

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

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### **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.** To allow for and regulate the development of tourist-based and community-serving uses in a natural desert setting while preserving and enhancing the unique visual quality and rural character of the Town of Virgin;

**20.1.2.** To allow for the development of buildings while requiring designs that are compatible with the surrounding landscape;

**20.1.3.** To protect the scenic views and minimize visual impacts in the entrance corridor to the town, which provides the first impression of the town and Zion Canyon for many visitors;

**20.1.4.** To continue a pattern of development density which will minimize infrastructure demands;

**20.1.5.** To integrate commerce with pleasant, functional public spaces;

**20.1.6.** To encourage the preservation of natural and historically agricultural landscape and open space, and minimize site disturbance;

**20.1.7.** To protect the values, beauty and heritage of the area in physical appearance, quality of design and interrelationship of land use and development and thus serve as a valuable asset and benefit for the entire community; and

**20.1.8.** To enhance general property values within the Town of Virgin.

### **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 general amenity of the zone is one of business development enclaves located in the open rural countryside with compatible native landscape. The zone is intended to provide for small-scale commercial activities and outdoor recreational opportunities while promoting access to public lands and the Virgin River. development and its associated activities will be sustainable in nature, constituting mixed density development, best practice methods of waste disposal, and longevity in quality and built form. development controls and design standards, in conjunction with provisions of the General Plan and other ordinances, will ensure that the zone provides for the social, economic and cultural well-being of the wider community, while assisting in ecological enhancement and the seamless integration of the built and natural environment.

### **20.3. LOCATION.**

Commercial Zone designation is deemed acceptable in certain areas along the SR-9 frontage, extending west from 700 West *[to the furthest west commercially zoned parcel as of the date of approval of this chapter]*. The described area is natural desert land with a dramatic backdrop of mesas. This visually fragile

corridor provides the first impression of the town and of Zion Canyon for many visitors. Other considerations specific to this location include:

**20.3.1.** The highway provides a high volume of tourist and consumer traffic; and

**20.3.2.** properties adjoining large parcels of public land are included in the designated tract; recreational and seasonal activities are a valuable and logical use for this land.

To promote mutual enhancement of business and sharing of facilities, as well as to discourage a perception of sprawl, zone changes to this designation will only be considered on properties adjacent to commercial uses existing as of the date of approval of this chapter.

#### **20.4. PERMITTED USES.**

There are no permitted uses in the Commercial Zone. All uses are by Conditional Use Permit.

#### **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.** Retail trade in line with the purpose of this chapter; i.e. book shop, rock shop, floral shop, specialty shop.

**20.5.2.** General store (no gasoline sales, lighted canopies, or corporate architecture).

**20.5.3.** Professional or business offices and financial institutions (without lighted canopies, drive-through, or corporate architecture).

**20.5.4.** Restaurant, cafe, coffee shop or deli with or without outdoor eating areas (max Water/ waste impact 1 ERU per acre for newly constructed uses served by septic tank; no drive-through, lighted canopies or corporate architecture).

**20.5.5.** Brewery/winery with a max water/waste impact 1 ERU per acre for newly constructed uses served by septic tank.

**20.5.6.** News stand.

**20.5.7.** Farm market or stand.

**20.5.8.** Art gallery.

**20.5.9.** Studios for photography, art, music, dance, martial arts, yoga, massage therapy, or silk-screening.

**20.5.10.** Outfitting/guiding services, except for rental of motorized recreational vehicles.

**20.5.11.** Museum.

**20.5.12.** Non-motorized bicycle shop and tour services.

**20.5.13.** Trail ride staging (strict buffers, numbers of animals, accessory stables or barns, and nuisance abatement to be addressed during Conditional Use review).

**20.5.14.** Reception or event facility.

**20.5.15.** Trails.

**20.5.16.** Shuttle stop.

**20.5.17.** Aquaculture (area coverage and design standards to be addressed during conditional use review).

**20.5.18.** Limited Permanent Commercial Habitation. (See Chapter 8.12)<sup>1</sup>

**20.5.19.** Limited Temporary Commercial Habitation. (See 8.12 and 13.2)<sup>2</sup>

## **20.6. BUILDING LOCATION.**

Structures shall not be located on ridges, hilltops, or within fifty feet (50') 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. BUFFERS AND LANDSCAPING.**

Those properties with FRONTAGE on SR-9 shall have a minimum fifty-foot (50') 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 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. Should a mature tree be removed, two approved trees of four-inch (4") or greater caliper shall be planted and maintained, and replaced should they become unhealthy. Vegetation and other land features to be preserved shall be clearly marked during all phases of site development. Plants shall be drought tolerant and low-water use plants.

## **20.8. PARKING.**

A minimum of thirty-five feet (35') 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. Parking behind buildings is strongly preferred. At least eighty percent (80%) of required parking must be located on the side or rear of each land use. No contiguous parking area may be more than one-hundred feet (100') long. Parking areas shall be screened by buildings, berms and/or landscaping as determined in design or conditional use review. Shade trees may be required in larger lots.

<sup>1 & 2</sup> As amended pursuant to ordinance #2015-061715-1a

**20.9. 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.

**20.10. 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.

**20.11. BUILDINGS.**

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

**20.12. BUILDING HEIGHT.**

Maximum building height will be eighteen feet (18') unless bonus height is granted during design and conditional use review; however, no building may exceed twenty-two feet (22') in height. No building may exceed two (2) stories.

**20.13. OUTBUILDING/ACCESSORY BUILDING HEIGHT.**

No shed, garage, storage facility or auxiliary building shall be more than thirteen feet (13') to the highest point unless bonus height is granted during design and conditional use review; however, no building may exceed eighteen feet (18').

**20.14. MAXIMUM BUILDING SIZE.**

Maximum size of a building is 2,500 square feet unless building size bonuses are granted during design and conditional use review. In no case shall any one building exceed 8,000 square feet.

**20.15. ARCHITECTURE AND DESIGN.**

Architecture will 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.

**20.15.1.** 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.

**20.15.2.** 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.

**20.15.3.** No corporate architectural design is permitted.

**20.15.4.** Color will 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.

**20.15.5.** Roof materials will 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 gray or brown in color.

## **20.16. 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.

## **20.17. CONDITIONS OF USE.**

(to be attached, where applicable, to every permit granted under the requirements of VULU Chapter 8).

### **20.17.1. 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.

### **20.17.2. 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.

### **20.17.3. 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.

**20.17.4. FLAGPOLES.**

Except for a single flagpole displaying the American or Utah state flag, flagpoles are not Permitted in the Commercial Zone. The top of the flagpole shall not be used as an antenna. No spotlight or other type of light directed at the flagpole is permitted. The top of the flagpole may not be more than twenty-four feet (24'), except in the instance of a garrison flag, in which case the pole may be three times the length of the garrison flag. All customs in regard to respect for the American flag will be followed. In the absence of lighting, due to VULU Chapter 4.20., the flag will be raised after sun-up and lowered before sundown. No advertising or decorative flags or banners are allowed.

**20.17.5. 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.

**20.17.6. 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.

**20.17.7. 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.

**20.17.8. 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.

**20.17.9. QUIET TIME.**

No activity generating more than fifty (50) decibels of sound may be engaged in between 10:00 p.m. and 7:00 a.m.

**20.18.** 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.

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

AREA	FROM SR-9	FROM OTHER ZONES	FRONT	SIDE	REAR
1 ACRE	50'	40'	20'	10'	20'