

CHAPTER 8: TOWN STANDARDS, CONDITIONS, AND CONDITIONAL USES

8.1. STANDARDS TO BE UPHELD

The Town shall not issue a land use approval unless the land use authority concludes in its authorized discretion that the application, along with any imposed conditions, is likely to mitigate all identified and reasonably anticipated adverse impacts associated with the use, and is likely to comply with the following general standards for all land use, as well as any other specific standards in this zoning ordinance.

Decision makers may consider any of the following applicable Town goals during land use review and the imposition of conditions. A conditional use will not be approved unless it is deemed consistent with the town commitments to legal compliance, fiscal responsibility, the protection of health and safety, the maintenance of our rural atmosphere, the continuing improvement of our everyday lives, wise planning for the future, and the protection of the assets that comprise our unique community, represent our present and future economic viability, and inspire the love our residents and visitors have for the Town of Virgin.

8.1.1. LEGAL COMPLIANCE.

The Town intends for all federal and local laws and regulations to be followed, including:

8.1.1.A. U.S. and Utah Constitutions.

8.1.1.B. Fair housing, anti-discrimination, and affordable housing laws.

8.1.1.C. Utah Code and other state and local regulations.

8.1.1.D. Virgin General Plan, ordinances, and policies.

8.1.2. PROMOTING HEALTH AND SAFETY.

The Town will regulate use in its efforts to:

8.1.2.A. Control traffic.

8.1.2.B. Control and monitor waste.

8.1.2.C. Control animals.

8.1.2.D. Minimize crime.

8.1.2.E. Assure clean, potable water.

8.1.2.F. Mitigate Flood Hazards.

8.1.2.G. Mitigate fire hazards and minimize fuel for the spread of wildfire.

8.1.2.H. Mitigate health hazards.

8.1.2.I. Protect the watershed.

8.1.2.J. Provide for recreation.

8.1.2.K. Be safe and useable for pedestrians.

8.1.2.L. Provide a safe, integrative, livable environment for youth, the disabled and the elderly.

8.1.3. BEING FISCALLY RESPONSIBLE.

Virgin Town intends to live within its means while keeping residential tax rates low, and will regulate use in its efforts to:

8.1.3.A. Avoid undue burdens on the Town to provide services, infrastructure, or other financial contribution.

8.1.3.B. Avoid taxing existing residents to pay for new development.

8.1.3.C. Conserve water.

8.1.3.D. Assure sufficient utility capacity.

8.1.3.E. Ensure enforceable maintenance agreements for undedicated public spaces.

8.1.3.F. Limit unnecessary disturbance of ground in areas the Town will maintain.

8.1.3.G. Control vegetation to reduce health and fire hazards, minimize water usage, and protect trail and river access;

8.1.3.H. Mitigate the costs of residential development.

8.1.3.I. Encourage tax-base contributory uses in appropriate areas.

8.1.3.J. Promote community and business interactivity.

8.1.3.K. Discourage consumers and businesses from exporting profits.

8.1.3.L. Provide an attractive environment for those businesses that are consistent with Town goals.

8.1.4. PROTECTING OUR ASSETS.

The town will regulate use in its efforts to preserve what provides its economic base by attracting visitors and retaining residents, including:

8.1.4.A. Access to river, trails, parks, and public lands.

8.1.4.B. Unique landscape.

8.1.4.C. Views of open desert and geologic formations.

8.1.4.D. Clean water.

8.1.4.E. Clean air.

8.1.4.F. Quiet, peaceful residential neighborhoods.

8.1.4.G. Clean, safe yards, homes, businesses, and public spaces.

- 8.1.4.H.** Dark night skies in Virgin and surrounding area.
- 8.1.4.I.** Town parks, trails, and other recreational facilities.
- 8.1.4.J.** Individual property rights.
- 8.1.4.K.** Rural atmosphere.
- 8.1.4.L.** Historic buildings and places.
- 8.1.4.M.** Friendly community.
- 8.1.4.N.** Beneficial vegetation and wildlife.

8.1.5. RURAL AND UNIQUE.

Virgin intends to continue as a small, unique, rural town, and will therefore regulate use in its efforts to:

- 8.1.5.A.** Discourage formula homes and businesses.
- 8.1.5.B.** Encourage diversity of business.
- 8.1.5.C.** Limit density of use.
- 8.1.5.D.** Promote small, locally owned business.
- 8.1.5.E.** Encourage owner-built custom homes.
- 8.1.5.F.** Maintain existing agricultural activities and qualities such as ranching and equestrian use.
- 8.1.5.G.** Keep neighborhoods safe, quiet, and interactive.

