

CHAPTER 8: TOWN STANDARDS, CONDITIONS, AND CONDITIONAL USES

8.1. DEFINITION

A conditional use is a zoning exception which allows the property owner use of his land in a way not otherwise permitted within the particular zoning district.

8.2. PERMITS REQUIRED

A Conditional Use Permit is designed to allow flexibility within the zoning laws. A zoning ordinance cannot account for every situation, and exceptions such as the conditional use permit gives the zoning authority discretion to allow uses otherwise prohibited in the specific district for the benefit of the neighborhood. A conditional use permit is commonly granted to add commercial, education or religious services to residential zones.

8.3. STANDARDS FOR CONDITIONAL USES

No Conditional Use may be approved unless the proposed use complies with the applicable provisions of this Ordinance, State and Federal law; and the following standards that apply to all conditional uses. Any detrimental impacts or effects from the proposed use on any of the following shall not exceed those that could reasonably be expected to arise from a use that is permitted in the district:

8.3.1. The health, safety, and welfare of the Town and its present and future inhabitants and businesses.

8.3.2. The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood and the community.

8.3.3. The morals, peace and good order, comfort, convenience and aesthetics of the Town and its present and future inhabitants and businesses.

8.3.4. Will not exceed the obligations and/or financial capability of the Town of Virgin nor require a level of community facilities and services greater than that which is available.

8.3.5. Will protect environmental values by not causing air, water, light or noise pollution.

8.3.6. Consistent with the Town of Virgin's General Plan by complying with the minimum requirements of the Zone and will be compatible with the character of the neighborhood and surrounding structures.

8.4. ADDITIONAL CONDITIONS

The Town Council shall impose such requirements and conditions as are required by law and any additional conditions as may be necessary to ensure compliance with the requirements, standards or conditions of this Chapter. The violation of any condition, safeguard or commitment of record by the applicant shall be sufficient ground for revocation of the Conditional Use approval.

8.4.1. CONDITIONS TO RUN WITH THE LAND

Conditions imposed by the Town Council run with the permit and shall be binding on the applicant as well as their successors.

8.5. 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.

8.5.1. LEGAL COMPLIANCE.

The Town of Virgin intends for all federal, state and local laws and regulations to be followed.

8.5.2 RURAL AND UNIQUE.

The Town of Virgin plans are to continue as a small, unique, rural town, and will therefore regulate uses as follows:

8.5.2.A Discourage formula homes and businesses;

8.5.2.B Encourage diversity of business;

8.5.2.C Limit density of use;

8.5.2.D Promote small, locally owned businesses;

8.5.2.E Maintain existing agricultural activities and qualities such as ranching and equestrian use.

8.6. APPLICATIONS.

Application for a Conditional Use Permit for new construction or substantial change of use shall be made by the property owner or developer or a certified agent on a form authorized by the Town of Virgin. The application shall initially be filed with the clerk of the Town of Virgin for review of completeness and then submitted to the Virgin Planning and Zoning Commission.

8.6.1. Name and address of the applicant and/or manager or contact person for the applicant;

8.6.2. Statement that the applicant is the owner and/or the authorized agent of the property on which the use is proposed to be located;

8.6.3. Current property ownership information necessary to satisfy notification requirements, which shall include names and addresses of all owners of property located within three (3) hundred feet of the exterior boundaries of the subject property.

8.6.4. Plats, plans or drawings drawn to scale showing the location and dimensions of all buildings and structures, streets, vehicle circulation patterns, parking, landscape and open space areas, signs or other information as appropriate to the application. Elevation plans shall be of sufficient detail to indicate the type and color of building materials and shall indicate materials to be employed and methods of screening provided. Preliminary landscape and irrigation plans which incorporate the landscaping requirements shall be included in the submitted plans.

8.6.5. Two (2) copies of a plot plan with a legal description.

8.6.6. The present zone classification for the property.

8.6.7. A description of the proposed project, and use of the land and the zone classification;

8.6.8. The present zone classification for the property.

8.6.9. An estimate of the number of employees and the type of equipment and buildings to be used.

8.6.10. An estimate of the total project valuation.

8.6.11. 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.

