

VIRGIN UNIFORM LAND USE ORDINANCE

CHAPTER 1

GENERAL PROVISIONS & INTRODUCTION TO DEFINITIONS

1.1. SHORT TITLE.

This Ordinance shall be known as the "Virgin Uniform Land Use" ordinance, and may be so cited and pleaded.

1.2. PURPOSE.

This Ordinance is designed and enacted for the purpose of promoting the health, safety, convenience, and general welfare of the present and future residents of the Town of Virgin. The Ordinance shall encourage sanitation; prevent the overcrowding of land; reduce hazards from floods, fires, accidents, and other dangers; provide provisions for transportation, water, sewage disposal, schools, parks and other public conveniences and requirements; prevent excessive scattering of urban development; improve property values; promote beauty in the community; improve and safeguard the economic base; reduce the cost of providing essential public services; and development of a wholesome, well-ordered Town as set forth in the Virgin Town General Plan.

1.3. INTERPRETATION.

In interpreting and applying the provisions of this Ordinance, the requirements contained herein are declared to be the minimum requirements for the purpose set forth.

1.4. CONFLICT.

This Ordinance shall not nullify the more restrictive provision of covenants, agreements, ordinances or laws that affect land or land use under this Ordinance, but shall prevail notwithstanding such provisions which are less restrictive.

1.5. EFFECT ON PREVIOUS ORDINANCES AND MAPS.

The existing ordinances of the Town covering zoning, in their entirety, and including the maps heretofore adopted and made a part of said ordinances are hereby superseded and amended to read as set forth herein; provided, however, that this Ordinance, including the attached map, shall be deemed a continuation of previous ordinances and not a new enactment, insofar as the general substance of revisions of previous ordinances is included in this Ordinance, whether in

the same or in different language; and this Ordinance shall be so interpreted upon all questions of construction, including but not limited to, tenure of officers and boards established by previous ordinances and to questions of conforming or nonconforming uses and buildings, and to questions as to the dates upon which such uses, or buildings became conforming or nonconforming.

1.6. DEFINITIONS.

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this Ordinance. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word “building” shall include the word “structure” and the word “structure” shall include the word “building”; the words “used” or “occupied” shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be leased; the word “shall” is mandatory and not directory, and the word “may” is permissive; the word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the word “lot” includes the words lot or parcel. Words used in this Ordinance but not defined herein shall have the meaning as defined in any other ordinance adopted by the local jurisdiction.

Accommodation, Reasonable (Reasonable Accommodation). A change in a rule, policy, practice, or service necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. See Chapter 25.3.1.G. for specific review standards, as used in this definition:

- a. “Reasonable” means a requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability.
- b. “Necessary” means the applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice.
- c. “Equal opportunity” means achieving equal results as between a person with a disability and a non-disabled person.

Acreage, Gross (Gross Acreage). The total area of a parcel including the area of perimeter street rights-of-way to the centerline of the street.

Affected Entity. *(As proposed amendment 2013.08)*

A county, municipality, local district, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, a property owner, a property owners association, or the Utah Department of Transportation, if:

- a. the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
- b. the entity has filed with the municipality a copy of the entity's general or long-range plan; or
- c. the entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under this Chapter.

Agricultural Industry or Business. An industry or business involving agricultural or agricultural products in manufacturing, processing, treatment, sales, feeding or storage, including but not limited to animal feed yards or facilities, fur farms, food processing or processing plants, commercial livestock, poultry or egg production and similar uses as determined by the Planning and Zoning Commission.

Agriculture. The science and art of raising and producing plants and animals useful to man and/or industry, including the preparation of plants and animals for human use and disposal by marketing or otherwise. Agriculture shall include: forages and sod crops; grain and feed crops; dairy animals, poultry, livestock, including beef, cattle, sheep, goats, horses, ponies and mules; the breeding, grazing, raising, producing and marketing of any or all such animals; bees; fur animals, trees, fruits of all kind, including grapes, nuts and berries; vegetables, nursery, floral and ornamental stock; or when devoted to and meeting the requirements and qualifications for payment or other compensation pursuant to a cropland retirement program under an agreement with an agency of the state or federal government.

Alley. A public access way, less than twenty-six feet (26') in width, but not less than twelve feet (12'), which is designed to give secondary access to lots of abutting properties. An alley shall not be considered a street, for the purpose of this Ordinance.

Alteration, Structural (Structural Alteration). Any changes in the supporting members of a building such as bearing walls, columns, beams or girders.

Animals, Domestic Farm (Domestic Farm Animals). Shall include horses, cows, sheep goats, and fowl. Excludes swine and exotic animals.

Animals, Fowl. Includes pheasants, turkeys, grouse and the common domestic chicken.

Animals, Household Pets (Household Pets). Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, but not including a sufficient number of dogs to constitute a kennel, as is defined in this Ordinance, but not including the keeping of normally dangerous animals, such as, but not limited to, lions, tigers, bears or venomous snakes.

Animals, Livestock. Cattle, sheep, goats, swine, horses, mules, poultry, or any other domestic animals.

Apartment, Hotel, Motel. Any building which contains dwelling units and also satisfies the definition of a hotel or motel.

Apex, Alluvial Fan (Alluvial Fan Apex). A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Applicant. The owner of land proposed to be subdivided or such owner's duly authorized agent. Any agent must have written notarized authorization from the owner.

Architectural Projection. Any building or structural projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a structure, but not including signs.

Attorney, Local (Local Attorney). The attorney who represents Virgin Town.

Basement. Any area of the building having its floor sub-grade (below ground level) on all sides. A basement shall be counted as a half story for the purpose of side yard determination.

Benchmark. A mark affixed to a permanent or semi-permanent object to furnish a datum level in survey.

Board of Adjustment. A board appointed by the Virgin Town Council as provided in this Ordinance to hear appeals by any person aggrieved by his/her ability to obtain a building permit under this Ordinance or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of this Ordinance.

Bond Agreement. An agreement to install improvements secured by a stand-by irrevocable letter of credit, performance bond, escrow deposit, trust deed, or any combination of the preceding as approved by the Town Council.

Buildable Area. The portion of a lot remaining after setbacks have been provided, except that land with an average grade exceeding fifteen percent (15%) shall not be considered buildable area unless it is approved by conditional use permit for construction, after study by a geologist, soils engineer, or sanitarian as required by the Planning and Zoning Commission.

Building. Any structure used or intended to be used for the shelter, or enclosure, of persons, animals or property.

Building Inspector. The official designated by the Town Council as the Building Inspector for the Town of Virgin. The Virgin Town Building Inspector may also be the Virgin Town Zoning Administrator, if so designated.

Building Inspector, Local (Local Building Inspector). The Virgin Town Building Inspector; also the zoning enforcement officer or person so designated and officially representing the Town of Virgin.

Building, Accessory (Accessory Building). A building which is subordinate to, and the use of which is incidental to, that of the main building or use on the same lot.

Building, Coverage (Coverage Building). The percent of the total site area covered by buildings.

Building, Elevated (Elevated Building). A non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, “elevated building” also includes a building otherwise meeting the definition of “elevated building,” even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

Building, Height of (Height of Building). The vertical distance from the average grade surface to the highest point of any building roof or coping.

Building, Main (Main Building). The principal building or one (1) of the principal buildings upon a lot, or the building or one (1) of the buildings housing a principal use upon a lot.

Building, Public (Public Building). A building owned and/or operated by a public entity or public agency or intended to be used by the public.

Business. Any and all activities engaged in within this town carried on for the purpose of gain or economic profit, except that the acts of employees rendering service to employers shall not be included in the term business unless otherwise specifically provided. Engaging in business includes but is not limited to the sale of tangible personal property at retail or wholesale, the manufacturing of goods or property, soliciting patronage for the business (actively or passively), performing or attempting to perform any part of such business in the town, and the rendering of personal services for others for a consideration by a person, firm or corporation engaged in any profession, trade, craft, business, occupation or other calling, except the rendering of personal services by an employee to his employer under any contract of personal employment.
[amended through August 2013]

Campground. A parcel of land designated and approved by the Town of Virgin for occupancy by persons using tents, trailers, motor homes or campers on a temporary basis.

Carport. A private garage not completely enclosed by walls or doors. For the purposes of this Ordinance, a carport shall be subject to all regulations prescribed for a private garage.

Cellar. A room or rooms wholly under the surface of the ground or having more than fifty percent (50%) of its floor-to-ceiling height under the average level of the adjoining ground.

Church. A building, together with its accessory buildings and uses, maintained and controlled by a duly recognized religious organization where persons regularly assemble for worship.

Clinic, Dental or Medical (Dental or Medical Clinic). A building in which a group of dentists, physicians, and related professionals and their staff are associated for the conduct of their professions. The clinic may include a dental and/or a medical laboratory and an apothecary, but it shall not include inpatient care or operating rooms for major surgery.

Club, Private (Private Club). An organization, group, association or corporation supported by the members thereof, the sole purpose of which is to render service customarily rendered for members and their guests but shall not include any service, the chief activity of which is customarily carried on as a business, and does not include labor union organizations or similar labor or business organizations.

Commission. The Planning and Zoning Commission of the Town.

Commission's Authorized Representative. The Planning and Zoning Commission or any other Town employee or official who has been designated by the Commission to represent the Town in enforcing or carrying out the functions of the Commission.

Common Open Space. Undeveloped land within a subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development or the Town or by the public.

Communication Tower, Private (Private Communication Tower). A freestanding or building mounted structure, including appurtenances and antennas, intended for airway communication purposes; such as a television antenna, amateur radio tower, or satellite dish, utilized for non-commercial purposes.

Condominium. An ownership structure established in accordance with the Utah Condominium Act; a community association combining individual unit ownership with shared use or ownership of common property or facilities. A condominium is a legal form of ownership of real estate and not a specific building type or style.

Conservation Organization, Non-Profit (Non-Profit Conservation Organization). Any charitable corporation, charitable association or charitable trust (such as a land trust), the purposes or

powers of which include retaining or protecting the natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property.

Construction, Existing (Existing Construction). For the purposes of determining rates, structures for which the "initial construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. "Existing construction" may also be referred to as "existing structures."

Construction, Initial (Initial Construction). Includes substantial improvement and means the date the building permit was issued, provided the actual initial construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Construction, New (New Construction). For the purpose of determining insurance rates, structures for which the "initial construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Construction, Start of (Start of Construction). Any manmade change to improved or unimproved lands, including, but not limited to, buildings or structures, mining, dredging, filling, paving, grading, excavation or drilling operations.

Convenience Store. A one-story, retail store containing less than 3,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchased only a relatively few items (in contrast to a "supermarket"). It is designed to attract and depends upon a large volume of stop-and-go traffic. Illustrative examples of convenience stores are those operated by the "Circle K," "7-11" and "Maverik" chains.

Corral. A space other than a building, less than one (1) acre in area, or less than one-hundred feet (100') in width, used for the confinement of animals.

Court. An open, unoccupied space, other than a yard, on the same lot with a building or a group of buildings, and which is surrounded on three (3) or more sides by such building or buildings. The width of a court is its least horizontal dimension, measured between opposite sides in the same direction as the yard or lot line on which the court opens. The length of a court is its least horizontal dimension measured at right angles to its width.

Covenants, Codes and Restrictions (CC&Rs). CC&R's variously regulate the usages and aesthetics of a neighborhood or development.

Critical Feature. An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Cul-de-Sac. A minor terminal street provided with a turn-around. Cul-de-sacs shall only be applicable to local streets and shall be a minimum of one hundred feet (100') in diameter.

Culinary Water Authority. The Town of Virgin.

Damage, Substantial (Substantial Damage). Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

Developer. Either: (i) an applicant for subdivision approval; (ii) an applicant for a building permit or another permit issued; or (iii) the owner of any right, title, or interest in real property for which subdivision/division of land approval or concept plan approval is sought.

Development. Any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Development Envelopes. A delineated area that identifies the location within which all grading, clearing, excavation, and development shall be located on a parcel. Exceptions may be made for underground improvements, drainage and utility installations (or other similar associated improvements), improvements approved by the fire authority for wildfire mitigation purposes, trails dedicated to public use, and driveways.

Disabled/Disability. A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment. "Disability" does not include current illegal use of, or addiction to, any Federally- controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802, or successor law. Disabled/Disability includes those as defined in Sections 62A-5-101 UCA and 57-21-2 UCA.

District. A portion of the territory of the Town of Virgin, established as a zoning district by this Ordinance, within which certain uniform regulations or requirements or various continuations thereof apply under the provisions of this Ordinance; also includes “zone”, and “zoning district.”

Drainage Course, Natural (Natural Drainage Course). Any natural watercourse, which is open continuously for flow of water in a definite direction or course.

Driveway. A private entrance, the use of which is limited to persons residing, employed or otherwise using or visiting the premises on which the entrance is located.

Dwelling. Any building or portion thereof designed or used primarily as a long-term residence or sleeping place of one or more family members, but not including a tent, recreational vehicle, travel trailer, hotel, motel, hospital, or nursing home.

Dwelling Unit. One (1) or more rooms in a dwelling, apartment hotel or apartment motel, designed for or occupied by one family for living or sleeping purposes and having kitchen and bathroom facilities for the use of not more than one (1) family.

Dwelling, Group (Group Dwelling). A group of two (2) or more detached buildings used as dwellings.