8.1.6. IMPROVING OUR LIVES.

Virgin wishes to plan now for future assets, and will regulate use in its efforts to:

- 8.1.6.A.** Continue improvements to public buildings, streets, walkways, trails, parks.
- 8.1.6.B.** Encourage businesses that provide goods and services to residents.
- 8.1.6.C.** Promote integrated, lively, walkable commerce centers.
- 8.1.6.D.** Encourage open, positive interaction among community members and government.

8.1.7. WISE PLANNING.

Virgin must anticipate future needs and problems to realize its goals; therefore, decision makers will regulate use in its efforts to:

- 8.1.7.A.** Encourage only orderly, integrated growth at a manageable rate appropriate for a small town.
- 8.1.7.B.** Encourage contiguity of complementary uses.

- 8.1.7.C.** Require high-quality design and construction.
- 8.1.7.D.** Promote small, interactive businesses that suit Town goals.
- 8.1.7.E.** Discourage strip development and sprawl.
- 8.1.7.F.** Avoid redundancy of use wherever desirable and possible.
- 8.1.7.G.** Buffer existing and future conforming use from conflicting uses.
- 8.1.7.H.** Group or connect mutually enhancing uses.
- 8.1.7.I.** Assure future connectivity of utilities, streets, roads, trails, and open space.
- 8.1.7.J.** Avoid future drainage problems.
- 8.1.7.K.** Encourage neighboring entities to acknowledge and act in accord with our planning decisions.
- 8.1.7.L.** Include and utilize citizen opinions and talent in evolving community plans and ordinances.

8.2. PURPOSE OF CONDITIONAL USE PROVISIONS

Certain uses which may be harmonious under special conditions within a district, but may be improper under general conditions, are classed as conditional uses within the various districts and require conditional use permits for approval.

8.3. CONDITIONAL USE PERMIT (CUP) REQUIREMENT

An approved conditional use permit shall be required for each conditional use and for any amendment or expansion of a use listed as conditional in this ordinance, prior to commencement of such use. When a conditional use permit is required, no building permit or other permit or license shall be issued by any officer or employee of Virgin Town unless a conditional use permit has been approved by the Land Use Authority. All applications for conditional use permits shall first be reviewed by the Virgin Town Planning and Zoning Commission, who shall propose any appropriate conditions and make a recommendation of approval or disapproval of said permit to the Virgin Town Council. Any uses not listed as permitted or conditional in this ordinance shall be deemed prohibited. Sharing of facilities by complimentary uses is encouraged. When approval for an additional use is sought for a single property or building on or in which an existing primary use is ongoing, certain development or other standards may not effectively be applied. The Land Use Authority may or may not grant an exception when strict implementation of standards would conflict with or substantially harm the ongoing primary use. Findings shall accompany any relaxation or exception, providing a rational justification of any and each exception granted. Conditions specifically designed to reduce conflicts or promote effective interface of uses may be applied to a CUP for a secondary use.

If a proposal is for new construction that would have a greater water supply requirement than one (1) ERU per developable acre, developer shall purchase or otherwise provide the additional needed amount of water from a Town-approved source other than the Town (for example, through agreement with the WCWCD).

8.3.1. APPLICATION

Application for a conditional use permit shall be made to the Virgin Planning and Zoning Commission as provided in this ordinance. The application for a conditional use permit shall include, at a minimum, the following information:

- 8.3.1.A.** The name, business name and address of the applicant.
- 8.3.1.B.** The name and address of the manager or contact person for the applicant.
- 8.3.1.C.** Two (2) copies of a plat plan with a legal description.
- 8.3.1.D.** The present zone classification for the property.
- 8.3.1.E.** A description of the proposed project and use of the land.
- 8.3.1.F.** The present zone classification for the property.
- 8.3.1.G.** An estimate of the number of employees and the type of equipment and buildings to be used.
- 8.3.1.H.** An estimate of the total project valuation.
- 8.3.1.I.** An estimate of the time required for construction of the project, including the time required for construction of each phase if construction is to be made in phases.
- 8.3.1.J.** A listing of all permits that may be required by state or federal agencies, with copies of such permits to be submitted to the Virgin Town Planning and Zoning Commission, as soon as they are available.
- 8.3.1.K.** A listing of all utilities which will be in place before, during and after construction.
- 8.3.1.L.** Such other pertinent information, including but not limited to proof of financial responsibility, fiscal impact analysis, professional traffic or other study, construction and excavation plans, and detailed site analysis, as may be required by the Virgin Town Planning and Zoning Commission to evaluate the application.
- 8.3.1.M.** Title evidence, in such form as the Virgin Planning and Zoning Commission may determine, indicating ownership of the property and the interest therein, shall be provided at applicants' expense at time of application.

8.4. DEVELOPMENT PLAN

The applicant for a conditional use permit shall prepare a site plan of the proposed buildings, fences, landscaping, automobile parking and loading areas, setbacks, walkways, open spaces and any other information the Virgin Town Planning and Zoning Commission may deem necessary to evaluate the proposed uses and the physical relationship of the uses. Copies of sufficient quantity as determined by the Virgin Town Planning and Zoning Commission shall be provided at applicants' expense.

