

## **CHAPTER 22: HIGHWAY RESORT ZONE (HRZ)**

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### **22.1. PURPOSE.**

The purpose of the Highway Resort Zone is to provide for a visitor resort of high quality visitor activities to:

**22.1.1.** Allow for and regulate the development of tourist-based uses in a green and open setting while preserving and enhancing the unique visual quality and rural character of the Town of Virgin;

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

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

**22.1.4.** 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;

**22.1.5.** enhance general property values within the Town of Virgin; and

**22.1.6.** promote the economic well-being of the Town through the generation of room and resort taxes.

### **22.2. GENERAL.**

The Resort Zone shall be characterized by clean, low- lit streets, village scale 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 higher density development enclaves located in the open rural countryside with well-landscaped grounds. The zone is intended to provide for lodging with support facilities and services, small-scale commercial activities, craft and winery activities, outdoor recreation, and enhanced access to the Virgin River, along with a range of outdoor and indoor sporting and recreational activities. 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 guidelines, 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.

### **22.3. LOCATION.<sup>1</sup>**

**22.3.1.** The Highway Resort Zone designation is available to parcels or portions of parcels that:

**22.3.1.A** Directly front SR-9 and are located east of 295 East to the eastern town boundary; and are located north of the Virgin River; the north bank of the river shall be the southern- most boundary of this zone; or

<sup>1</sup>As amended pursuant to Ordinance #2017-6

**22.3.1.B.** Directly front Kolob Terrace Road from the intersection with SR-9 north to the intersection with Pocketville Road; and are located east of the western quarter section line of T41S R12W Section 23, under the condition that all access to property zoned HRZ shall be from Kolob Terrace Road, with no ingress or egress from Pocketville Road

**22.3.2.** The specific location of the Highway Resort Zone has been carefully chosen. Characteristics qualifying it as the best location for the intended use include the following:

**22.3.2.A.** Natural features of the designated area create opportunities to design developments that blend into rather than to dominate the natural environment.

**22.3.2.B.** Substantial flood zone is included within the eligible area; recreational and seasonal activities are a valuable and logical use for this land.

**22.3.2.C.** Much of the designated area is low-lying, relative to highway elevation, and the river, which forms the southern boundary, is tree-lined. These features combine to create a location where buildings larger than the existing norm will have a smaller impact than they might elsewhere in the town.

**22.3.2.D.** The location is sufficiently separated from areas of dense private residential use, and from the contemplated village-scale commerce district, to avoid common conflicts between intensive tourist use and pedestrian-friendly, community-serving neighborhoods.

#### **22.4. PERMITTED USES.**

Except for the following, there are no permitted uses in the Highway Resort Zone. All uses are by Conditional Use Permit.

**22.4.1. SINGLE-FAMILY DWELLINGS.** Not intended for short-term occupancy. Short-term lease or rental prohibited. Minimum square feet of home is 1,000 square feet.

**22.4.2. ACCESSORY BUILDINGS** and uses customarily incidental to single-family dwellings.

#### **22.5. CONDITIONAL USES.**

The approval for any project and the continuing use of the property shall be subject to a Conditional Use Permit. Refer to Chapter 8 for procedure and additional standards.

**22.5.1. HOTEL/MOTEL.**

**22.5.2. RETAIL TRADE INCIDENTAL TO RESORT USE; I.E., BOOK SHOP, ROCK SHOP, FLORAL SHOP, ETC.**

**22.5.3. CAFÉ, COFFEE SHOP OR DELI.**

**22.5.4. RESTAURANT (INCIDENTAL TO RESORT BUSINESS).**

**22.5.5. BREWERY/WINERY.**

**22.5.6. ART GALLERY/PHOTOGRAPHY STUDIO.**

**22.5.7. OUTFITTING/GUIDING SERVICES (NO RENTAL OF ATV'S).**

**22.5.8. BED AND BREAKFAST.**

**22.5.9. HEALTH SPA/HEALING CENTER.**

**22.5.10. ACCESSORY EMERGENCY MEDICAL CLINIC.**

**22.5.11. MUSEUM.**

**22.5.12. NON-MOTORIZED BICYCLE RENTAL AND TOUR SERVICES.**

**22.5.13. SHUTTLE STOP.**

**22.5.14. COMMERCIAL HABITATION AS DEFINED IN VULU CHAPTER 20.4.**

**22.5.15. AGRICULTURAL USES COMPATIBLE WITH THE RESORT ZONE OBJECTIVES.**

**22.5.16. TRAILS.**

**22.5.17. RECEPTION OR EVENT FACILITY.**

**22.5.18. LIMITED COMMERCIAL HABITATION.**

**22.5.18.A. Purpose.**

The purpose of this exception to the prohibition of residential use in the highway resort zone 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.

**22.5.18.B. Procedure.**

Applications for a Limited Commercial Habitation (LCH) Permit shall be made to the Planning & Zoning Commission for approval as provided in VULU Chapter 8.11.

**22.5.19. AUTOMOBILE SERVICE STATIONS.<sup>2</sup>**

**22.6. PROHIBITED USES.**

All uses not listed as permitted or conditional shall be deemed prohibited.<sup>3</sup>

**22.7. SITE CONSIDERATIONS.**

**22.7.1. MINIMUM AREA AND SETBACK REQUIREMENTS.**

\*\*Setbacks (measured in feet).