Dwelling, Mobile Home (Mobile Home Dwelling). See “Home, Mobile (Mobile Home)”.

Dwelling, Multiple Family (Multiple Family Dwelling). A building arranged or designed to be occupied by more than two (2) families, and having more than two (2) dwelling units.

Dwelling, Single-Family (Single-Family Dwelling). A building arranged or designed for the long term occupancy of one (1) family, the structure having only one (1) dwelling unit.

Dwelling, Two-Family (Two-Family Dwelling). A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

Easement. A right granted by the owner of land to another party for specific limited use of that land. The easement may be for use under, on, or above said lot or lots; authorization by property owner for the use by another, and for a specified purpose, such as utilities and irrigation ditches, of any designated part of the owner’s property. An easement may be for use under, on the surface, or above the owner’s property.

Easement, Conservation (Conservation Easement). The grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall remain in its natural, scenic, open or wooded state, limiting future or additional development.

Elevation, Water Surface (Water Surface Elevation). The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Engineer. A certified professional engineer.

Engineer, Local (Local Engineer). The engineer employed by or officially representing Virgin Town.

Engineer, Town (Town Engineer). The City Engineer of the Town or his authorized representative.

Entities of Public Ownership, Appropriate (Appropriate Entities of Public Ownership). Includes all ownership by Federal, State, Washington County, BLM, Washington County School District, WCWCD, etc.

Facilities or Services, Essential (Essential Facilities or Services). Utilities or sanitary and public safety facilities or services provided by a public utility or other governmental agency.

Facility for the Disabled/ Residential Facility for Persons with a Disability, Residential. A residence in which two or more persons with a disability reside and which is licensed or certified by the Department of Human Services under Title 62A, Chapter 5, of the Utah Code, Services to People with Disabilities; or is licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

Facility for the Elderly, Residential (Residential Facility for the Elderly). A dwelling unit that is either owned by one of the residents or by an immediate family member of one of the residents, or is a facility for which the title has been placed in trust for a resident; and is occupied on a twenty-four (24) hour-per-day basis by eight (8) or fewer elderly persons in a family-type arrangement. A residential facility for elderly persons shall not include any facility which is operated as a business (provided, that such facility may not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility); where persons being treated for alcoholism or drug abuse are placed; where placement is not on a strictly voluntary basis or where placement is part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution; which is a health care facility as defined by Section 26-21-2 of the Utah Code; or which is a residential facility for persons with a disability.

Facility, Congregate Living (CLF) (Congregate Living Facility). A residence in which five (5) or more persons which do not constitute a family reside, including but not limited to Residential Facilities for the Disabled and Residential Facilities for the Elderly.

Family. One (1) or more individuals occupying a dwelling unit and living together as a single household unit with common access to, and common use of, all facilities comprising the

dwelling unit, as distinguished from a boarding or rooming house, fraternity or sorority house, club, motel and other similar uses. In general, five (5) or more unrelated persons living in a single dwelling do not constitute the functional equivalent of a traditional family. However, a group of five (5) or more unrelated individuals may request designation by the Planning Commission as the functional equivalent of a family for the purposes of this zoning ordinance. The Planning Commission will hear the request and find that a group qualifies as a family if the group:

- a. Lives and cooks together in a residence as a "single housekeeping unit";
- b. shares expenses for food, rent, utilities or other household expenses;
- c. is to "all outward appearances, a relatively normal, stable, and permanent family unit;"
- d. is not a "temporary living arrangement as would be a group of college students sharing a house;"
- e. will inhabit a dwelling which does not provide "a framework for transients or transient living;"
- f. shares the entire house;
- g. includes one (1) or more adults domiciled in the residence (see 42 U.S.C. § 3602(k), and *Keys Youth Services v. City of Olathe*); any minor occupants are domiciled therein with: (i) a parent or another person who has or is in the process of securing legal custody of such individual or individuals; or (ii) the designee of such parent or other person having such custody, with the written permission of such parent or other person."

Fee Schedule. The schedule or any appendix of fees adopted periodically by resolution of the Town Council setting forth various fees charged by the Town.

Fence. A physical barrier to delineate, contain, or designate an area designed for a specific use, i.e. an enclosure for a dwelling unit, an area of storage, etc.

FIRM. See Flood Insurance Rate Map.

Fixture. The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

Flood Hazard. Potential hazard to land or improvements by water.

Flood Hazard, Area of Special (Area of Special Flood Hazard). The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed

ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

Flood Insurance Rate Map (FIRM). An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study. The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from: (i) the overflow of inland or tidal waters; or (ii) the unusual and rapid accumulation or runoff of surface waters from any source.

Flood or Spot Light. Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a direct beam in a particular direction.

Flood Proofing. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood Protection System. Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Flood, Base (Base Flood). The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Flooding, Alluvial Fan (Alluvial Fan Flooding). Flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

Flooding, Area of Shallow (Area of Shallow Flooding). A designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one foot (1') to three feet (3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Floodplain Management. The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Management Regulations. Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodplain or Flood-Prone Area. Any land area susceptible to being inundated by water from any source (see definition of flooding).

Floodway (Regulatory Floodway). The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floor Area. Area included within surrounding walls of a building, or portion thereof, exclusive of vents, shafts and courts.

Floor, Lowest (Lowest Floor). The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

Frontage. All property fronting on one (1) side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street of which it intercepts.

Frontage, Lot (Lot Frontage). The lineal measurement of the front lot line.

Frontage Lot, Double. (See Lot, Double Frontage.)

Garage, Private (Private Garage). A detached accessory building, or a portion of a main building, used or intended to be used for the storage of motor vehicles, trailers or boats, but not including the parking or storage of trucks or vans having a capacity in excess of one and one-half (1½) tons, and not including space for more than a total of four (4) such vehicles, trailers or boats for each dwelling unit on the premises.

Garage, Public (Public Garage). A building or portion thereof, other than a private garage, designed or used for servicing, equipping, renting, selling or storing motor-driven vehicles.

Garage, Repair (Repair Garage). A structure or portion thereof other than a private garage, used for the repair or refinishing of self-propelled vehicles, trailers, or boats, including general repair, rebuilding or reconditioning of engines, motor vehicles, or trailers, and minor repairs or overall automobile or truck painting.

Glare. Light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

Grade. For buildings or structures adjoining one (1) street only, the elevation of the sidewalk at the center of the wall adjoining the street. For buildings or structures adjoining more than one (1) street, the average of the elevation of the sidewalk at the centers of all walls adjoining the streets. For buildings or structures having no wall adjoining the street, the average level of the finished natural surface of the ground adjacent to the centers of all exterior walls of the building. For the purposes of this section, natural surface level includes: (i) the level at time of lot purchase; (ii) a previously excavated level, if substantially unchanged for ten (10) or more years; or (iii) a new level resulting from expressly approved excavation of lot. Any wall or structure parallel or nearly parallel to and not more than five feet (5') from a street line is to be considered as adjoining the street.

Grade, Highest Adjacent (Highest Adjacent Grade). The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Hazard, Flood (Flood Hazard). Potential hazard to land or improvements by water.

Hazard, Geological (Geological Hazard). A hazard inherent in or on the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property, or improvements due to the movements, failure or shifting of the earth.

Health Department. The Utah State Division of Environmental Health or local health agency having jurisdiction.

Health Officer, Local (Local Health Officer). The health officer or department employed by or officially representing Virgin Town.

Home Occupation. Any use conducted entirely out of view from outside of property boundaries, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. *[amended through August 2103]*

Homeowners Association. A community association incorporated or not incorporated, combining individual home ownership with shared use or ownership of common property or facilities.

Hospital. An institution for the diagnosis, treatment and care of human illness or infirmity, including sanitariums and clinics.

Hospital, Veterinary or Animal (Veterinary or Animal Hospital). A building or group of buildings together with runs, where large and/or small animals are kept and/or treated by a licensed veterinarian.

Hotel. A building that furnishes lodging, food, etc. to travelers or other guests, for compensation.

House, Boarding (Boarding House). A building with not more than five (5) guest rooms where, for compensation, meals are provided for not more than fifteen (15) persons.

House, Lodging (Lodging House). A building where lodging only is provided for compensation to at least three (3) but not more than fifteen (15) persons, but not including motels or hotels.

Improvement, Substantial (Substantial Improvement). Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before "initial construction" of the improvement. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: (i) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or (ii) any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Improvements, Public (Public Improvements). Parks, streets, recreation, water, sewer, storm drains, irrigation, wells, hydrants, natural gas, street lighting, power, telephone, cable, and other similar facilities which are required to be dedicated to the Town in connection with subdivision/division of land, conditional use, or site plan approval.

Junk. Any or all worn out, cast off, or discarded article or material which is ready for destruction or removal from property for waste or salvage. Any article or material which, unaltered, or changed and without further reconditioning, can be used for its original purpose as readily as when new, shall not be considered junk. *[amended 9-25-2013]*

Junk Cars. A junk car is any used car or motor vehicle not in the process of reconditioning, which has been abandoned for the use as a motor vehicle on a public highway and which is in unsafe operating condition and shall have remained in such condition for a period in excess of thirty (30) days; or portions of junk cars, such as hoods, doors, fenders, radiators, rims, engines, hub caps, etc., not being immediately utilized in the repair of a motor vehicle.

Junk Yard. A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or other scrap, discarded material or junk; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

Jurisdiction, Local (Local Jurisdiction). The Town of Virgin.

Kenel. Any premises where four (4) or more dogs older than four (4) months are kept.

Lamp. The component of a luminaire that produces the actual light.

Land, Division of (Division of Land). Division of a parcel of land into four (4) or more lots.

Land, Irrigated (Irrigated Land). Parcels that have surface or underground water diverted continuously or intermittently upon them for the production of crops or pasture, through the utilization of man-made improvements.

Levee. A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System. A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Light Trespass. The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Light, Direct (Direct Light). Light emitted directly from the lamp, off the reflector or reflector diffuser or through the refractor or diffuser lens, of a luminaire.

Light, Indirect (Indirect Light). Direct light that has been reflected or scattered off other surfaces.

Lighting, Outdoor (Outdoor Lighting). The nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

Lighting, Outdoor, Temporary (Temporary Outdoor Lighting). The specific illumination of an outside area or object by any man-made device located outdoors that produces light by any means for a period of less than seven (7) days, with at least 180 days passing before being used again.

Lights, Fully Shielded (Fully Shielded Lights). Outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

Lot.

1. A parcel or tract of land within a subdivision and abutting a public street, or a private street, which is or may be occupied by one building and the accessory buildings or uses customarily

incident thereto, including such open spaces as are arranged and designed to be used in connection with the building according to the zone with which the lot is located.

2. A parcel or unit of land described by metes and bounds and held or intended to be held in separate lease or ownership; or a unit of land shown as a lot or parcel on a recorded subdivision map; or a unit of land shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger tract into two (2) or more smaller units.

Lot Coverage. Lot coverage shall be calculated by taking the ground area of the main and accessory buildings and dividing that total by the area of the lot.

Lot Line, Front (Front Lot Line). For an interior lot, the lot line adjoining the street for a corner lot or through lot, the lot line adjoining either street, as elected by the owner.

Lot Line, Rear (Rear Lot Line). Ordinarily, that line of a lot which is opposite and most distant from the front line of the lot. In the case of a triangular or gore-shaped lot, a line ten feet (10') in length within the parcel parallel to and at a maximum distance from the front lot line. In cases where these definitions are not applicable, the Virgin Town Building Inspector shall designate the rear lot line.

Lot Line, Side (Side Lot Line). Any lot boundary line not a front or rear lot line. A side lot line separating a lot from another lot or lots in an interior side lot line; a side lot line separating a lot from a street is a street side lot line.

Lot, Corner (Corner Lot). A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five degrees (135°).

Lot, Depth of (Depth of Lot). The horizontal distance between the front and rear lot lines measured in the main direction of the side lot line.

Lot, Double Frontage (Double Frontage Lot). A lot where the front lot line and back lot line both front on a street.

Lot, Flag (Flag Lot). A lot that has been approved by the Town with access provided to the bulk of the lot by means of a narrow corridor.

Lot, Interior (Interior Lot). A lot other than a corner lot.

Lot, Parking. See Parking Lot.

Lot, Restricted (Restricted Lot). Any lot having particular problems in size, slope, contour or space requiring special action of the Board of Adjustment.

Lot, Right-of-way (Right-of-Way Lot). A strip of land of not less than sixteen feet (16') in width connecting a lot to a street for use as a private access to that lot.

Lot, Width of (Width of Lot). The horizontal distance between the side lot lines, measured at the required front yard setback line or rear yard setback line, whichever is shorter.

Lumen. A unit of luminous flux. One-foot (1') candle is one (1) lumen per square foot. For the purposes of this ordinance, the lumen-output values shall be the Initial lumen output ratings of a lamp.

Luminaire. This is a complete lighting system, and includes a lamp or lamps and a fixture.

Luminaire, Height of (Height of Luminaire). The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct light-emitting part of the luminaire.

Luminaires, Grandfathered (Grandfathered Luminaires). Luminaires not conforming to this code that were in place at the time this code was voted into effect. When an ordinance "grandfathers" a luminaire, it means that such already-existing outdoor lighting does not need to be changed unless a specified period is specified for adherence to the code.