8.5. PLANNING AND ZONING COMMISSION ACTION

The Virgin Town Planning and Zoning Commission shall make a recommendation for approval or denial of a conditional use permit to the Virgin Town Council. In recommending approval of any conditional use, the Virgin Town Planning and Zoning Commission shall consider applicable standards for review listed in

VULU Chapter 8.1. and impose such regulations and conditions as are necessary to protect the public health, safety and welfare, to accomplish the purposes of the Virgin Town General Plan and this zoning ordinance, and to contribute to the general well-being of the community. If an applicant meets all requirements of the zoning ordinance and all conditions proposed by the Planning and Zoning Commission, the commission shall recommend approval of a conditional use permit by the Town Council, subject to the conditions proposed.

Following a public hearing, the Virgin Town Planning and Zoning Commission shall record in writing the findings upon which its recommendation is based. In recommending to the Town Council the denial of a conditional use permit, the Planning and Zoning Commission shall set forth specifically in writing the reasons for recommending denial, citing supporting factual evidence, and provide the applicant and the Town Council with notice of the action. The Town Council shall approve or deny conditional use permits only after the Planning and Zoning Commission has reviewed the application and made its recommendation to the Board.

8.6. TOWN COUNCIL ACTION ON CONDITIONAL USE PERMITS

The authority to approve a conditional use permit rests solely with the Virgin Town Council. The Council shall not make its decision without first considering the recommendation of the Virgin Town Planning and Zoning Commission. The Council may affirm or reverse the recommendation of the Planning and Zoning Commission or may modify any conditions proposed by the Planning and Zoning Commission in its recommendation. The Virgin Town Council shall present, in writing, the reasons for its action, citing supporting factual evidence in the case of denial.

8.7. INSPECTION

Following the issuance of a conditional use permit by the Virgin Town Council, permit holder may apply for a building permit. The building INSPECTOR, with the advice of the planning commission or zoning official, shall inspect the LOT on which a conditional use permit is issued during construction of any improvements, to insure that all improvements comply with the conditions of the conditional use permit and building permit.

8.8. REVOCAION OF CONDITIONAL USE PERMIT

The Virgin Town Council may, after notice and hearing before the Board, revoke a conditional use permit if the applicant fails to comply with the conditions imposed upon the original approval of such conditional use permit or any amendment thereto. Permit holder shall immediately cease any use of the property which was based on the conditional use Permit upon receipt of notice of revocation from the Council.

If the Town Council revokes any permit under this section, the holder of the permit shall have a right to appeal the revocation of the permit. The holder must file the appeal with the Town Clerk within fifteen (15) days of the date of the notice that the Town has revoked the conditional use Permit.

Upon receipt of the appeal, the Council shall set a hearing on the appeal at its next regularly scheduled meeting which is more than fifteen (15) days after the time the Town Clerk received the appeal. The Town shall supply the permit holder of the time, date and place of the hearing at least fifteen (15) days before the hearing. At the hearing, the permit holder shall have the right to be heard on the revocation.

Furthermore, the Virgin Town Council may revoke a conditional use permit one (1) year after issuing the permit unless, in the judgment of the Town Council, substantial work shall have been accomplished toward the implementation of the conditional use.

8.9. TIME LIMITATION

Action authorized by a conditional use Permit must commence within one (1) year of the time the permit is issued. If the permit holder has not commenced action under the permit within this time, the permit shall expire and the holder must apply for a new permit. The planning commission may grant an extension for good cause shown. Only one extension may be granted and the maximum extension shall be six (6) months. In order to obtain an extension, the permit holder must apply in writing before the expiration of the original permit. Application describing the cause for requesting the extension must be submitted to the Town Clerk.

8.10. EXPANSION OF A CONDITIONAL USE

No structure in which a conditional use is located may be expanded without the approval of a new conditional use permit.

8.11. LIMITED PERMANENT COMMERCIAL HABITATION¹

8.11.1. PURPOSE.

The purpose of this exception to the prohibition of residential use in the commercial zones is primarily to facilitate the successful establishment of small locally owned businesses, by allowing for a single limited living quarters on a commercial lot. It is not the intent of this exception to provide for any living quarters within this zone that is not necessitated by the size and nature of the business to which it is attached.

8.11.2. PROCEDURE.

Applications for a Limited Commercial Habitation (LCH) Permit shall be made to the Planning & Zoning Commission for approval. In making its determinations, the Planning and Zoning Commission may consider all pertinent factors, including but not limited to: (i) store hours, (ii) work hours, (iii) nature of work done on property, (iv) nature of equipment and inventory, and (v) plans for the space affected showing the uses as residential and commercial by floor plan, drawn by a qualified engineer or architect.