8.6.12. 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 Staff;

8.6.13. A listing of all utilities which will be in place before, during and after construction.

8.6.14. 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.

8.6.15. 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.

8.7. BURDEN OF PROOF

The applicant shall have the burden of providing that the proposed condition use satisfies all of the standards and conditions set forth in the Chapter.

8.8. 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 wellbeing 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. Within sixty (60) days following the date of official submission of the application along with any 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.

8.9. 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 Council shall make a decision within one hundred twenty (120) days following the date it receives a recommendation from the Planning and Zoning Commission. The Virgin Town Council shall present, in writing, the reasons for its action, citing supporting factual evidence in the case of denial.

8.10. 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 ensure that all improvements comply with the conditions of the conditional use permit and building permit.

8.11. REVOCATION 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.

8.11.1. APPEAL

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. Any appeal of the Town Council's

decision regarding a Conditional Use Permit application must be filed with the Town Clerk within fifteen (15) days of the decision of action by the Council, action by the applicant or any other person aggrieved by the decision or action. 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.

8.11.2. EXPIRATION

Furthermore, the Virgin Town Council may revoke, null or void 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 or unless otherwise specified in the action granting a Conditional Use Permit.

8.11.3. EXTENSION

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.

8.11.4. SUSPENSION

The Town Council may suspend a Conditional Use Permit following notice and a public hearing. A Conditional Use Permit may be suspended if the Town Council finds one or more of the following:

8.11.4.A. The permit was obtained by misrepresentation or fraud;

8.11.4.B. The conditions imposed upon said use permit have not been met; or

8.11.4.C. The detrimental effects of the use are not substantially mitigated by the conditions and no modification or substitution of said conditions will serve to substantially mitigate such detrimental effects.

8. 12. EXPANSION OF A CONDITIONAL USE.

No conditional use may be expanded without the approval of a new conditional use permit.

8.13. LIMITED COMMERCIAL HABITATION

8.13.1. PURPOSE.

The purpose of Limited Commercial Habitation (LCH) is to facilitate the successful establishment of small locally owned businesses, by allowing for living quarters on a commercial lot. That is not necessitated by the size and nature of The LCH does not establish residential use in a commercial zone unless the residents are directly associated with the business to which it is attached.

8.13.2. PROCEDURE.

Applications for a LCH Permit shall be submitted to the Planning & Zoning Commission for approval

8.13.3. ELIGIBILITY.

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

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

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

8.13.4. LIMITATIONS AND REQUIREMENTS.

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

8.13.4.B. A maximum of one (1) permit for one (1) living quarter may be granted on a commercial lot.

8.13.4.C. Living quarters are not to be rented, and no compensation may be exacted for privileges of occupancy of the living quarters.

8.13.4.D. Living quarters may not be used in any manner that violates Utah state, or Federal labor laws.

8.13.4.G. Renewed LCH permits are effective until the holder alters the agreement, the permit is revoked pursuant to 8.11.6.C, or the use is abandoned for one (1) year.

8.13.5. MODIFICATIONS.

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

8.13.5.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;

8.13.5.A.ii. Additional parking or screening;

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

8.13.5.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.

8.13.6. ENFORCEMENT.

8.13.6.A. LCH permits are valid from the date of approval until the holder alters the agreement, the permit is revoked pursuant to 8.11.6.C, or the use is abandoned for one (1) year. The Zoning Administrator shall conduct investigations in response to written complaints or at the direction of the Planning & Zoning Commission or Town Council to ensure all standards of this Chapter is being upheld.

8.13.6.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 at least thirty (30) days to bring living quarters into compliance. If the quarters are not brought into compliance the LCH permit may be withdrawn by a majority vote of the Planning & Zoning Commission, after a hearing to review the information.

8.13.6.D. If use is altered from that approved permitted in accordance with this Chapter, 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.

8.13.7. Appeal

All decision may be appealed through process as defined in VULU Chapter 3.

8.14. STANDARDS FOR CONDITIONS BY USE.²

8.14.1. RESTAURANTS.

8.14.1.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.

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

8.14.1.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.

¹Sections 8.1- 8.13 amended pursuant to ordinance #2018-21

²Section 8.14 added pursuant to ordinance #2015-061715-1a and section 8.14.8 pursuant to ordinance#2017-32217

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

8.14.1.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.