Manufactured Home. A structure transportable in one or more sections, which is built on a permanent chassis and must be attached to a permanent foundation and connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle." Said manufactured home shall be classified as a mobile home unless it is placed on a permanent foundation and complies with all applicable building and housing codes. Said manufactured home shall have a minimum of 1,000 square feet; a minimum 4:12 slope/pitch of roof. Brick veneer, stucco, or other similar materials are to be used on the exterior of the manufactured home. A transportable factory built housing unit constructed after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more sections, and is identified by the manufacture's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards (Amended Feb 28, 2007).

Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Manufactured Home Park or Subdivision, Existing (Existing Manufactured Home Park or Subdivision). A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Manufactured Home Park or Subdivision, Expansion to an Existing (Expansion to an Existing Manufactured Home Park or Subdivision). The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Manufactured Home Park or Subdivision, New. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Map, Official (Official Map). A map which has been adopted as the official map of the Town of Virgin showing existing public streets, streets on plats of subdivisions which have been approved by the Virgin Town Planning and Zoning Commission, and/or other street extensions, widening, narrowing, or variations which have been accurately surveyed and definitely located.

Mobile Home. A detached single-family dwelling unit designed for long-term occupancy and to be transported on its own wheels (permanent or detachable), or on flatbed or other trailer and arriving at the site where it is to be occupied as a complete dwelling unit ready for occupancy except for connections to utilities and other minor work. Modular or prefabricated homes not placed on a permanent foundation shall be regarded and regulated as mobile homes.

Mobile Home Lot. A lot within a mobile home park or subdivision, designed and to be used for the accommodation of one (1) mobile home.

Mobile Home Park. A space designed for and approved by the Town of Virgin for occupancy by mobile homes, to be under single ownership or management, and meeting all requirements of the Virgin Town Zoning Ordinance and the Virgin Town Mobile Home Park Ordinance for mobile home parks.

Mobile Home Space. A space within a mobile home park, designed and to be used for the accommodation of one (1) mobile home.

Mobile Home Subdivision. A subdivision designed and intended for residential use where the lots are to be individually owned or leased, and occupied by mobile homes exclusively.

Mobile Home, “double-wide.” A mobile home conforming to the above definition of a mobile home and having a gross floor area of not less than 1,000 square feet. Double-wide mobile homes shall be regarded and regulated as conventional housing when they conform to applicable building and housing codes, and are placed on a permanent foundation which meets all applicable building and housing codes, incorporates a pitched roof in its design, utilizes block or equivalent skirting around the bottom of the unit, and has the towing tongue and wheel removed.

Mobile Home, “single-wide.” A mobile home conforming to the above definition of a mobile home, being a single unit not less than ten feet (10’) wide and having a gross floor area of not more than 1,000 square feet.

Monument, Permanent (Permanent Monument). A structure of concrete, masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference.

Motel. A building or group of buildings for the accommodation of transient guests, comprising individual sleeping or living units, and designed and located to serve the motoring public.

Nuisance. Any item, thing, manner or condition whatsoever that is dangerous to human life, or health, or renders soil, air, water, or food impure or unwholesome.

Nuisance, Public. A public nuisance is any item, thing, manner or condition which annoys, injures, or endangers the comfort, repose, health or safety of a reasonable number of group or persons; or violates the provisions of the Virgin Town Zoning Ordinance; or in any way renders persons or groups of persons insecure in life or the use of property.

Nursery, Child (Child Nursery). An establishment, excluding a public school, for the care and/or the instruction of six (6) or more children other than members of the family residing on the premises.

Occupancy, Long-term. Long term occupancy. Permanent occupancy; occupancy for a period of thirty (30) or more days.

Occupancy, Short-term. Transient occupancy; occupancy for a period less than thirty (30) days.

Occupancy, Temporary. Short-term occupancy of a home or other structure.

Open Space. Space reserved in parks, courts, playgrounds, golf courses and other similar open areas, and those areas reserved to meet the density requirements of development.

Ordinance, Zoning (Zoning Ordinance). The Virgin Land Use code (VULU) as presently adopted and as amended hereafter by the Town Council.

Owner. The owner in fee simple, or real property as shown in the records of the Washington County Recorder’s Office and includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, trust, private corporation, other entities authorized by the State of Utah, or any combination of any of the foregoing.

Parcel, Parent (Parent Parcel). The existing parcel of record, as identified by individual tax parcel numbers, as of the effective date of this ordinance.

Park, Travel Trailer (Travel Trailer Park). Any area where one or more travel trailer lots are rented for a relatively short-term occupancy to users of travel trailers or recreational vehicles.

Parking Lot. An open area, other than a street, used for parking of more than four (4) automobiles and available for public use, whether free, for compensation, or accommodation for clients or customers.

Parking Space, Off-street (Off-Street Parking Space). The space required to park one (1) passenger vehicle, which space shall meet the requirements of this Ordinance.

Person, Elderly (Elderly Person). A person who is sixty-two (62) years or older who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

Persons, Handicapped. Disabled persons (see disabled/disability).

Plan, Plot (Plot Plan). A plat of a lot, drawn to scale, showing its actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, and such other information as may be required by the Virgin Town Planning and Zoning Commission.

Plan, Site (Site Plan). A plan containing the information required by VULU Chapter 1.9 of this Ordinance.

Plan, Subdivision Concept (Subdivision Concept Plan). A sketch or concept drawing of a proposed division of land prior to the Preliminary Plat to enable a subdivider to reach general agreement with the Planning Commission as to the form of the plat and the objectives of these regulations, and to receive guidance as to the requirements for subdivisions within the Town.

Planning and Zoning Administrator. The person appointed by the Town to perform the duties and responsibilities of the Planning and Zoning Administrator, as defined by the Town Ordinances.

Planning and Zoning Commission. The Virgin Town Planning and Zoning Commission.

Plat, Final (Final Plat). A map of a subdivision, required of all subdivisions, which is prepared for final approval and recordation, which has been accurately surveyed, so that streets, lots, and other divisions thereof can be identified; such plat being in conformity with the ordinances of the Town and Title 10, Chapter 9a, of the Utah Code Annotated, 2006, as amended.

Plat, Preliminary (Preliminary Plat). A map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it. Such map need not be essentially a study plan which, when approved, will serve as a basis for the based upon an accurate or final survey of the property. The preliminary plat is preparation of the final plat.

Rubbish. Rubbish means and includes discarded items of metal, cardboard, paper, wood, plastic, or any other waste material. *[amended 9-26-2013]*

Sanitary Sewer Authority. The Utah State Health Department.

School. A public kindergarten, elementary, middle, junior high or high school.

Sea Level, Mean (Mean Sea Level). For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are Referenced.

Service Station, Automobile (Automobile Service Station). A place where gasoline, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, and where services performed may include tube and tire repair, battery charging, storage of merchandise, lubricating of automobiles, replacement of spark plugs, lights, fans, and other small parts, but not including major automobile repair.

Shop, Body and Fender (Body and Fender Shop). A facility for major automobile, truck, mobile home, recreational coach or recreation vehicle repairs to body, frame or fenders, and including rebuilding.

Short-term Lease, Short-term Rental. A lease or rental of a home, part of a home, or other structure, for a period of fewer than thirty (30) days.

Sign. A presentation or representation of words, letters, figures, designs, pictures or colors, publicly displayed so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a request for aid; also, the structure or framework or any natural object on which any sign is erected or is intended to be erected or exhibited or which is being used or is intended to be used for sign purposes.

Sign, Advertising (Advertising Sign). A sign which advertises a business, profession, commodity, service or entertainment conducted, sold, or offered other than on the premises where the sign is displayed, or a sign in which more than twenty-five percent (25%) of the area of the sign is devoted to advertising a use or product which does not constitute the principal activity or product of the establishment of the premises (i.e. a soft-drink-beverage brand advertisement on a sign at a gasoline station.)

Sign, Animated (Animated Sign). A sign which involves motion or rotation of any part, created by artificial means, or which displays flashing, revolving or intermittent lights.

Sign, Area (Area Sign). The area in square feet of the smallest rectangle enclosing the total exterior surface of a sign having but one (1) exposed exterior surface; should the sign have

more than one (1) surface, the sign area shall be the aggregate of all surfaces measured as above which can be seen from any one (1) direction at one (1) time.

Sign, Business (Business Sign). A sign which directs attention to a business, profession, commodity, service or entertainment conducted, sold, or manufactured upon the same lot. A sign advertising a particular product or line of products sold on the premises but not constituting the principal activity of the establishment may be included, provided that not more than twenty-five percent (25%) of the area of the sign is devoted to such advertising.

Sign, Development (Development Sign). A sign indicating the name of, and information pertinent to, new construction.

Sign, Freestanding (Freestanding Sign). A sign located directly on the ground, or on any support other than a building, whether or not the principal purpose of such support is to display the sign.

Sign, Identification and Information (Identification and Information Sign). A sign displayed to indicate the means or nature of a building, or of a use.

Sign, Illuminated (Illuminated Sign). A sign in which a source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs.

Sign, Marquee (Marquee Sign). Any sign added to or made an integral part of a marquee.

Sign, Real Estate (Real Estate Sign). A sign identifying property for sale, lease or rent.

Sign, Residential (Residential Sign). A sign which gives notice of the address of a residential building, the name of the resident thereof, or conditions of use of parking facilities serving a residential use.

Sign, Wall, Flat (Flat Wall Sign). A sign affixed to or painted on the wall of a building in such a manner that the surface of the sign is parallel with the prevailing surface of the wall upon which the sign is displayed, and which does not project beyond such surface more than ten inches (10"), nor above the roof or cornice line of such a building.

Slope, Average Percent of (Average Percent of Slope). An expression of rise and fall in elevation along a line perpendicular to the contours of the land, connecting the highest point of land to the lowest point of land within an area or within a lot. A vertical rise of one-hundred feet (100') between two (2) points one-hundred feet (100') apart, measured in a horizontal plane is a one-hundred percent (100%) slope.

Stable, Private (Private Stable). A detachable accessory building for the keeping of horses owned by the occupant of the premises and not kept for remuneration, hire or sale.

Stable, Public (Public Stable). Any stable where horses are boarded and/or kept for remuneration, hire or sale.

Story. That portion of a building included between the surface of any floor and the floor or ceiling next above it.

Story, Half. A partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four feet (4') above the floor of such story; and the floor area of which does not exceed two-thirds (2/3) of the floor area of the floor next immediately below it, provided, however, that any partial story used for one (1) or more dwelling units shall be deemed a full story.

Street. A right of way, which has been dedicated to the Town and accepted by the Town Council, or which the Town has acquired by prescriptive right, deed or by dedication.

Street, Arterial (Arterial Street). A major traffic way, which is intended to serve as a controlled-access highway, major street parkway, or other equivalent term to identify those streets comprising the basic structure of the street plan. Arterial streets shall have an eighty-foot (80') right of way.

Street, Collector, Major (Major Collector Street). A street, which is the main means of access to the major street system. Major collector streets shall have a sixty-six foot (66') right of way.

Street, Collector, Minor (Minor Collector Street). A street, which is supplementary to a collector street and of limited continuity, which serves or is intended to serve, the local needs of a neighborhood. Minor collector streets shall have a sixty-foot (60') right of way.

Street, Local (Local Street). A minor street, which provides access to abutting properties and protection from through traffic. Local streets shall have a sixty-foot (60') right of way.

Street, Private (Private Street). A right of way, which has been reserved by dedication unto the subdivider or lot owners to be used as a private access to serve property and complying with the adopted street cross section standards of the Town for the type of street as described above. All private streets shall be approved by the Town, constructed to the same standards as required of public streets, and maintained by the subdivider or other private agency.

Street, Public (Public Street). A street, which affords access to abutting property, including highways, roads, lanes, avenues and boulevards.

Structure. Anything constructed, the use of which requires fixed location on the ground, or attachment to something having a fixed location upon the ground; includes "building" (see definition of building), and a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Structure, Historic (Historic Structure). Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- d. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (i) by an approved state program as determined by the Secretary of the Interior; or (ii) directly by the Secretary of the Interior in states without approved programs.

Structure, Noncomplying (Noncomplying Structure). A structure that: (i) legally existed before its current land use designation; and (ii) because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of the land.

Subdivider. Any person, corporation, partnership, association, individual, firm, trust or agent dividing or proposing to divide land resulting in a subdivision.

Subdivision. Any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms and conditions. "Subdivision" includes: (i) the subdivision of land for all non-residential uses; that is, commercial/industrial purposes; (ii) the subdivision or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat or other recorded instrument.

Subdivision Concept Plan. A sketch or concept drawing of a proposed division of land prior to the Preliminary Plat to enable a sub divider to reach general agreement with the Planning Commission as to the form of the plat and the objectives of these regulations, and to receive guidance as to the requirements for subdivisions within the Town.

Subdivision, Cluster (Cluster Subdivision). A housing development in a rural setting that is characterized by compact lots and common open space, and where the natural features of the land are maintained to the greatest extent possible.

Travel Trailer. A vehicular portable structure designed as a temporary dwelling for travel and recreational/vacation uses.

Truck Stop. An occupancy which provides especially for the servicing of trucks, with incidental operations similar to those permitted in automobile service stations.

Use or Structure, Accessory (Accessory Use or Structure). A use or structure on the same lot with, and of a name customarily incidental and subordinate to, the principal use or structure.