8.11.3. ELIGIBILITY.

8.11.3.A. Only the owner, proprietor, or operator of an approved business can be granted a LCH Permit.

8.11.3.B. Only the LCH permit holder and immediate family members (see VULU Chapter 1.6. Definition of family) may occupy the living quarters.

8.11.3.C. The living quarters must be entirely incidental to an approved business.

8.11.3.D. applicant must demonstrate to the satisfaction of the Virgin Planning & Zoning Commission that the living quarters are clearly complementary to the main use, and not for rental purposes.

8.11.3.E. applicant must demonstrate to the satisfaction of the Virgin Planning & Zoning Commission that (i) a full time presence is necessary to ensure the safety and security of an established business, or (ii) the nature of the business requires a full-time presence on the premises.

¹Section 8.11. amended pursuant to ordinance #2015-061715-1a

8.11.4. LIMITATIONS AND REQUIREMENTS.

8.11.4.A. The living quarters must be wholly within or attached to a commercial building.

8.11.4.B. Any new construction of such a living quarters shall be subject to all pertinent provisions of this Chapter and the Virgin Uniform Zoning ordinance.

8.11.4.C. A maximum of one (1) permit for one (1) limited living quarters may be granted on a commercial lot.

8.11.4.D. Living quarters may include no more than one (1) kitchen, no more than one (1) bathroom, and no more than one (1) bedroom (See VULU Chapter 8.12.5.B. on discretion to alter floor plans to accommodate a family.)

8.11.4.E. Each bedroom shall be designed and utilized for a maximum of two (2) occupants.

8.11.4.F. No compensation may be exacted for privileges of occupancy of the living quarters.

8.11.4.G. Renewed LCH permits are effective for one (1) year.

8.11.5. MODIFICATIONS.

8.11.5.A. The Virgin Planning & Zoning Commission may modify a LCH Permit to include reasonable conditions or limitations necessary to protect the public interest including:

8.11.5.A.i. Interior or exterior physical buffers, vents, or firewalls to isolate the living quarters from supplies, equipment, or activities likely to exist in or arise from the approved business;

8.11.5.A.ii. Specific floor plan location of quarters within business to minimize intrusion of private space in commerce areas;

8.11.5.A.iii. Greater front, side, or rear setbacks than the minimum for the area;²

8.11.5.A.iv. Additional parking or screening;

8.11.5.A.v. Modification of exterior design or materials;

8.11.5.A.vi. Limitations on the lot coverage and occupancy of the building or structure;

8.11.5.A.vii. Limitations on signs and sign coverage;

8.11.5.A.viii. Time limitations appropriate to the circumstances (i.e.: seasonal use, or a cessation of the need for the residential use).

8.11.5.B. At the discretion of the Planning & Zoning Commission, the floor plan may be altered to accommodate a family as defined in VULU Chapter 1.6., Definition of Family.

8.11.6. ENFORCEMENT.

8.11.6.A. LCH permits are valid from the date of approval until the end of the year. Permits may be renewed annually by the Zoning Administrator if in compliance with this Chapter, and if no written complaints are received.

²As amended pursuant to Ordinance #2017-1

8.11.6.B. The Zoning Administrator shall conduct investigations in response to citizen complaint or at the direction of the Planning & Zoning Commission or Town Council to ensure the intent of this Chapter is being served by the holder of the LCH Permit.

8.11.6.C. In the case of a failure to comply with one (1) or more of the provisions of this Chapter, the permit holder will be given fifteen (15) or more days' notice to have a hearing before the Planning and Zoning Commission, and the LCH permit may be withdrawn by a vote of the Planning & Zoning Commission, which decision may be appealed to the Town Council, upon written request within ten (10) days from the ruling of the Planning and Zoning Commission.

8.11.6.D. If use is altered from that approved permitted in accordance with this Chapter, or abandoned for one (1) year, or has not been established within one (1) year after the date granted, the permit shall be null and void.

8.12. LIMITED TEMPORARY COMMERCIAL HABITATION/ TEMPORARY USE OF RECREATIONAL VEHICLES IN COMMERCIAL ZONE³ (See Ch. 13.2.)

8.13. STANDARDS FOR CONDITIONS BY USE.⁴

8.13.1. RESTAURANTS.

8.13.1.A. Definitions:

Restaurant. An establishment which serves food or beverages primarily to persons seated within a building, but may include patio seating associated therewith. "Restaurant" includes cafes and coffee shops which prepare food on site.

Formula Restaurant. Formula restaurants and other formula businesses will be covered in depth in the Formula retail and restaurant establishment ordinance. No application for projects will be considered until compliance with (a future VULU Chapter on Formula Businesses) is verified by the Planning and Zoning Commission. Formula restaurants are prohibited unless a design review indicates that theme, color, size, Signage, and lighting are in compliance with all Virgin Town ordinances and are compatible with Town goals.

