motel.**

**20.20.1.A.** A minimum of sixty-foot (60') buffer between established residential properties;

**20.20.1.A.i.** Buffer may not include parking or non-emergency driveways.

**20.20.1.B.** A sound wall shall be constructed between facilities and established residential properties on the property line unless all uses are one hundred fifty feet (120') or greater from the property line;

**20.20.1.C.** No more the 20% of parking may be behind main building(s)

**20.20.2. Service stations.**

**20.20.2.A.** Fuel pumps must be in front of building.

**20.20.2.B.** Store and Pump hours are limited to between 4:00 am and 11:00 pm.

**20.20.2.C.** A minimum of sixty-foot (60') buffer between established residential properties;

**20.20.2.C.i.** Buffer may not include parking or non-emergency driveways.



20.20.2.D. A sound wall shall be constructed between Service station and established residential properties on the property line unless all uses are one hundred fifty feet (120') or greater from the property line.