8.14.1.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.

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

8.14.2. MICROBREWERIES.

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

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

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

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

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

8.14.3.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.

8.14.3.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.

8.14.3.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).

8.14.3.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:

8.14.3.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.

8.14.3.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.

8.14.3.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.

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

8.14.4.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.

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

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

8.14.4.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.

8.14.4.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.

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

8.14.4.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.

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

8.14.4.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.

8.14.4.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.

8.14.4.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.

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

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

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

8.14.4.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.

8.14.4.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.

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

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

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

8.14.4.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.

8.14.4.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.

8.14.4.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.

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

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

8.14.5. WINERY/ BREWERY STANDARDS.

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

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

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

8.14.5.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.

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

8.14.5.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.

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

8.14.5.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.

8.14.5.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.

8.14.5.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.

8.14.5.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.

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

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

8.14.5.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.

8.14.6. 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.

8.14.6.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:

8.14.6.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.

8.14.6.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.

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

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

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

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

8.14.6.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.

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

8.14.6.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:

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

8.14.6.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.

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

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

8.14.6.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

8.14.6.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.

8.14.6.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.

8.14.6.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.

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

See Chapter 13 – Recreational Vehicles and Travel Trailers.

8.14.8 AUTOMOBILE SERVICE STATIONS³

8.14.8.A. General Conditions

8.14.8.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.

8.14.8.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.

8.14.8.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.

8.14.8.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.

8.14.8.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.

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

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

8.14.8.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.

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

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

8.14.8.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

³As amended Ordinance #2017-032217-1

volume or weight are kept outdoors, such as firewood or landscaping materials.

8.14.8.B. Parking.

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

8.14.8.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.

8.14.8.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).

8.14.8.C.2. Building.

8.14.8.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.

8.14.8.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.

8.14.8.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.

8.14.8.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.

8.14.8.C.3. Canopy.

8.14.8.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.

8.14.8.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.

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

8.14.8.C3.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.

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

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

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

8.14.8.C.4. Lighting.

Refer to VULU Chapter 22.9.3. - Lighting Ordinance.

8.14.8.C.5. Signs.

Refer to VULU Chapter 26 – Sign Regulations

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

8.14.8.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.

8.14.8.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.

8.14.8.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.

8.14.8.D. Additional Requirements.

8.14.8.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.

8.14.8.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.

8.14.8.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.

8.14.9 GENERAL PROVISIONS FOR CAMPGROUNDS

8.14.9.A The owner(s) of any Campground in Virgin Town that is built and/or regulated by these provisions shall provide a copy of the standards set forth in this Section to all occupants who are tenants.

8.14.9.B Campground spaces shall not be occupied or otherwise used by any individual(s) for more than 180 days in a one (1) year period beginning at the initial date of occupancy. Nor shall cumulative occupancy by such person(s) of different spaces within the same Campground exceed a total of 180 days in one (1) year period.

8.14.9.C A park manager must be on duty within the park at all times. All Campground managers shall maintain a patrons log consisting of names, dates of occupancy and

number of spaces. Patron logs shall be made available to code enforcement officers at their request.

8.14.9.D “Quiet time” shall be observed nightly between the hours of 10:00 P.M. and 7:00 AM.

8.14.10 CAMPGROUND STANDARDS.

8.14.10.A GENERAL SITE DESIGN STANDARDS.

8.14.10.A.ii Campgrounds shall not consist of more than an average of sixteen (16) units (RV sites, tent sites or cabins) per acre. The total number of spaces shall not exceed the number permitted by a development yield analysis subject to 8.13.3D. Units may be clustered.

8.14.10.A.ii Utah Administrative Code R392-301 ‘Recreational Vehicle Park Sanitation’ applies to all Campgrounds.

8.14.10.A.iii Campgrounds shall be responsible for the regular and proper collection and disposal of all refuse, garbage, and litter.

8.14.10.A.iv All exterior boundaries shall be screened from surrounding uses by a privacy wall, fence, or landscaped buffer, or a combination thereof. Privacy walls and fences shall be a maximum of six feet (6’) tall. The use of shorter walls, decorative barriers, or three-rail type fence are encouraged to maintain valuable views.