8.13.1.B. Restaurant must be licensed by all applicable County and State Health agencies.

8.13.1.C. If a restaurant features outdoor dining areas, the outdoor dining area must be set back at least fifty feet (50') from any residentially zoned property.

8.13.1.D. Restaurant may not offer drive-up, drive-in, or drive-through service.

8.13.1.E. Parking. One (1) parking space for each four (4) seats. If accessory to a motel, one (1) space for each six (6) guests, including stools, benches and booths or one (1) space per each one hundred (100) square feet of floor area and one (1) additional per employee.

8.13.1.F. Seating. Maximum customer seating capacity for new restaurants served by septic tanks may be found in the following table. Four possible daily mealtimes are defined as follows: A restaurant serving meals at any time (i) between 6:00 AM and 11:00 PM is considered to offer breakfast; (ii) between 11:00 AM and 4:00 PM is considered to offer lunch; (iii) between 4:00 PM and 11:00 PM is considered to offer dinner; and (iv) after 11:00 PM is considered to offer a late meal. Capacities not covered by the table below may be calculated by multiplying days of operation by number of mealtimes, and dividing 194 by the result.

³Section 8.12 added pursuant to ordinance #2015-061715-1a

⁴Section 8.13 added pursuant to ordinance #2015-061715-1a and section 8.13.8 pursuant to ordinance#2017-32217-1

MAXIMUM SEATING CAPACITY PER ACRE, FOR NEWLY CONSTRUCTED
RESTAURANTS SERVED BY SEPTIC TANKS

Days per week of operation	One Mealtime	Two Mealtimes	Three Mealtimes
3	65	32	21
4	49	24	16
5	39	19	13
6	32	16	10
7	28	14	9

8.13.2. MICROBREWERIES.

8.13.2.A. A microbrewery shall not produce more than 2,500 barrels of beer annually, where one (1) barrel equals thirty-one (31) gallons.

8.13.2.B. A microbrewery must be licensed by all applicable State and federal agencies.

8.13.2.C. A microbrewery must contain a restaurant as defined in this ordinance.

8.13.2.D. All loading and delivery areas of a microbrewery must be screened from view from the street and adjoining properties.

8.13.3. LODGING. (please see Transient Room Tax ordinance)

8.13.3.A. Hotels, motels, and other lodging uses qualify as Open, Tourist-based, Temporary, Tax-Contributory Congregate Living Facilities, as defined in Chapter 25, Congregate Living Facilities, Section 25.1. Special Guidelines, and must comply with the terms of Chapter 25.

8.13.3.B. Parking. Design will include a minimum of one (1) and a maximum of one and two-tenths (1.2) parking spaces for each lodging unit, plus one (1) per employee.

8.13.3.C. Density - Units per Lot. Unless granted density bonus(es) under this ordinance, no LOT or parcel shall be developed to have more than one (1) lodging unit per 4,000 square feet of land area (12 units per acre).

8.13.3.D. Development Yield Analysis. applicant shall submit a table showing the maximum number of lodging units that would be permitted under the Virgin Town ordinances, consistent with provisions of the Town ordinances. Land that is undevelopable based on the site standards of this Chapter, or because of other laws and ordinances that prohibit development in certain areas (e.g. floodplains, wetlands, steep slopes, and drainage ways) shall be excluded from the development yield analysis. The development yield analysis described in this section shall establish the base development yield for a parcel. The base development yield may be increased if the Land Use Authority finds that a development qualifies for a density bonus, as follows, Sustainability and Connectivity Incentives:

8.13.3.D.i. Building Coverage Bonus. Increased building coverage over that otherwise allowed under laws and ordinances governing development in the Town may be granted by the Land Use Authority as shown. In no event shall building coverage exceed thirty-three percent (33%) of parcel acreage.

8.13.3.D.ii. Lodging Density Bonus. Additional density over that otherwise allowed under laws and ordinances governing development in the Town may be granted by the LUA as shown. In no event shall density exceed fifteen (15) units per acre.

8.13.3.D.iii. Sustainability. Sustainability bonuses may only be granted for Leadership in Energy and Environmental Design (LEED) certified designs. LEED is a nationally accepted building design rating system.

8.13.4. TRAIL RIDE STAGING, PUBLIC STABLES AND OTHER COMMERCIAL HORSE USE.

8.13.4.A. Stabling and staging areas (development envelope) are limited to those areas designated on the final plan and may not be expanded without the approval of a new conditional use permit.

8.13.4.B. Manure storage containers are required and shall be screened or placed out of sight.