Use, Accessory (Accessory Use). A use subordinate and incident to the main use of a building or land located upon the same lot or parcel.

Use, Conditional (Conditional Use). A land use that because of its unique characteristics or potential impact on the Town of Virgin, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts. A conditional use permit is required, pursuant to this Ordinance.

Use, Functionally Dependent (Functionally Dependent Use). A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Use, Nonconforming (Nonconforming Use). A use of land that: (i) legally existed before its current land use designation; (ii) has been maintained continuously since the time the land use ordinance governing the land changed; and (iii) because of one or more subsequent land use changes, does not conform to the regulations that now govern the use of the land.

Utilities. See Improvements, Public.

Utility, Public (Public Utility). Underground water, power, sewer, communication systems, or natural gas carrier.

Variance. A grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For complete requirements, see Section 60.6 of the National Flood Insurance Program regulations.)

Vehicle, Recreational (Recreational Vehicle). A vehicle designed and/or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah Motor Vehicle Act which is: (i) built on a single chassis; (ii) two and four-tenths (2.4) square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently tow able by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Vehicle and Travel Trailer Park, Recreational (Recreational Vehicle and Trailer Park). An area or tract of land or a designated section within a mobile home park where lots are rented or held for rent to one (1) owner or user of a recreational vehicle for a temporary time, not to exceed 180 days.

Violation, Flood Management. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.

Yard. A required open space on a lot, other than a court, which open space is unoccupied and unobstructed from the ground upward, except as permitted elsewhere in this Ordinance.

Yard, Front (Front Yard). A space on the same lot with a building, between the front line of a building and the front lot line, and extending across the full width of the lot. The “depth” of the front yard is the minimum distance between the front lot line and the front line of the building.

Yard, Rear (Rear Yard). A space on the same lot with a building, between the rear line of the building and the rear lot line, extending across the full width of the lot. The “depth” of the rear yard is the minimum distance between the rear lot line and the rear line of the building.

Yard, Side (Side Yard). A space on the same lot with a building, between the sideline of the building, and the side lot line and extending from the front yard to the rear yard. The “width” of the side yard is the minimum distance between the side lot line and the sideline of the building.

Zone. See District.

Zoning Administrator. The local official designated by the Virgin Town Council to enforce the regulations of this Ordinance; the Virgin Town Zoning Administrator may also be the Virgin Town Building Inspector.

Zoning Ordinance. See Ordinance, Zoning.

1.7. BUILDING PERMIT REQUIRED.

The construction, alteration, repair or removal of any building or structure, or any part thereof, as provided or as restricted in this Ordinance, shall not be commenced until zoning approval has been granted by the Virgin Town Zoning Administrator. The Zoning Administrator will determine if the request for a building permit is in accordance with the Ordinance.

1.7.1. OWNER-BUILDER PERMIT.

Any person intending to build primarily for his or her own use may apply for a building permit as an owner-builder. No structure built under such a permit may be sold or otherwise transferred within five (5) years of completion; a written agreement to this effect shall be required as part of the application. In the event of death or other catastrophe, the homeowner/applicant may request release from the owner-builder five (5) year agreement to the Board of Adjustment. Application for premature release from this agreement must be accompanied by the Building Inspector's approval and report of a complete new inspection of all systems.

1.7.2. COMMENCEMENT OF WORK.

If substantial construction of the primary structure or building subject to the building permit has not been started within ninety (90) days from issuance of the permit, the original permit is void and a new building permit will be required. The portion of the original permit fee assessed for inspections never completed may be applied toward fees for the new application, which will be charged at the current inspection and administrative fee rates. Impact fees will be reassessed and used or unused impact fees shall be credited toward the current impact fees payable with the new application.

1.7.3. COMPLETION OF WORK.

Construction shall be completed within one (1) year of commencement of work.

1.7.4. EXTENSIONS.

The holder of a building permit may be granted one (1) extension of six (6) months, provided the applicant show good cause why construction cannot be completed within the allowable time. Owner-builders may be granted further extensions by a conditional building permit that include conditions to mitigate any negative impacts of ongoing construction perceived by the Land Use Authority to conflict with town goals and standards. Any exception to these requirements shall be made by the Land Use Authority, provided that the exception is not granted due to a self-imposed hardship. Conditions of approval may include, but not be limited to, screening of construction material, daily clean up of trash, dust control measures, and other nuisance abatement measures.

The Land Use Authority may approve, approve with conditions, or deny any request for extension, including factual findings with any denial. In the event of expiration of a permit and/or denial of an extension, applicant's building permit shall be revoked, and a new building permit shall be required to continue work. Violations of the Building Permit policies shall be subject to penalties as outlined in VULU Chapter 1.14.

1.8. OCCUPANCY PERMIT REQUIRED.

Land, building or premises in any district shall hereafter be used only for a purpose permitted in such district and in accordance with district regulations. A permit of occupancy shall be issued

by the Virgin Town Zoning Administrator to the effect that the use, building or premises will conform to provisions of this and related Ordinances prior to occupancy, for any building erected, enlarged or altered structurally, or the occupancy or use of any land, except permitted for agricultural uses. Such a permit is needed whenever use or character of any building or land is to be changed. Upon written request from the owner, a permit shall be issued covering any lawful use of buildings or premises existing on the effective date of this amendment, including non-conforming buildings and uses.

1.9. EXCAVATION PERMIT REQUIRED.

1.9.1. PERMIT REQUIREMENTS.

1.9.1.A. Required.

It shall be unlawful for any person to break, excavate, tunnel, undermine in any manner affect the surface or base of any street or to place, deposit or leave upon any street any earth or any other excavated material obstructing or tending to interfere with the free use of the street, unless such person shall first have obtained an excavation permit therefore from an authorized personnel of the Town.

1.9.1.B. Streets and Sidewalks.

1.9.1.B.1. No person shall make an excavation in any street, land or alley or remove any pavement or other material from any street or improvement thereon without first obtaining a permit from an authorized personnel of the Town.

1.9.1.B.2. No person shall excavate any sidewalk without first obtaining a permit from an authorized personnel of the Town.

1.9.1.C. Contamination Control.

It shall be the contractor's responsibility to control dust and contaminants within the boundaries of the project. Roads must be kept clear of debris, dust and contamination daily (minimum).

1.9.1.D. Franchise; Public Utility.

1.9.1.D.1. Nothing in this Chapter shall be construed to waive the franchise required for any person by Town ordinances or laws of Utah.

1.9.1.D.2. Any public utility regulated by the State or holding a franchise from the Town which, in the pursuit of its calling, has frequent occasion to open or make excavations in streets, may, upon application, receive a general permit from the Town to cover all excavations such utilities may make within the streets of the Town.

1.9.2. BOND REQUIRED.

1.9.2.A. Conditions.

In order to ensure proper backfill and restoration of surface, the permittee shall deposit a surety bond or cash deposit with the Town Clerk, payable to the Town. Such bond or cash deposit will be held by the Town for a period of twelve (12) months. Except that a public utility operating or using any of the streets under a franchise from the Town will not be required to furnish such bond, providing such franchise obligates the holder thereof to restore the streets and to hold the Town harmless in the event of any injury to any person or damage to any property due to negligence of such holder in conducting excavation and restoration operations under such franchise. The required surety bond must be:

1.9.2.A.1. With good and sufficient surety.

1.9.2.A.2. By a surety company authorized to transact business within the state.

1.9.2.A.3. Satisfactory to the Town attorney in form and substance.

1.9.2.A.4. Conditioned upon the Permittee's compliance with this Chapter in order to secure and hold the Town harmless against any and all claims, judgments or other costs arising from the excavation and other work covered by the excavation permit for which the Town, the Town Council or any other Town officer may be made liable by reason of any accident or injury to any person or property through the fault of the Permittee arising out of failure to properly guard the excavation or for any other negligence of the Permittee.

1.9.2.A.5. Conditioned to fill up, restore and place in good and safe condition, as near as may be to its original condition, and to the satisfaction of the Town, all openings and excavations made in the streets, and to maintain any street where excavation is made in as good condition for the period of twelve (12) months after the work shall be done, usual wear and tear excepted, as it was before the work shall have been done.

1.9.2.B. Amount.

The amount of the surety bond or cash deposit shall be established by resolution and may be changed from time to time, but until such resolution is passed the amount of the surety or cash deposit shall be one thousand dollars (\$1,000.00) and ten dollars (\$10.00) for each street the permittee shall excavate.

1.9.3. SUBJECT AND EXCLUDED EXCAVATIONS.

1.9.3.A. Types subject to Provisions.

The types of excavations subject to the provisions of this Chapter are excavations for installation or repair of water lines, sewer lines, gas lines, electrical cable and conduits,

telephone cable and conduits, and all other excavations for any other purpose within the street rights of way of the Town or in other public places.

1.9.3.B. Types not subject to Provisions.

The types of excavations which do not come within the scope of this Chapter are excavations of any kind in streets in projects designed, contracted for and inspected by the Town engineer or other authorized personnel of the Town. (See Utah Uniform Building Standard appendix A.)

1.9.4. STANDARDS.

1.9.4.A. Preparation.

The pavement, sidewalk, driveway or other surface shall be cut vertically along the lines forming the trench in such a manner as to not damage the adjoining pavement or hard surfacing. An undercut bevel at the rate of one inch (1") per foot of thickness will be provided at the proposed junction between the old and new surfaces. The portion to be removed shall be broken up in a manner that will not cause damage to the pavement outside the limits of the trench. However, any pavement damaged by operations outside the limits of the trench shall be replaced. All waste materials resulting from the excavation shall be removed immediately from the site of the work.

1.9.4.B. Backfill.

1.9.4.B.1. Materials. Materials for backfill will be of select. All broken concrete, peat, decomposed vegetable matter and similar materials obtained from excavation will be removed from the site prior to beginning of backfilling. All backfill will be placed in layers not over eight inches (8") loose measure in thickness. Compaction will be obtained by mechanical rollers, mechanical tampers or similar means. Material for backfilling will have optimum moisture to ensure compaction to a degree equivalent to that of the undisturbed ground in which the trench was dug. Jetting or internal vibrating methods of compacting sand or similar granular-free draining materials will be permitted. No rock of any kind to be used as backfill. No pea gravel shall be used as backfill on city streets unless specified or approved by the Town engineer.

1.9.4.B.2. Density. The density (dry) of the backfill under pavements, sidewalks, curbs or other surfaces will not be less than 95%. The fill shall be restored and placed in a good condition which will prevent settling.

1.9.4.C. Restoration of Hard Surfaces.

1.9.4.C.1. General. All street surfacing, curbs, gutters, sidewalks, driveways or other hard surfaces falling in line of the excavation which must be removed in performance of the work shall be restored in kind by the excavator, unless otherwise directed by the Town Council, in

accordance with the specifications contained herein governing the various types of surfaces involved.

1.9.4.C.2. Protection of Paved Surfaces. In order to avoid unnecessary damage to paved surfaces, track equipment shall use pavement pads when operating on or crossing paved surfaces.

1.9.4.C.3. Time. In traffic lanes of paved streets, the excavator shall provide temporary gravel surfaces or cold mulch in good condition immediately after backfill has been placed, and shall complete permanent repairs on the street, sidewalk, curb, gutter, driveway and other surfaces, within five (5) days from the date of completion of the backfill, except for periods:

1.9.4.C.3.A. when permanent paving material is not available;

1.9.4.C.3.B. when weather conditions prevent permanent replacement;

1.9.4.C.3.C. when an extension of time is granted by the Town Engineer.

1.9.4.C.4. Temporary Repair. If temporary repair has been made on the paved street with gravel and a permanent repair cannot be made within the time specified above due to any of the above-mentioned conditions, then the excavator shall be required to replace the gravel with cold mulch as soon as possible.

1.9.4.D. Restoring Bituminous; Concrete or Asphalt Street Surfaces.

1.9.4.D.1. Temporary Grade Surfaces. Where excavations are made in paved areas, the surface shall be replaced with a temporary road base surface. The road base shall be deep enough to provide a minimum of six inches (6") below the bottom of the bituminous or concrete surface. Normally, this will require nine inches (9") of road base for bituminous surfaces, twelve inches (12") of road base for concrete, and concrete base for asphalt-wearing surfaces. The road base shall be placed in the trench at the time it is backfilled. The temporary road base surface shall be maintained by blading, sprinkling, rolling, adding road base, to maintain a safe, uniform surface satisfactory to the Town Engineer until the final surface is laid. Excess material shall be removed from the premises immediately. Material for use on temporary road base surfaces shall be obtained from the sound, tough, durable gravel or rock meeting the following requirements for grading:

- | | | |
|---------------------|-------------------------------|-----------------------------|
| 1.9.4.D.1.A. | Passing 1 inch (1") sieve | 100 percent (100%) |
| 1.9.4.D.1.B. | Passing 3/4 inch (3/4") sieve | 85-100 percent (85% - 100%) |
| 1.9.4.D.1.C. | Passing #4 sieve | 45-65 percent (45% - 65%) |
| 1.9.4.D.1.D. | Passing #10 sieve | 30-50 percent (30% - 50%) |

1.9.4.D.1.E. Passing #200 sieve 5-10 percent (5% - 10%)

1.9.4.D.2. Bituminous Surface. The exposed edges of existing pavement shall be primed with Type MC-1 bituminous material. The type, grade and mixture of the asphalt to be used for street surface replacement shall be approved by the Town Engineer. The thickness shall be equal to the adjacent surface thickness but not less than three inches (3"). The complete surface shall not deviate more than one-half inch (½") between old and new work.