<sup>2&3</sup> As amended by Ordinance # 2017-032217-1

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

**22.7.2. BUILDING LOCATION.<sup>4</sup>**

Structures shall be located so as to minimize excessive visual impacts. Structures should not be located on ridges, hilltops, or within fifty feet (50') of SR-9 or Kolob Terrace Road easement. Structures may be located on intermediate benchlands if they are sufficiently setback from the edge to minimize visual impacts.

**22.7.3. LANDSCAPING.<sup>5</sup>**

**22.7.3.A.** Properties fronting SR-9 or Kolob Terrace Road shall have a minimum of fifty-foot (50') landscaped or well-maintained natural buffer between the arterial and the development. In lieu of a sidewalk along the arterial roads, 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 Highway Resort Zone and residential properties.

**22.7.4. PARKING.<sup>6</sup>**

A minimum of thirty-five feet (35') depth landscape setting is required where parking occurs between a building and SR-9 or Kolob Terrace Rd. 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. Shade trees may be required in larger lots, as determined in design/conditional use review.

**22.7.5. WATER FEATURES.**

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

**22.7.6. 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 pervious recreation oriented areas. The maximum permissible coverage of all buildings shall not exceed twenty-five percent (25%) of all acreage unless bonus lot coverage is granted during design/ conditional use review, with the remaining space being distributed between open space, landscaping, sidewalks and parking.

In no event shall building coverage exceed thirty-three percent (33%) of acreage. Impervious surfaces shall not exceed, in total, fifty percent (50%) of all acreage. Approved trails dedicated for public use do not count toward impervious coverage.

<sup>4,5&6</sup> As amended pursuant to Ordinance #2017-6

## **22.8. BUILDINGS.**

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

### **22.8.1. BUILDING HEIGHT.**

Maximum building height will be twenty-five feet (25') feet unless bonus height is granted during design and conditional use review; however, no building may exceed thirty feet (30') height or two (2) stories.

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

No shed, garage, storage facility or auxiliary building shall be more than twenty feet (20') to the highest point.

### **22.8.3. MAXIMUM BUILDING SIZE.<sup>7</sup>**

In no case shall any one building's footprint exceed 20,000 square feet. The Town may consider expansion of a building's footprint to a maximum footprint of 45,000 square feet, subject to conditions set forth by separate development agreement to be recorded against the property. For purposes of this section, the definition of "building's footprint" shall mean the area of a building structure defined by the perimeter of the building plan. The building's footprint does not include parking lots, landscapes or other non-building facilities.

"Livable square footage" shall mean the building's livable square footage based upon a calculation of liable square footage per floor minus stairwells and elevator shafts except the 1<sup>st</sup> floor.

### **22.8.4. ARCHITECTURE & 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.

**22.8.4.A.** 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.

**22.8.4.B.** No 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.

**22.8.4.C.** No corporate architectural design is permitted.

**22.8.4.D.** Color will be addressed in detail during design/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 dark earth tones and naturals.

<sup>7</sup>As amended pursuant to ordinance #14-111914-1 housekeeping edit on May 18, 2016

**22.8.4.E.** Roof materials will be addressed in detail under design/conditional use review. Generally, roof materials will be non-reflective, except that reflective solar panels may be granted approval during design/ 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 grey or brown in color.

## **22.9. CONDITIONS OF USE.**

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

### **22.9.1. 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.

### **22.9.2. 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 strict control, in compliance with VULU Chapter One and with approval of the Town Engineer. After review of the building or excavation permit application, the town may require a specific re-vegetation 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.

### **22.9.3. 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 the VULU Chapter 4.20. will be enforced.

### **22.9.4. FLAGPOLES.**

Except for a single flagpole displaying the American or State flag, flagpoles are not permitted in the Resort 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.

**22.9.4.A.** The top of the flagpole may not be more than three times the vertical measurement of the flag being flown [i.e., eight foot (8') flag X three (3) equals twenty-four feet (24')], except in the instance of a garrison flag, in which case the pole may be twice the length of the flag [i.e., twelve (12) X two feet (2') equals twenty-four feet (24')].

**22.9.4.B.** All customs in regard to respect for the flag will be followed. In the absence of lighting due to the lighting ordinance prohibition on such, the flag will be raised after sun up and lowered before sundown.

**22.9.4.C.** No advertising or decorative flags or banners are allowed.

#### **22.9.5. WASTEWATER COMPLIANCE.**

Waste water 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 watering if approved by the Southwest Utah Health Department or Division of Environmental Quality, as applicable. Facility location shall be examined during design/conditional use review and must be approved by the Land Use Authority.

#### **22.9.6. MECHANICAL DEVICES.**

Air conditioners, heating, cooling and ventilating equipment, propane tanks, swimming pool 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.

#### **22.9.7. TRASH.**

No trash, 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.

#### **22.9.8. SCREENING.**

A decorative masonry wall, fence or landscape screen may be required of a resort use, along all property lines which lie adjacent to a residential zone.

#### **22.9.9. 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.

#### **22.9.10. QUIET TIME.<sup>8</sup>**

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

### **DEFINITIONS.**

**Service Station.** A filling station, gas station or petrol station is a facility that sells fuel for road motor vehicles – usually gasoline, diesel fuel and liquefied petroleum gas (LPG).

<sup>8</sup> As amended by Ordinance # 2017-032217-1