8.13.4.C. Permittee shall comply with all applicable standards of the Virgin Uniform Land Use ordinance in general and the underlying zone in particular.

8.13.4.D. Permittee shall not violate the conditions specific to the business license, which are subject to change during license renewal. Licensee shall not violate the conditions of the business license.

8.13.4.E. A valid liability insurance policy is required. The amount of such policy will be determined by the Land Use Authority during the conditional use approval process.

8.13.4.F. An approved plan for the operation, care and feeding of animals, clean up methods, and nuisance abatement is required.

8.13.4.G. Adequate measures shall be taken to prevent or control offensive odor, fumes, dust, insects, noise, and vibration so that none of these will constitute a nuisance.

8.13.4.H. Daily clean up and weekly removal of manure to an approved location is required.

8.13.4.I. The total number of animals allowed shall be determined by the Land Use Authority during conditional use approval process and based upon the individual business plan and anticipated impacts, including those to septic saturation and water supply.

8.13.4.J. If written complaints are received by the Town regarding poor condition of horses on the property or stabling area, an investigation may be required at licensee's expense.

8.13.4.K. Failure to sufficiently mitigate dust, odors, insects, or noise; or abuse or neglect of animals; or any violation of any other section of the conditional use permit may be cause to revoke business license.

8.13.4.L. These standards will be reviewed at the time of annual business license renewal and modification may or may not be made.

8.13.4.M. Appropriate buffers between this use and neighboring uses shall be required by the Land Use Authority.

8.13.4.N. If applicant will be using BLM trails, appropriate documentation shall be provided to the town.

8.13.4.O. Where the potential for negative impacts on neighboring or surrounding uses is substantial, the Land Use Authority may mitigate these by requiring extensive amendments to plan or site development.

8.13.4.P. All fences which enclose livestock shall be constructed of an adequate height and shall be designed so as to control and contain such livestock at all times, and so as to prevent such livestock from reaching across any property lines, so as to damage or disturb adjacent property.

8.13.4.Q. All areas shall be maintained in a sanitary condition.

8.13.4.R. Water usage and drainage shall not mix with manure accumulations.

8.13.4.S. Animal feed shall be stored and utilized in a manner that will not encourage rodent populations.

8.13.4.T. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.

8.13.4.U. The establishment of the conditional use will not impede the normal and orderly development of surrounding vacant property for uses predominant in the area.

8.13.4.V. The business plan shall show how the use is consistent with the purposes of the zoning ordinance and the zoning district where the use will be located.

8.13.4.W. The use shall not cause traffic hazard or congestion, as determined by the Land Use Authority.

8.13.4.X. The use shall not conflict with the policies plan of the Town.

8.13.5. WINERY/ BREWERY STANDARDS.

8.13.5.A. A detailed business plan including a project overview and feasibility analyses for economy, market, financial sustainability and environmental impacts.

8.13.5.B. To ensure project safety and feasibility, engineer approval of all grading, excavation, building, flood damage prevention, etc. is required.

8.13.5.C. Permittee shall comply with all applicable standards of the Virgin Uniform Land Use ordinance in general and the underlying zone in particular.

8.13.5.D. Permittee shall not violate the conditions specific to the business license, which are subject to change during license renewal. Licensee shall not violate the conditions of the business license.

8.13.5.E. An approved plan for the operation and maintenance of the facility and grounds, including waste removal or storage.

8.13.5.F. Adequate measures shall be taken to prevent or control offensive odor, fumes, dust, insects, noise, and vibration so that none of these will constitute a nuisance.

8.13.5.G. Appropriate buffers between this use and neighboring uses shall be required by the Land Use Authority.

8.13.5.H. Where the potential for negative impacts on neighboring or surrounding uses is substantial, the Land Use Authority may mitigate these by requiring extensive amendments to plan or site development.

8.13.5.I. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the immediate vicinity.

8.13.5.J. The establishment of the conditional use will not impede the normal and orderly development of surrounding vacant property for uses predominant in the area.

8.13.5.K. The business plan shall show how the use is consistent with the purposes of the zoning ordinance and the zoning district where the use will be located.

8.13.5.L. The use shall not cause traffic hazard or congestion, as determined by the Land Use Authority.

8.13.5.M. The use shall not conflict with the policies plan of the Town.

8.13.5.N. Pesticide Application. Permittee shall ensure the Town receives a minimum of two (2) full working day's official notice before any application of general use or restricted use pesticides is begun. Notice shall include the name, type, and amount of pesticide to be used, and the name of the certified applicator. This notice shall be publicly posted, and may be electronically distributed to residents. Only applicators who are certified and licensed in accordance with all federal and state requirements may participate in the application. Pesticides must be handled and applied in accordance with all label directions and all other federal and state laws. Permittee shall provide two (2) copies of: applicator license number, Product labels, and MSDS (material safety data sheets) of pesticides used to the Virgin Town Office. Overspray of pesticides beyond the boundaries of the subject property will not be tolerated. Any violation of these requirements shall be cause for business license revocation and may result in revocation of the conditional use permit.