1.9.4.D.3. Policy.

1.9.4.D.3.A. When a street has been newly improved, there will be a "no cut" policy in force that will not allow new asphalt to be cut to install utilities or for other reasons for a period of two (2) years. After the two (2) year period, all cuts must meet the following standards:

1.9.4.D.3.A.i. flow-able backfill one (1) bag mix in trench (at Town's discretion);

1.9.4.D.3.A.ii. minimum patch width two foot (2') each side of trench;

1.9.4.D.3.A.iii. saw-cut edges of patch;

1.9.4.D.3.A.iv. patch must be hot mix (cold mix may be used temporarily if hot mix cannot be obtained, then removed and replaced with hot mix when it is available);

1.9.4.D.3.A.v. patch shall be three inches (3") asphalt over nine inches (9") granular base meeting town standards;

1.9.4.D.3.A.vi. seal the saw cut edges with a rubberized crack fill material.

1.9.4.D.3.B. Exceptions to the "no cut" policy during the first two (2) years may be made on a case by case basis. The following standards will apply where exceptions are granted:

1.9.4.D.3.B.i flow-able backfill (one (1) bag mix) in trench (at Town's discretion);

1.9.4.D.3.B.ii. minimum patch width - two foot (2') each side of trench;

1.9.4.D.3.B.iii saw cut edges of patch.

1.9.4.D.3.B.iv. Patch must be hot mix (cold mix may be used temporarily if hot mix cannot be obtained then removed and replaced with hot mix when it is available).

1.9.4.D.3.B.v. Patch shall be three inches (3") asphalt over nine inches (9") granular base meeting town standards or three-inch (3") asphalt over flow-able backfill.

1.9.4.D.3.B.vi. Fill the saw cut edges with a rubberized crack fill material.

1.9.4.D.3.C. Exceptions to the flow-able backfill requirements set forth above in subparts 1.9.4.D.3.A. and 1.9.4.D.3.B. above, in lieu of backfilling all trenches cut into new Town streets with flow-able backfill as set forth above, contractors, utility companies or any other entity working on new Town streets may backfill any trench according to specifications and standards set forth in VULU Chapter 4.2., provided that such contractor, utility company or other entity working on new Town streets provides the following:

1.9.4.D.3.C.i. A written warranty in a form approved by the Town that if such trench compaction subsides, sinks or otherwise fails for any reason, or the pavement over the compacted trench cracks, during the life of said trench, that the contractor, utility company or other entity will repair and re-compact said trench at no cost to the Town according to the standards set forth in VULU Chapter 4.2., within thirty (30) days after receiving written notice that such trench has failed, except that in an emergency, which is defined as the failure of any trench due to a natural or artificial condition and which poses an eminent risk to persons or property, such contractor, utility company or entity whose trench failed will, within twenty-four (24) hours after receiving notice from the Town, undertake all reasonable steps to protect persons or property from further damage, including but not limited to, erecting barricades, warning lights, lanterns, flares, or other devices to alert the public to the potential hazard. Thereafter, such contractor, utility company or entity shall commence repairs to the affected trench as soon as practicable according to the standards set forth herein; and

1.9.4.D.3.C.ii. Any contractor, utility or entity incapable of providing evidence of a net worth in excess of one million dollars (\$1,000,000.00) must in lieu thereof, also post a cash bond for the estimated and reasonable cost to repair said trench as established by the Town engineer. The Town will retain said cash bond for two (2) years following completion of the trench work. If after the expiration of two (2) years the trench is still intact and has not subsided, sunk or otherwise failed for any reason, the Town will release such bond after inspection by the Town engineer.

1.9.4.E. Conflicts.

Where the provisions of this section conflict with the provisions of other sections, the provisions of this section shall take precedence.

1.9.4.F. Concrete Surfaces.

The sub-base for concrete surfaces shall be sprinkled just before placing the concrete. Joints and surfaces shall be made to match the original surfaces. The thickness of concrete shall be equal to the adjacent concrete but in no case less than six inches (6") thick. The mixing, cement, water content, proportion, placement and curing of the concrete have less compressive strength than three thousand pounds (3,000 lbs.) per square inch at the end of twenty-eight (28) days.

1.9.4.G. Concrete Base, Bituminous Wearing Surfaces.

This type of surfacing shall be constructed as above described.

1.9.4.H. Gravel Surfaces.

Trenches excavated through gravel-surfaced area, such as gravel roads and shoulders and unpaved driveways, shall have the gravel restored and maintained as described in subsection E of this section, except that the gravel shall be a minimum of one inch (1") more than the thickness of the existing gravel.

1.9.4.I. Jetting Pipe.

Jetting pipe by means of water under pressure or compressed air is permitted only when approved by the Town.

1.9.5. PROTECTION OF PUBLIC.

Excavation operations shall be conducted in such a manner that a minimum amount of interference or interruption of street traffic will result. Inconvenience to residents and businesses fronting on public streets shall be minimized. Suitable, adequate and sufficient barricades shall be available and used where necessary to prevent accidents involving property or persons. Barricades must be in place until all of the excavator's equipment is removed from site and excavation has been backfilled and proper temporary gravel surface is in place. From sunset to sunrise, all barricades and excisions must be clearly outlined by acceptable warning lights, lanterns, flares and other devices. Police and fire departments shall be notified at least twenty-four (24) hours in advance of any planned excavation requiring street closures or detour.

1.9.6. RELOCATION AND PROTECTION OF UTILITIES.

An excavator shall not interfere with any existing utility without the written consent of the Town Council and without advance notice to the owner of the utility. If it becomes necessary to relocate an existing utility, it shall be done by its owner unless the owner otherwise directs. No utility, whether owned by the Town or by a private enterprise, shall be moved to accommodate the Permittee unless the cost of such work be borne by the Permittee or an expressly-written agreement is made whereby the utility owner and the excavator make other arrangements as to such cost. The Permittee shall support and protect by timbers or otherwise all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work, and shall do everything necessary to support, sustain and protect them under, over, along or across the work. In case any of the pipes, conduits, poles, wires or apparatus should be damaged (and for this purpose pipe coating or other encasement or devices are to be considered as part of the substructure), they shall be repaired by the agency or person owning them, but the utility owner shall be reimbursed for the expense of such repairs by the permittee. It is the intent of this Chapter that the Permittee shall assume all liability for

damage to substructures, and any resulting damage or injury to anyone because of such substructure damage and such assumption of liability shall be deemed a contractual obligation which the Permittee accepts upon acceptance of an excavation permit. The Town need not be made party to any action because of this Chapter. The Permittee shall inform itself as to the existence and location of all underground utilities and protect the same against damage.

1.9.7. REVOCATION OR REFUSAL OF PERMIT.

All permits shall be subject to revocation and the Town may refuse to issue a permit for failure of the Permittee or applicant to abide by the terms and conditions of this Chapter.

1.9.8. EXCEPTIONS IN EMERGENCY.

Excavation permits will not be requested prior to excavation in case of emergency endangering life or property, providing the Town is notified as soon as practicable and a permit is applied for upon the next regular working day following the emergency.

1.9.9. PENALTY.

Any person violating any provision of this Chapter shall be guilty of a Class B misdemeanor and upon conviction thereof, subject to penalty as provided in Utah Uniform Building Code.

1.10. SITE PLANS REQUIRED.

A detailed site plan, with scale and sheet size to be determined by the Virgin Town Planning and Zoning Commission or the Virgin Town Zoning Administrator, when authorized, shall be filed as a part of any application, prior to request for a zoning permit. The site plan shall show, where pertinent:

1.10.1. scale of plan;

1.10.2. direction of North point;

1.10.3. lot lines, together with adjacent streets, roads, and rights-of-way;

1.10.4. location of all existing structures on subject property and adjoining properties (complete with dimensions including utility lines, poles, etc.);

1.10.5. location of the proposed construction and improvements including the location and dimensions of all signs;

1.10.6. motor vehicle access, including individual parking spaces, circulation patterns, curb, gutter, and sidewalk location;

1.10.7. necessary explanatory notes;

1.10.8. name, address and telephone number of builder and owner;

1.10.9. all other information that may be required as is determined by the Virgin Town Planning and Zoning Commission or the Virgin Town Zoning Administrator when authorized.

1.11. INSPECTION.

The Virgin Town Zoning Administrator is authorized to inspect all buildings and structures in the course of construction, modifications or repair and to inspect land uses to determine compliance with the provisions of the Zoning Ordinance. The Virgin Town Zoning Administrator or any authorized employee of the Town of Virgin shall have the right to enter the premises for the purpose of determining compliance with the provisions of this Ordinance; provided, that such entry shall be exercised only at reasonable hours and that in no case shall entry be made to any occupied building in the absence of the owner or tenant thereof without written permission of the owner, or the written order of a court of competent jurisdiction.

1.12. ENFORCEMENT.

1.12.1. ENFORCEMENT.

The Virgin Town Zoning Administrator is authorized as the officer charged with the enforcement of this Ordinance. It shall be the duty of Zoning Administrator to enforce the provisions of this Ordinance, and shall enforce all provisions, and the failure of the Zoning Administrator to do so shall not legalize any violations of such provisions. The Zoning Administrator, in addition to certified peace officers, shall have authority to issue citations as provided under the Utah Criminal Code for violations of any provision of this Ordinance.

1.12.2. COMPLAINTS.

The Town of Virgin encourages citizens to bring forward legitimate grievances regarding any violation of law or ordinance which affects them. In light of the heavy workload sometimes visited upon our staff and volunteers, it is to the advantage of all concerned to have a procedure for the investigation of the more serious allegations and underlying circumstances so that complaints can be resolved.

As a rule, complaints will be handled according to the following steps.

1. Citizen submits a complaint to a local police officer, or completes a complaint form or letter, available at Town Hall or the town website, and submits it to the Town Clerk. Unsigned complaints may not be investigated.
2. If received at Town Hall, Clerk date-stamps the complaint AFTER verifying that:
 - a. signature is readable or printed name of complainant is included;
 - b. complaint is clearly described and identified;
 - c. complainant has described how the alleged violation has personally affected him or her; and

- d. any efforts made to resolve the problem, including contacts with associated property owners, are described.
3. If the complaint was received by the police, an officer determines whether he or she should proceed to investigate. If the complaint was received by the Town, the clerk shall file the original complaint in a master Complaints file including all complaints received in chronological order, make a copy to attach to the Complaint Log and begin investigation. Complaints involving private information about individuals will be investigated by the Mayor or his designee.
4. The clerk may consult with the Zoning Administrator, the Mayor, or others to determine if the complaint requires official town action. If found to require further investigation, Town Clerk shall notify the complainant, in writing or by phone, as soon as practicable, that the office acknowledges receipt of the complaint, and that the complaint is under investigation. If it is determined the complaint should be dismissed, the clerk shall notify the complainant of the reason for dismissal. Phone calls shall be logged in complaint file.
5. Dismissal may result for various reasons, including but not limited to:
- a. the action complained of is not a violation of any law or ordinance;
 - b. the action is a violation of a law not enforceable by the Town;
 - c. the complaint is determined to be frivolous;
 - d. investigation showed the complaint to be resolved or untrue;
 - e. the action complained of has been satisfactorily addressed in the past;
 - f. a seeming violation of the ordinance is actually a legal non-conformity;
 - g. the complaint is of a nuisance not specifically addressed in the ordinance (this case may result in a request that Planning and Zoning consider amending the ordinance to avoid future nuisance)
6. If the complaint is found to have merit, Clerk shall call or write the subject of the complaint and ask that the problem be corrected, logging the results in the complaint file.
7. If the complaint is found to have merit requiring official town action, the Mayor will be informed and the complaint will be prioritized based on anticipated risk to and impact on complainant and the public. When it is determined to take action, the complaint shall be addressed under a Complaints item on a Town Council agenda.
8. Complaint items shall be addressed in summary by the Town Council within the next two regularly scheduled meetings, as follows. Dismissed complaints and those under investigation will be reported in summary in work meeting, and those requiring official action of the council will be addressed under a separate item in the regular council meeting. Town Clerk shall give 48 hour notice to both complainants and subjects of complaints, in writing or by phone, when complaints are scheduled for council action, and when final action is decided upon. Copies of public and private notices and excerpts from meeting minutes shall be included in the complaint file. *[amended 9-25-2013]*

1.12.3. RELATIONSHIP TO OTHER ORDINANCES.

No business license, building permit, occupancy permit, street encroachment permit, water connection, sewer connection or other permits, licenses or services provided by the Town of Virgin shall be granted to any person whose use of land, use of structures or whose

construction of buildings or other structures is in violation of this Ordinance, except those uses for which a valid order of the Board of Adjustment or a court of competent jurisdiction has been issued.

1.12.4. VIOLATION UNDER PREVIOUS ORDINANCES.

The adoption of this Ordinance shall not void or abate any violations occurring under the Town of Virgin Zoning Ordinance as heretofore in effect, nor any prior zoning ordinance providing for zoning of property within the Town of Virgin, nor shall it affect any debt or fee which has accrued any debt imposed, any penalty incurred, any action or proceeding commenced under or by virtue of such ordinances.