8.14.10.A.v Setbacks. A minimum fifty-foot (50’) setback/landscaped buffer along any property boundary that is adjacent to a public street right-of-way and a minimum fifty foot (50’) setback/landscaped buffer along property boundaries which border on residential zones shall be required. The minimum setback in any other circumstance is ten feet (10’). The Public trails may be located within required setbacks/buffers.

8.14.10.B CIRCULATION AND PARKING.

8.14.10.B.i Campgrounds shall provide streets in such a pattern as to provide safe traffic circulation and emergency access within the Campground. Streets shall be built to the following standards:

8.14.10.B.i.A All roads shall be paved. Roads shall be constructed to Town standards and shall be provided with concrete curb and gutter.

8.14.10.B.i.B Street lighting is subject to VULU chapter 4.20. Low lighting less than 1,500 lumens fully shielded and not more than three feet (3’) in height is recommended and should be kept to a minimum. (See VULU 4.20).

8.14.10.B.i.C All Campgrounds shall have direct access to a major arterial street. Campgrounds shall not be accessed from residential streets.

8.14.10.B.i.D Campground’s ingress and egress must meet requirements of The International Fire Code, Chapter 503 and the National Fire Protection Association 1194.

8.14.10.B.ii On street parking is prohibited.

8.14.10.B.iii Each RV, travel trailer, campground, and cabin park site shall provide sufficient parking and maneuvering space so that the parking, loading, or maneuvering of trailers incidental to parking shall not necessitate the use of any public street, sidewalk, right-of-way, or any private grounds not part of the Campground area.

8.14.10.B.iv Campgrounds shall provide additional guest parking.

8.14.10.C UTILITIES.

8.14.10.C.i Campgrounds may be connected to Town of Virgin municipal facilities and a local power company where available. All utility distribution facilities, including television antenna service lines, shall be installed underground.

8.14.10.C.ii All water supply hook-ups shall be installed with an approved backflow prevention device.

8.14.10.C.iii If wastewater collection system is provided, and it is not possible to connect to a public wastewater system, the Campground is required to provide a treatment system subject to the Department of Environmental Quality (DEQ) / Southern Utah Public Health Department rules, regulations and approvals.

8.14.10.C.iv In compliance with subsection 13 – Groundwater Protection of Virgin Town’s Water Service Agreement with the Washington County Water Conservancy District (WCWCD), Virgin’s Land Use Authority (LUA) shall not approve Campgrounds which will contribute to septic sanitation greater than the equivalent of one dwelling per acre overall.

8.14.10.C.v Campgrounds shall ensure waste-water treatment systems are functioning at acceptable levels and shall follow the rules, regulations, and requirements for maintenance of the wastewater treatment system according to the Department of Environmental Quality (DEQ) including submitting any required sampling of effluent to the DEQ or to the Southwest Public Health Department for analysis.

8.14.10.C.vi Campgrounds shall provide electrical outlets of appropriate voltage to all individual units/sites or enforce “Quiet Time” hours between 10:00 pm to 7:00 am.

8.14.10.D LANDSCAPING

Properties fronting on public roads shall have a minimum 50 foot (50’) landscaped buffer between the road right-of-way and development. A continuous public trail (consistent with the design approved by the Planning commission shall be provided within this

buffer. A minimum ten foot (10') landscaped strip is required between the road light-of-way and the trail for safety of trail users.

8.14.10.E INDIVIDUAL SITE DESIGN STANDARDS.

8.14.10.E.i Removal of axles, wheels, or tires from a travel trailer or recreational vehicle located within the Campground, except for emergency and/or temporary removal for repairs is prohibited.

8.14.10.E.ii Communal restrooms, including toilets, showers, and lavatories, shall be provided to conveniently and adequately serve units/sites.

8.14.10.E.iii Fire pits if present must be built and maintained in such a way to insure that fires are contained. Owners are responsible for any damage caused by any fires originating from their grounds.

8.14.10.E.iv Fires if permitted should be restricted during times of poor air quality or extreme fire danger.

⁴Sections 8.1- 8.13 amended pursuant to ordinance #2018-21