8.13.6. CASITA/GUEST HOUSE.

Casita. A casita is a detached or attached, guest house, studio apartment or one-bedroom sleeping or living quarter's accessory to an existing single family dwelling.

8.13.6.A. Casitas are not intended to be designed or used as independent family dwellings. In order to grant a conditional use permit for a casita, the Land Use Authority must find that the additional living space will not combine with existing uses on the lot to create a septic or water usage impact greater than a single family dwelling (one ERU per acre). The LUA may add individualized conditions during the approval process to limit impact and ensure Town goals are met.

At a minimum, the following standards shall apply to any casita permit:

8.13.6.A.i. No more than one (1) casita is permitted on a lot; a casita is not permitted if there is not sufficient area within the allowable area for accessory buildings per the requirements in VULU Chapter 4.8. and the underlying zone.

8.13.6.A.ii. In no case shall a casita be more than forty percent (40%) of the primary dwelling's total area and a casita shall not, in any case, exceed 600 square feet of floor area and shall be a minimum 160 square feet.

8.13.6.A.iii. A casita shall not include more than one (1) bedroom.

8.13.6.A.iv. A casita shall not be occupied by more than two (2) people.

8.13.6.A.v. A casita shall not include kitchen facilities if the primary residence contains more than one (1) kitchen/cooking area.

8.13.6.A.vi. A casita shall not include plumbing for a washing machine if another washing machine hookup exists on the lot.

8.13.6.A.vii. Applicant must show that the existing septic system serving the property is sized within the guidelines of the health authority to effectively serve an additional bedroom and any fixtures or hookups included, such as kitchen and laundry facilities.

8.13.6.A.viii. Applicant shall provide adequate parking behind the front setback, to accommodate additional parking needs of casita occupants.

8.13.6.A.ix. Attached Casita. In order to prevent “cluttering” of several structures on one (1) lot, a casita may be attached to the primary dwelling unit or to a garage provided the following requirements are met:

8.13.6.A.ix.1. A casita may be attached to a garage if the combined area does not exceed 1,000 square feet.

8.13.6.A.ix.2. Where a casita is attached to the primary dwelling or to a garage, it shall be of compatible architectural style, including siding and roofing, and shall be made structurally a part of the primary building.

8.13.6.A.x. Detached Casita. If the casita is detached the following requirements must be met:

8.13.6.A.x.1. A detached casita shall not exceed fifteen feet (15') in height or include more than one (1) story;

8.13.6.A.x.2. The detached casita shall meet the front, side and rear requirements of the underlying zone and shall be located in accordance with accessory building requirements of VULU Chapter 4.8.; and

8.13.6.A.x.3. The detached casita shall be located at least ten feet (10') from any building existing or under construction on the same lot or any adjacent lot.

8.13.6.A.xi. The Town of Virgin may require an inspection of a casita to ensure compliance with these standards, in response to a written complaint, subject to twenty-four (24) hours notice to owner.

8.13.6.A.xii. Violation of this section, standards of the underlying zone, or any conditions added to permit in the approval process may result in permanent revocation of conditional use permit, evacuation and possible removal of building.

8.13.7. RECREATIONAL VEHICLES, TRAVEL TRAILERS, CAMPGROUNDS, AND CABINS.

See Chapter 13 – Recreational Vehicles and Travel Trailers.

8.13.8 AUTOMOBILE SERVICE STATIONS⁵

8.13.8.A. General Conditions

8.13.8.A.1. An automobile service station shall have frontage on SR-9, although access may be permissible off of an intersecting side street to meet UDOT encroachment requirements.

8.13.8.A.2. Measures shall be taken to protect adjacent properties from excessive noises. Sounds broadcast over exterior speakers shall not be audible beyond the boundaries of the property.

8.13.8.A.3. Required landscaping shall be concentrated in required yards (including setbacks and buffers) to buffer the development from adjoining streets and properties. Trees shall be a caliper size of not less than two inches (2") when planted, and all landscaping shall be neatly maintained, free of weeds, with dead, damaged, or diseased vegetation replaced in a timely manner.

8.13.8.A.4. Trash receptacles and other outdoor equipment, including propane tanks, shall be screened from public view using materials which are complementary to and reflect the design of the primary building.

8.13.8.A.5. Outside display and/or storage of merchandise shall be limited in dimension area, location, screening, and merchandise to keep such display and storage to a minimum, and to require that displays be maintained in a neat and orderly condition.

8.13.8.A.5.i. The permitted outside display and sales area shall be a maximum of 400 cubic feet.