1.12.5. EXTRAORDINARY REMEDIES.

The Town of Virgin may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or any other appropriate action or actions or proceedings to prevent, enjoin, abate or remove the unlawful building, use or act carried on in violation of this Ordinance.

1.13. NUISANCE AND ABATEMENT.

Any building or structure erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this Ordinance and any use of land, building or premises established, constructed or maintained contrary to the provisions of this Ordinance shall be, and the same is hereby, declared to be unlawful and a public nuisance. The local attorney shall, upon request of the Virgin Town Council, at once commence action or proceedings for abatement and removal or injunction thereof in a manner provided by law, and take other steps and apply to such courts as may have jurisdiction to grant such relief, as provided by law. The remedies provided for herein shall be cumulative and not exclusive.

1.14. PENALTIES.

Any person, firm or corporation (as principal, agent, employee or otherwise) violating, causing, or permitting violation of the provisions of this Ordinance shall be guilty of a misdemeanor, and punishable by not more than six (6) months in jail and/or a fine not to exceed \$299.00. Such person, firm or corporation intentionally violating this Ordinance shall be deemed to be guilty of a separate offence for each day during which portion of any violation of this Ordinance is permitted or continued by such person, firm, or corporation, and shall be punishable as herein provided.

1.15. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portion or portions of this Ordinance.

1.16. AMENDMENTS. *[amended through August 2013]*

The Town of Virgin may from time to time amend the number, shape, boundaries, or areas of any district, or any regulation or any other provision of the Zoning Ordinance, but any such amendment shall not be made or become effective until after ten (10) days published notice and public hearing before the Planning and Zoning Commission and unless the same shall have been proposed by or be first submitted to the Virgin Town Planning and Zoning Commission for its recommendation, which shall be returned within thirty (30) days after the public hearing, or as soon thereafter as possible.

In the case of an application by a property owner or other citizen for zone change or other amendment, the Virgin Town Planning and Zoning Commission, as a prerequisite to the consideration of such application, may require that such applicant, at the applicant's expense, furnish to the Commission title evidence, in such form as the Commission may determine, indicating the ownership of the property to be affected by the proposed amendment and the interest therein of the applicant, and may also require that notice of such proposed amendment be given to all parties claiming an interest in such property.

1.17. HEARING AND PUBLICATION AND NOTICE BEFORE AMENDMENT.

Before finally adopting any such amendment, the Virgin Planning and Zoning Commission shall hold a public hearing thereon, at least ten (10) days notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in the Town of Virgin. Each such hearing notice shall be mailed to each affected entity at least ten calendar days before the hearing and posted in at least three public locations within Virgin or on the municipality's official website.

1.18. LICENSING. *[amended through August 2013]*

1.18.1. Any non-resident person engaging in business for more than one day per year, except for human and animal health care and maintenance providers (including but not limited to doctors, veterinarians, farriers, and the like), or structure and grounds maintenance and repair where property owner or resident is the customer of a service provider; and any resident repeatedly using his or her property for a business purpose within the Town of Virgin, shall have a Virgin Town business or home occupation license, non-resident vendor license, and/or temporary use permit, as applicable.

1.18.2. All departments, officials and public employees of the Town of Virgin which are vested with duty or authority to issue permits or licenses shall comply with the provisions of this Ordinance and shall not issue a permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this Ordinance, and any such permit or license, if issued in conflict with the provisions of this Ordinance, shall be null and void.

1.19. FEES. *[amended through August 2013]*

Applicants may be assessed fees for business, home occupation, building, occupancy, conditional use and other permits, and Development approval, Virgin Town Planning and Zoning Commission and Virgin Town Board of Adjustment hearings, and such other services as are required by this Ordinance to be performed by public officers or agencies. Such fees shall be established by the Town of Virgin and shall be in amounts reasonably necessary to defray costs to the public.

1.20. GUARANTEES.

Applicants for development projects may be required to post bonds or escrow deposits ensuring satisfactory installation of improvements or, in the event of project abandonment, reclamation of land.

1.21. EMINENT DOMAIN.

Notwithstanding any other provision of law, neither the Town of Virgin nor any of its subdivisions shall use eminent domain to take private property without the consent of the owner for economic development. The term "economic development" means any activity to increase tax revenue, tax base, employment, or general economic health, when that activity does not result in (i) the transfer of land to public ownership, such as for a road, hospital or military base; or (ii) the transfer of land to a private entity that is a common carrier, such as a railroad, utility, or toll-road. Notwithstanding any other provision of law, neither Virgin nor any of its subdivisions shall use eminent domain to take private property without the consent of the owner to be used for private commercial, financial, retail, or industrial enterprise, except that property may be transferred or leased (i) to private entities that are public utilities or common carriers such as a railroad or toll-road; and (ii) to private entities that occupy an incidental area within a public project, such as a retail establishment on the ground floor of a public building.

CHAPTER 2

PLANNING AND ZONING COMMISSION

2.1. PLANNING AND ZONING COMMISSION, NUMBER OF MEMBERS, APPOINTMENT.

The Virgin Town Planning and Zoning Commission shall consist of five (5) members appointed by the Virgin Town Mayor with the advice and consent of the Virgin Town Council. The Virgin Town Council may designate, by resolution, the composition of the Virgin Town Planning and Zoning Commission. It is the intent of this Ordinance that the Virgin Town Planning and Zoning Commission not consist of members, all of whom are from the same field of expertise. All members of the Virgin Town Planning and Zoning Commission shall be residents of Virgin Town. At least three (3) of the five (5) regular members shall hold no other public office or position within the Town of Virgin. The Mayor may appoint, with the advice and consent of the Town Council, one (1) or two (2) alternate members of the planning commission, who shall serve in the absence of a member from the commission, at the request of a member who wishes to abstain from a particular item due to a conflict of interest, or as chairman of an appointed committee at the request of the chair of the Planning Commission, and whose terms shall be staggered, and of the same length as regular members. The Virgin Town Council shall appoint a representative from among its members to act as a liaison between the Virgin Town Council and the Virgin Town Planning and Zoning Commission.

2.2. TERMS OF OFFICE.

The terms of office for Virgin Town Planning and Zoning Commission members shall be for four (4) years. The Virgin Town Planning and Zoning Commission member's terms shall be staggered so that the terms of no more than three members may expire at one time. The term of office for the Virgin Town Council member designated liaison for the Virgin Town Planning and Zoning Commission shall correspond to his or her tenure of office as the Virgin Town Council member.

2.3. VACANCIES AND REMOVALS FOR CAUSE.

Vacancies of appointed members occurring otherwise than through the expiration of terms shall be filled for the remainder of the unexpired term by appointment of the Virgin Town Council. The Virgin Town Council shall have the right to remove any member of the Virgin Town Planning and Zoning Commission for misconduct and may remove any member for non-performance of duty. Non-performance of duty shall include a repeated failure to attend Virgin Town Planning and Zoning Commission meetings.

2.4. COMPENSATION.

The legislative body may fix per diem compensation for the members of the planning commission, based on necessary and reasonable expenses and on meetings actually attended.

2.5. OFFICERS.

The Virgin Town Planning and Zoning Commission shall elect from its appointed members, a Chairperson and Chairperson Pro-Tem, whose term shall be for one (1) year.

2.6. MEETINGS.

The Virgin Town Planning and Zoning Commission shall conduct regularly scheduled meetings. All meetings of the Virgin Town Planning and Zoning Commission shall be open to the public.

2.7. RULES AND PROCEDURES.

The Virgin Town Planning and Zoning Commission may adopt such rules and regulations governing its procedure as it may consider necessary or advisable, consistent with State Law and shall keep a record of its proceedings, such record shall be open to inspection by the public at all reasonable times.

2.8. QUORUM AND VOTE.

A quorum shall consist of two (2) members and a Chairperson or Chairperson Pro Tem. Evidence shall not be presented unless a quorum is present. A majority vote shall consist of at least a majority of members present.

2.9. EMPLOYEES; EXPENDITURES.

The Virgin Town Planning and Zoning Commission may, upon the approval of the Virgin Town Council, employ experts and a staff, including consultants and a secretary, and to pay such expenses as may be deemed reasonable and necessary for carrying out its responsibilities, upon presentation of proper receipts and vouchers, but not in excess of such sums as may be appropriated by the Virgin Town Council.

2.10. DUTIES AND POWERS.

The Virgin Town Planning and Zoning Commission shall have the duty to exercise all powers and functions conferred upon it by the statutes of the State of Utah and the ordinances of the Town of Virgin relating to planning and zoning.

CHAPTER 3

BOARD OF ADJUSTMENT

3.1. APPOINTMENT, TERM AND REMOVAL.

The Virgin Town Board of Adjustment (BoA) shall consist of five (5) members, each to be appointed by the Virgin Town Council. Each member shall serve a term of five (5) years, provided that the term of one (1) member shall expire each year. Any member may be removed for cause by the appointing authority upon written charges and after public hearing, if such public hearing is requested. Vacancies shall be filled for the unexpired term of any member whose position becomes vacant in the same manner as in the case of original appointments. The Board of Adjustment may not entertain an appeal of a matter in which it, or any of its participating members, had first acted as the Land Use Authority (LUA).

3.1.1. ORGANIZATION, RULES AND MEETINGS.

The Virgin Town Board of Adjustment shall organize and elect a Chairman and a Chairman Pro Tem from among its members, who shall serve for a term of one (1) year. The Board of Adjustment shall adopt rules for the regulation of its procedure and the conduct of its duties not inconsistent with the provisions of this Ordinance or of the State law. Such rules, to become effective, shall be approved by the Virgin Town Council. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his or her absence, the Chairman Pro Tem, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicating that fact. Records of its examinations and other official actions, all of which shall be filed with the Virgin Town Clerk, shall be a public record.

3.2. QUORUM.

A quorum shall consist of four (4) members of the Virgin Town Board of Adjustment, and no evidence shall be presented unless a quorum is present.

3.3. DUTIES AND POWERS OF BOARD OF ADJUSTMENT.

The Virgin Town Board of Adjustment shall hear and decide the following:

3.3.1. Appeals from zoning decisions applying the zoning ordinance.

3.3.2. Special exceptions to the terms of the zoning ordinance.

3.3.3. Variances from the terms of the zoning ordinance.

3.3.4. Determinations of nonconforming buildings and uses:

3.3.4.A. to permit the enlargement of, addition to, or relocation of a building or structure, nonconforming as to use regulations, as follows:

3.3.4.A.i. For a nonconforming use located in a residential zone the enlargement, addition or relocation shall either: (i) comply with all the height, yard and area requirements for a single-family dwelling in the zone in which the nonconforming building is located, or (ii) the proposed enlargement, addition or relocation with either (a) improve the area by increasing the off street parking, or (b) improve the general appearance, convenience or safety of the area.

3.3.4.A.ii. For a nonconforming use located in any zone other than a residential zone, the enlargement, addition, or relocation shall comply with all height, yard and area requirements for a main building, other than dwellings, in the zone in which it is located.

3.3.4.A.iii. Before granting a permit for any enlargement, addition, or relocation as provided above, the Board of Adjustment shall find in its public hearing that the proposed changes will not hinder or obstruct the attainment of the objectives listed in VULU Chapter 1.2. of this Ordinance more than does the existing nonconforming use.

3.3.4.A.iv. That granting the Variance does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use district in which such property is located.

3.3.4.A.v. That granting the Variance does not allow a use or activity which is prohibited by the regulations governing the subject parcel.

3.3.4.A.vi. That granting the Variance will not be inconsistent with the Virgin Town General Plan.

3.3.4.A.vii. The Board of Adjustment may allow those enlargements of, additions or relocation of buildings and structures, nonconforming as to yard, height or area regulations in those cases where an undue hardship will result to the owner of the land involved unless granted, and the attainment of the objectives listed in VULU Chapter 1.2. of this Ordinance will not be hindered or obstructed, and provided the proposed enlargement, addition to, or relocation will either: (i) improve the area by increasing needed off-street parking or (ii) improve the general appearance, convenience or safety of the area.

3.3.5. Permit a nonconforming use to be changed to another use allowed in the same or in a more restrictive zone than the one in which the nonconforming use would be allowed; provided that the Board of Adjustment finds in its public hearing that such changes will not hinder or

obstruct the attainment of the objectives listed in the Virgin Town Land Use code more than does the existing nonconforming use.

3.3.6. Permit the construction and use of a dwelling upon a lot which does not have frontage on a dedicated right-of-way, but does have frontage on a street.

3.3.7. Permit the splitting of a lot wherein such lot split creates a lot which does not have the required width of the zone in which the lot is located; provided, the created non-conforming lot meets the area requirements of the zone, and the structure placed on the lot meets all required site standards of the zone; and furthermore that before building permits are issued for the nonconforming split lot, the lot split shall be reviewed and approved by the Virgin Town Planning and Zoning Commission.

3.4. VARIANCES.

3.4.1. Any person or entity desiring a waiver of modification of the requirements of the zoning ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the Board of Adjustment for a variance from the terms of the zoning ordinance.

3.4.2. Except as provided in VULU Chapter 3.3., the Board of Adjustment may grant a variance only if:

3.4.2.A. literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance;

3.4.2.B. there are special circumstances attached to the property that do not generally apply to other property in the same district;

3.4.2.C. granting the variance is essential to the enjoyment of a substantial property in the same district;

3.4.2.D. the variance will not substantially affect the General Plan and will not be contrary to the public interest; and

3.4.2.E. the spirit of the zoning ordinance is observed and substantial justice done.

3.4.3. In determination whether or not enforcement of the zoning ordinance would cause unreasonable hardship under VULU Chapter 3.4.2.A., the Board of Adjustment may not find an unreasonable hardship unless the alleged hardship is (a) located on or associated with the property for which the variance is sought; and (b) comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

3.4.4. In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under VULU Chapter 3.4.2.A., the Board of Adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.

3.4.5. In determining whether or not there are special circumstances attached to the property under VULU Chapter 3.4.2.A., the Board of Adjustment may find that special circumstances exist only if the special circumstances (a) relate to the hardship complained of; and (b) deprive the property of privileges granted to other properties in the same district.

3.4.6. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

3.4.7. Variances run with the land.

3.4.8. The Board of Adjustment or any other body may not grant use variance.

3.4.9. In granting a variance, the Board of Adjustment may impose additional requirements on the applicant that will (a) mitigate any harmful affects of the variance; or (b) serve the purpose of the standard or requirement that is waived or modified.

3.5. APPEALS.

Appeals to the Virgin Town Board of Adjustment may be taken by any person or entity aggrieved or by any officer, department, or board of the Town of Virgin affected by any decision of the administrative officer. Such appeal shall be taken within fifteen (15) days as provided by the rules of the Board by filing with the officer from whom the appeal is taken and with the Virgin Town Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Virgin Town Board of Adjustment all the papers constituting the record upon which the action appealed was taken.

3.6. NOTICE OF HEARING OF APPEAL-RIGHT OF APPEARANCE.

The Virgin Town Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to the parties in interest, and shall decide the same within a reasonable time. Any party may appear at the hearing in person or by agent or by attorney.

3.7. STAY OF PROCEEDINGS PENDING APPEAL.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Virgin Town Board of Adjustment, after the notice of appeal shall have been filed with him or her, that by reason of facts stated in the certificate, a stay would in his or her opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by restraining order, which may be

granted by the Board of Adjustment or by the district court, on application and notice and on due cause shown.

3.8. DECISION OF APPEAL.

In exercising the above mentioned powers the Board of Adjustment may in conformity with the provisions of this Ordinance reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from, and may make such order, requirements, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

3.9. VOTE - NECESSARY FOR REVERSAL.

The concurring vote of three (3) members of the Virgin Town Board of Adjustment shall be necessary to reverse any order, requirement or determination of any such administrative official, or to decide in favor of the appellant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in the provisions of this Ordinance.

3.10. JUDICIAL REVIEW OF BOARD'S DECISION-TIME LIMITATION.

The Town of Virgin or any person aggrieved by any decision of the Board of Adjustment may have and maintain a plenary action for relief there from in any court of competent jurisdiction; provided, a petition for such relief is presented to the court within thirty (30) days after the Board of Adjustment files its decision in the office of the Board.

3.11. TIME LIMITATION ON VARIANCE.

In the event the Virgin Town Board of Adjustment does grant a variance in accordance with the provisions of this Chapter, alterations in accordance with the variance must be activated within six (6) months after the date such variance is granted or the variance may be extended an additional six (6) months by the Board of Adjustment, only if the petitioner shows adequate cause to the board that circumstances necessitate a time extension.

3.12. COMPENSATION OF MEMBERS.

Each member of the Virgin Town Board of Adjustment shall serve without compensation, except that the Virgin Town Council shall provide for reimbursement of the Virgin Town Board of Adjustment for actual expenses incurred, upon presentation of proper receipts and vouchers.

CHAPTER 4

SUPPLEMENTARY AND QUALIFYING REGULATIONS

4.1. EFFECT OF CHAPTER.

The regulations hereinafter set forth in this Chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this Ordinance.

4.2. LOT STANDARDS.

Except as otherwise provided in this Ordinance, every lot, existing or intended to be created, shall have such area, width and depth as is required by this Ordinance for the district in which such lot is located and shall have frontage upon a dedicated or publicly approved street or upon a private street or right-of-way approved by the Virgin Town Planning and Zoning Commission, before a building permit may be issued.

4.3. EVERY DWELLING TO BE ON A LOT: EXCEPTIONS.

Every dwelling structure shall be located and maintained on a separate lot having no less than the minimum area, width, depth and frontage required by this Ordinance for the district in which the dwelling structure is located. Group dwellings, cluster dwellings, condominiums, and other multi-structure dwelling complexes under single ownership and management which are permitted by this Ordinance and have approval from the Planning and Zoning Commission may occupy one (1) lot for each multi-structure complex.

- YARD SPACE FOR ONE (1) BUILDING ONLY.

No required yard or other open space around an existing building or which is hereafter provided around any building for the purposes of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established.

4.5. SALE OR LEASE OF REQUIRED SPACE.

No space needed to meet the width, yard, area, coverage, parking or other requirements of this Ordinance for lot or building may be sold or leased away from such lot or building.

4.6. SALE OF LOTS BELOW MINIMUM SPACE REQUIREMENTS.

No parcel of land which has less than the minimum width and area requirements for the district in which it is located may be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot.

4.7. YARDS TO BE UNOBSTRUCTED: EXCEPTIONS.

Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings in a rear yard, the ordinary projection of skylights, sills, belt courses, cornices, chimneys, flues and other ornamental features which project into a yard not more than two and one-half feet (2½'), and open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers projecting into a yard not more than five feet (5').

4.8. AREA OF ACCESSORY BUILDINGS.

No accessory building nor group of accessory buildings in any residential district shall cover more than twenty-five percent (25%) of the rear yard.

4.9. ADDITIONAL HEIGHT ALLOWED.

Public and quasi-public utility buildings, when authorized in a district, may be erected to a height greater than the district height limit by Conditional Use Permit.

4.10. EXCEPTIONS TO HEIGHT LIMITATIONS.

Penthouse or roof structures housing elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, steeples, flagpoles, chimneys, smokestacks, water tanks, windmills, wireless or television masts, private communications towers, theater lofts, silos or similar structures incidental to the building may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for purposes of providing additional floor space.

4.11. SCENIC VISTAS TO BE UNOBSTRUCTED.

All height exceptions (subject to conditional user permit) shall in no way inhibit or obstruct a scenic vista of surrounding neighbors. All conditional use permit applications made to the Virgin Town Planning and Zoning Commission shall include the notification and signatures of potentially affected neighbors within 500 feet. Such exceptions shall not hold for dwellings. See VULU Chapter 4.10.

4.12. MINIMUM HEIGHT OF MAIN BUILDINGS.

No dwelling shall be erected to a height less than one (1) story above grade.

4.13. MAXIMUM HEIGHT OF ACCESSORY BUILDINGS.

No building which is accessory to a one-family, two-family, three-family or four-family dwelling shall be erected to a height greater than one (1) story or twenty feet (20').

4.14. CLEAR VIEW OF INTERSECTING STREETS.

In all districts which require a front yard, no obstruction to view in excess of two feet (2') in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points forty feet (40') from the intersection of the street lines, except a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers; and pedestal-type identification signs and pumps at gasoline service stations.

4.15. HEIGHT OF FENCES, WALLS, AND HEDGES.

4.15.1. Fences, walls, and hedges may be erected or allowed to the permitted building height when located within the build-able area, provided that any physical structure over six feet (6') in height shall require a building permit.

4.15.2. Fences, walls and hedges may not exceed four feet (4') in height within any required front yard or side street yard.

4.15.3. Fences, walls, and hedges may not exceed six feet (6') in height within any required rear yard or interior side yard.

4.15.4. Notwithstanding any other provisions herein, no fence, wall, or hedge exceeding four feet (4') in height shall be erected or allowed closer to any street line than the required building setback line.

4.15.5. For purpose of this section, single shrub planting shall not constitute a hedge if the closest distance between the foliage of any two (2) plants is and remains at least five feet (5').

4.15.6. Where a fence, wall, or hedge is located along a property line separating two (2) lots and there is a difference in the grade of the properties on the two (2) sides of the property line, the fence, wall or hedge may be erected or allowed to the maximum height permitted on either side of the property line.

4.15.7. Fencing and/or walls six feet (6') in height, including protective gates, shall be required around swimming pools, Jacuzzis, and similar structures.

4.15.8. Fencing with adequate screening or walls eight feet (8') in height shall border all commercial and manufacturing/distribution districts as they border other zones.

4.15.9. All retaining walls shall have footings. Retaining walls exceeding four feet (4') in height, measured from the lowest existing grade including the footing, shall be professionally engineered and shall require a building permit.

4.16. WATER AND SEWER REQUIREMENTS.

Where sewage treatment is not provided by a publicly owned wastewater treatment works or common sewage treatment and disposal unit all proposed building or proposed use shall be connected to a public water system within the town limits of Virgin. Where sewer treatment is not provided by a publicly owned wastewater treatment works or common sewage treatment and disposal unit, sewer hookups are required to individual septic systems in the Town of Virgin.

4.17. CURBS, GUTTERS AND SIDEWALKS.

4.17.1. The installation of curb, gutter and sidewalks of a type approved by the Virgin Town Council may be required on any existing or proposed street adjoining a lot on which the main building is to be constructed or added onto, or on which a new use is to be established. Such curbs, gutters and sidewalks may be required as a condition of building or use permit approval.

4.17.2. Until amended standards are adopted and implemented by the Town, any new development including street or pedestrian improvements shall be reviewed by the Virgin Streets and Roads Committee and the Planning and Zoning Commission and recommendations made with specific consideration of new input gathered from the public and the pending changes to the standards; and:

4.17.2.A. required improvements shall meet or exceed the requirements of the International Fire Code, the Americans with Disability Act, the Virgin Uniform Land Use Ordinance, and all other pertinent laws;

4.17.2.B. development plans shall meet Town goals of road, street and pedestrian-way connectivity;

4.17.2.C. street improvement shall include shoulders and concrete edge protection;

4.17.2.D. all improvements to streets or pedestrian facilities shall meet or exceed the minimum recommendations of the Town Engineer; and

4.17.2.E. the terms of this section 4.17.2 shall remain in place only until the specific new standards for streets, roads, and pedestrian facilities are fully adopted and implemented.

4.18. LOTS AND DWELLINGS ON PRIVATE STREETS: SPECIAL PROVISIONS.

Lots with frontage on private streets only shall be allowed subject to VULU Chapter 3.4. and all other applicable requirements of this Ordinance. (VULU Chapter 3.4. requires determination by the Board of Adjustment).

4.19. PROPERTY MAINTENANCE.

The Town of Virgin recognizes and values the beauty and diversity of its landscapes, structures, and individual styles, and shall not impose regulations under subjective definitions of "beautification". Instead, the Town asks that property owners be sensitive to differences in perception as they arrange and maintain their publicly visible areas, and be sensitive to the value of presenting an attractive image as a town. The Town shall require corrective action by responsible parties to control the impacts on Town image and neighboring properties of negligence in upkeep. When property neglect creates off-site impacts, responsible parties shall take action to:

1. prevent the travel of noxious weeds to neighboring properties;
2. prevent or mitigate the overgrowth of plant material that may create a fire hazard;
3. discourage the proliferation of vermin;
4. remove discarded junk and rubbish;
5. prevent the deterioration of structures; and
6. prevent or minimize offsite visibility of salvage, construction materials, machinery, equipment, and other items not generally accessory to uses in the underlying zone.

No junk, rubbish, or other unsafe or unsanitary material or conditions, including cars or machinery in inoperable or unregistered condition for more than six (6) months, shall be permitted on any right-of-way or easement. *[amended 9-25-2013]*

4.20. OUTDOOR LIGHTING.

ARTICLE 1.

ART. 1.1. DEFINITIONS.

For the purpose of this Ordinance, terms used shall be as defined in VULU Chapter 1.6.

ART. 1.2. REQUIREMENTS FOR SHIELDING AND FILTERING

FIXTURE LAMP TYPE	SHIELDED	FILTERED
Low pressure sodium (1)	partially	none
High pressure sodium	fully	none
Metal halide (6)	fully	yes
Fluorescent	fully (2)	yes
Quartz	fully	none
Incandescent, greater than 160W	fully	none
Incandescent, 160W or less	none	none

Mercury vapor	fully	(7)	yes
Fossil fuel	none		none
Glass tubes, filled with Neon,	none		none
<u>Argon, Krypton, Other sources - as approved by the Planning Commission</u>			

Footnotes.

ART. 1.2.1. This is the preferred light source to minimize undesirable light into the night sky affecting astronomical observations.

ART. 1.2.2. Warm White and Natural Lamps (3500K) are preferred to minimize detrimental effects.

ART. 1.2.3. For the purposes of this Ordinance, Quartz lamps shall not be considered an incandescent light source.

ART. 1.2.4. Most glass, acrylic, or translucent enclosures satisfy these filter requirements. (Quartz glass does not meet this requirement.)

4.20. ART. 1.2.5. This section is from the Springdale Zoning Ordinance.

4.20. ART. 1.2.6. Metal halide display lighting shall not be used for security lighting after 11:00 p.m. (or after closing hours if before 11:00 p.m.) unless fully shielded. Metal halide lamps shall be in enclosed luminaries.