8.13.8.A.5.ii. Merchandise must be stacked and arranged neatly on a hard surface and may be up to six feet in height.

8.13.8.A.5.iii. Display area must be located adjacent to principal building and on side of building with main entrance. No merchandise is permitted on service station islands.

8.13.8.A.5.iv. Display area shall not obstruct pedestrian access on the site.

8.13.8.A.5.v. Display area shall not occupy or obstruct on-site parking spaces.

8.13.8.A.5.vi. The type of merchandise that may be displayed is limited to items that require an outdoor location, such as plants or fuel, and any items that because of large volume or weight are kept outdoors, such as firewood or landscaping materials.

8.13.8.B. Parking.

8.13.8.B.1. Parking of a vehicle for longer than 48 consecutive hours is prohibited.

8.13.8.C. Architectural and Site Design Requirements.

Virgin Town desires that service stations are developed in a manner that complements the tourism and recreation-based economy of our gateway community to Zion National Park. Site design should creatively encourage and incorporate pedestrian and non-motorized access and safety, and incorporate architectural design, features, and landscaping that add to the aesthetic appeal of a community with internationally acclaimed scenic surroundings.

8.13.8.C.1. The design of the facility is encouraged to include provisions for alternative fuels which are accessible to the site, such as electric vehicle charging station(s).

8.13.8.C.2. Building.

8.13.8.C.2.i. Consider a site design that places the store up front in a well-landscaped setting with the parking, pumps, and canopy in a secondary position toward the side or rear. Locate the parking and pumps to create an inviting, direct, safe walking connection to the store entrance. Incorporate traffic calming design as needed to increase pedestrian safety.

8.13.8.C.2.ii. Reflect traditional architecture of the community and region in building and roof forms, window proportions, materials, colors and details. Examples of architectural elements traditional to the area include wood siding, sash windows, stone walls or accents, gabled roofs, and buildings designed in the “Parkitecture Style,” as defined at www.nps.gov/history/hdp/exhibits/parkitect. Flat roofs are prohibited.

8.13.8.C.2.iii. Building accents should be expressed through differing materials and/or architectural detailing and not through applied finishes such as paint. The use of highly reflective or glossy materials should be limited and will not be appropriate in all contexts.

8.13.8.C.2.iv. Design all four sides of the store with architectural features to avoid visible blank walls. Windows should reflect traditional styling. Large glass panes are discouraged.

8.13.8.C.3. Canopy.

8.13.8.C.3.i. As an accessory structure to the primary building, canopies shall never visually dominate the site. Canopies should be patterned after traditional roof types and structural supports in the area. Flat canopies are prohibited.

8.13.8.C.3.ii. A design that connects the canopy with the primary store structure is encouraged but not required. Coordinate the roof design and supports even if not attached.

8.13.8.C.3.iii. Canopy fascia shall be finished to match the building material and color.

8.13.8.C.3.iv. Canopy supports shall be at least twenty-five percent (25%) clad in brick, masonry, wood or other similar material that is compatible with the architecture of the building and proportional to the height and scale of the canopy.

8.13.8.C.3.v. Downspouts shall be integrated into the canopy structure.

8.13.8.C.3.vi. Multiple canopies rather than one large canopy are encouraged.

8.13.8.C.3.vii. Signage on canopies is prohibited.

8.13.8.C.4. Lighting.

Refer to VULU Chapter 22.9.3. - Lighting Ordinance.

8.13.8.C.5. Signs.

Refer to VULU Chapter 26 – Sign Regulations

8.13.8.C.6. Ingress, Egress, and Internal Circulation.

8.13.8.C.6.i. The site shall be accessed by no more than 2 driveways. In addition, off-street connections between neighboring businesses may be incorporated.

8.13.8.C.6.ii. Provide a direct sidewalk/trail connection to the store entrance at the front or side of the building. The surfacing of pedestrian walkways shall contrast with surrounding pavement both, in color and texture, by using pavers, stamped concrete, a raised surface, or similar treatment.

8.13.8.C.6.iii. Location of Storage Tanks significantly impact site circulation. Provide for ease of access for fuel trucks, ensure that parked fuel trucks are entirely contained on the property and do not encroach into public rights of ways, and locate tanks strategically within the property to avoid causing internal traffic congestion.

8.13.8.D. Additional Requirements.

8.13.8.D.1. A service station shall be subject to and must follow all State and Federal rules and regulations governing their construction, operation, and maintenance.

8.13.8.D.2. All other requirements of Virgin Town Ordinances shall be met, including but not limited to the requirements of the underlying zone, conditional use permits, landscaping, lighting, signs, parking, waste water, storm drainage, and natural hazards.

8.13.8.D.3. If provisions of this section are found to conflict with requirements found in other sections of this land use ordinance, the most restrictive requirements shall apply.

⁵As amended Ordinance #2017-032217-1