ART. 1.2.7. Recommended for existing mercury vapor fixtures. The installation of new mercury fixtures is prohibited sixty (60) days after the effective date of this ordinance.

ARTICLE 2.

ART. 2.1. REGULATIONS.

All public and private outdoor lighting installed in the Town of Virgin shall be in conformance with the requirements established by this Ordinance. All previous language in the Virgin Town Bylaws and Ordinances regarding outdoor lighting is replaced with this ordinance. Except in the instance where the existing sign ordinance may be more restrictive it will take precedence.

ART. 2.2. CONTROL OF GLARE-LUMINARIES DESIGN FACTORS.

ART. 2.2.1. Any luminaries with a lamp or lamps rated at a total of more than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rated at a total of more than 900 lumens, shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaries.

ART. 2.2.2. Any luminaries with a lamp or lamps rate at a total of more than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rated at a total of more than 900 lumens, shall be mounted at a height equal to or less than the value $3+ (D/3)$, where D is the distance in feet to the nearest property boundary. The maximum height of the luminaries may not exceed twenty-five feet (25').

ART. 2.3. EXCEPTIONS TO CONTROL OF GLARE.

ART. 2.3.1. Any luminaries with a lamp or lamps rated at a total of 1800 lumens or less, and all flood or spot luminaries with a lamp or lamps rated at 900 lumens or less, may be used without restriction to light distribution or mounting height, except that if any spot or flood luminaries rated 900 lumens or less is aimed, directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, the luminaries shall be redirected or its light output controlled as necessary to eliminate such conditions.

ART. 2.3.2. Luminaries used for public roadway illumination may be installed at a maximum height of twenty-five feet (25') and may be positioned at that height up to the edge of any bordering property.

ART. 2.3.3. All temporary emergency lighting need by the Police or Fire Departments or other emergency services, as well as all vehicular luminaries, shall be exempt from the requirements of this article.

ART. 2.3.4. All hazard-warning luminaries required by Federal regulatory agencies are exempt from the requirements of this article.

ART. 2.3.5. Luminaries used primarily for sign illumination may be mounted at any height to a maximum of twenty-five feet (25'), regardless of lumen rating.

ART. 2.3.6. Law Governing Conflicts. Where any provision of Federal, State, County or Town statutes, codes, or laws conflicts with any provision of this code, the most restrictive shall govern unless otherwise regulated by law.

ART. 2.4. OUTDOOR ADVERTISING SIGNS.

ART. 2.4.1. Top Mounted Fixtures Required. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of Article 2.2. of this Chapter. Bottom-mounted outdoor advertising sign lighting shall not be used.

ART. 2.4.2. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding. Dark backgrounds with light lettering or symbols are preferred, to minimize detrimental effects. Unless conforming to the above

dark background preference, total lamp wattage per property shall be less than forty-one (41) watts.

ART. 2.4.3. Compliance Limit. Existing outdoor advertising structures shall be brought into conformance with this code within ten (10) years from the date of adoption of this provision.

ART. 2.4.4. Prohibitions. Electrical illumination of outdoor advertising off-site signs between the hours of 11:00 p.m. and sunrise is prohibited.

ART. 2.5. RECREATIONAL FACILITIES.

Any light source permitted by this code may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, tennis courts, or show areas, provided all of the following conditions are met:

ART. 2.5.1. All fixtures used for event lighting shall be fully shielded as defined in Article 2.2. of this Chapter, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, and glare.

ART. 2.5.2. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

ART. 2.6. PROHIBITIONS.

ART. 2.6.1. Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal is prohibited.

ART. 2.6.2. Searchlights. The operation of searchlights for advertising purposes is prohibited.

ART. 2.6.3. Outdoor advertising off-site signs are prohibited between the hours of 11:00 p.m. and sunrise.

ART. 2.7. TEMPORARY OUTDOOR LIGHTING.

Any temporary outdoor lighting that conforms to the requirements of this ordinance shall be allowed. Nonconforming temporary outdoor lighting may be permitted by the applicant appearing before the Planning and Zoning Commission to consider: (i) the public and/or private benefits that will result from the use of the temporary lighting; and (ii) any annoyance or safety problems that may result from the use of the temporary lighting; and (iii) the duration of the temporary nonconforming lighting. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Planning and Zoning Commission, who shall consider the request at a duly called meeting of the Planning and Zoning Commission. Prior notice of the meeting shall be given to the applicant and advertised in the usual manner as

directed by the Virgin Town Bylaws. During the meeting, the members of the Planning and Zoning Commission will consider the application for recommendation to the Virgin Town Council for approval or denial. The Virgin Town Council shall render a decision within two weeks after their regularly scheduled and advertised meeting, at which the applicant is in attendance. Failure of the Town Council to act within this time will constitute denial of the request.

ARTICLE 3.

EFFECTIVE DATE AND GRANDFATHERING OF NONCONFORMING LUMINARIES.

ART. 3.1. This ordinance shall take effect immediately upon approval by the Virgin Town Council after a properly advertised public hearing.

ART. 3.2. All luminaries lawfully in place prior to the date of the ordinance shall be grandfathered. However, any luminaire that replaces a grandfathered luminaire, or any grandfathered luminaire that is moved, must meet the standards of this ordinance. Advertising signs are grandfathered only for a period of ten years, as specified in Article 2.4.C. of this Chapter.

ART. 3.3. Grandfathered luminaries that direct light toward streets or parking lots that cause disability glare to motorists or cyclists should be either shielded or re-directed within ninety (90) days of notification, so that the luminaries do not cause a potential hazard to motorists or cyclists.

ARTICLE 4.

NEW SUB-DIVISION CONSTRUCTION.

ART. 4.1. Submission Contents. The applicant for any permit required by any provision of the laws of this jurisdiction in connection with proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with this code. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part or in addition to the information required elsewhere in the laws of this jurisdiction upon application for the required permit: (i) plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices; (ii) description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required); and (iii) photometric data, such as that furnished by manufacturers, or similar showing the angle of cut off or light emissions.

ART. 4.2. Additional Submissions. The above required plans, descriptions and data shall be sufficiently complete to enable the plans examiner to readily determine whether compliance with the requirements of this code will be secured. If such plans, descriptions and data cannot

enable this ready determination, by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall additionally submit as evidence of compliance to enable such determination such certified reports of tests as will do so provided that these tests shall have been performed and certified by a recognized testing laboratory.

ART. 4.3. Subdivision Plat Certification. If any subdivision proposes to have installed street or other common or public area outdoor lighting, the final plat shall contain a statement certifying that the applicable provisions of the Virgin Town Outdoor Lighting Code will be adhered to.

ART. 4.4. Lamp or Fixture Substitution. Should any outdoor light fixture or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the Virgin Town Council for approval, together with adequate information to assure compliance with this code, which must be received prior to substitution.

ARTICLE 5

NOTIFICATION REQUIREMENTS.

ART. 5.1. The Virgin Town Building Permit shall include a statement asking whether the planned project will include any outdoor lighting.

ART. 5.2. Within thirty (30) days of the enactment of this Ordinance, the code, the Virgin Town Clerk will make copies of the ordinance available for use by any electrician or utility representative. These will be available at the Virgin Town Office during normal working hours.

ARTICLE 6

VIOLATIONS, LEGAL ACTIONS, AND PENALTIES.

ART. 6.1. Violations. It shall be a civil infraction for any person to violate any of the provisions of this code. Each and every day during which the violation continues shall constitute a separate offense.

ART. 6.2. Violations and Legal Actions. If, after investigation, the Building Administrator finds that any provision of the ordinance is being violated, he shall give notice by hand delivery or by certified mail, return-receipt requested, of such violation to the owner and/or to the occupant of such premises, demanding that violations be abated within thirty (30) days of the date of hand delivery or of the date of mailing of the notice. If the violation is not abated within the thirty (30) day period, the Virgin Town Council may institute actions and proceedings, either legal or equitable, to enjoin, restrain, or abate any violations of this ordinance and to collect the penalties for such violations.

ART. 6.3. Penalties. A violation of this Ordinance, or any provision thereof, shall be punishable by a civil penalty of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00) for any individual, and not more than ten thousand dollars (\$10,000.00) for any

corporation, association, or other legal entity, for each violation. The imposition of a fine under this code shall not be suspended. Each day of violation after the expiration of the thirty (30) day period provided in Article 6.1.B. shall constitute a separate offense for the purpose of calculating the civil penalty.

4.21. DISTANCE BETWEEN BUILDINGS.

The minimum distance between buildings shall be dictated by the International Fire Code, as adopted by Virgin Town, and the local and state fire authorities. These standards must be followed to allow access for fire equipment and personnel to effectively fight a fire.

4.22. STORMWATER MANAGEMENT.

4.22.1. Roof down spouts shall drain to porous surfaces.

4.22.2. Peak discharges during the two (2) and ten (10) year storm events shall be no more than predeveloped conditions.

4.22.3. To the extent possible, concentrated stormwater flows should be avoided.

4.22.4. The development shall capture 80 percent (80%) of the sediments/pollutants from the one (1) year storm event.

4.22.5. Landscape plantings shall be used to increase infiltration and decrease runoff.

4.22.6. Natural open drainage systems (i.e., washes and dry river beds) shall be preserved.

4.23. SIGNS. See VULU Chapter 26, Sign Regulations.

• **UTILITIES / INFRASTRUCTURE.**

All Utilities shall be brought in underground and to specifications determined by the Virgin Town Engineer and the Utility Company/Companies involved, and approved by the Virgin Town Council. The developer shall be required to extend all utility services and access roadways to the property and to provide for improvement and dedication of roadways as necessary. All ingress and egress roads shall connect with improved, paved, and dedicated roadways leading to property.

In extending improvements to isolated tracts of land, the Town of Virgin does not enter in any type of repayment agreement with the developer. The improvements, culinary eater lines, pumping stations, water tanks, roads and sewer systems, etc., shall be installed at developer's expense. They shall be accepted into the Town's system one (1) year after installation and approval; they shall then be maintained by the Town from that point onward.

4.25. BUSINESS LICENSE.

The granting of said Conditional Use Permit, when applicable, shall not relieve the permittee of any other licensing requirements of the Town or of any other public agency.

4.26. LITTER.

4.26.1. A person may not throw, deposit, or discard, or permit to be dropped, thrown, deposited, or discarded on any park, recreation area, or other public or private land, or waterway, any glass bottle, glass, nails, tacks, wire, cans, barbed wire, boards, trash or garbage, paper or paper products, or any other substance which would or could mar or impair the scenic aspect or beauty of the land in the Town whether under private, state, county, municipal, or federal ownership without the permission of the owner or person having control or custody of the land.

4.26.2. A person who drops, throws, deposits, or discards, or permits to be dropped, thrown, deposited, or discarded, on any park, recreation area, or other public or private land or waterway any destructive, injurious, or unsightly material shall: (a) immediately remove the material or cause it to be removed; and (b) deposit the material in a receptacle designed and provided to receive the material.

4.26.3. COMMERCIAL HANDBILLS AND LEAFLETS.

A person distributing commercial handbills, leaflets, bound or other advertising shall first obtain a permit from the Town Clerk. The Clerk may grant a permit to distribute commercial handbills upon receipt of a sample of the item; a statement of the manner in which it will be distributed and secured at properties; the start and end dates of distribution; verifiable names, addresses, and telephone numbers of both the applicant and the party for whom the applicant is performing the distribution; and payment in full of any permit fee set forth in the Virgin Town Fee Schedule. Failure to comply with this section shall result in revocation of the distribution permit.

4.26.3.A. Commercial handbills may only be distributed by one (1) of two (2) methods:

4.26.3.A.i. by securing the commercial handbill to a door handle or other permanent fixture within three feet (3') of the entry at the residence or business to which it is being delivered; or

4.26.3.A.ii. by personally handing the commercial handbill to a person at a residence.

4.26.3.B. No person shall throw or deposit any commercial materials in or on any premises which are:

4.26.3.B.i. Temporarily or continuously uninhabited or vacant; or

4.26.3.B.ii. posted with a sign near the entry bearing such messages as “No Trespassing”; “No Peddlers”, “No Advertisement”, or similar notice.

4.26.3.C. Any person engaging in the distribution of commercial materials to residences in the Town shall, within three (3) days of distribution, return to each location to make certain that the item distributed earlier has been removed. Materials left unclaimed by the inhabitant must be removed within three (3) days of their distribution.

4.26.3.D. The provisions of this section shall not apply to:

4.26.3.D.i. Mail delivered by the United States;

4.26.3.D.ii. newspapers; and

4.26.3.D.iii. community and other announcements of local interest containing no commercial advertising.

4.26.4. A person removing a wrecked or damaged vehicle from a park, recreation area, roadway, or other public or private land shall remove any glass or other injurious substance dropped from the vehicle in the park, recreation area, roadway, or other public or private land.

4.26.5. A person in charge of a construction or demolition site shall take reasonable steps to prevent the accumulation of litter at the construction or demolition site.

4.26.6. A law enforcement officer, the Virgin Town Zoning Administrator, or other agent of the Mayor or Town Council, within his or her jurisdiction: (a) is authorized to enforce the provisions of this section; (b) may issue citations to a person who violates any of the provisions of this section; and (c) may serve and execute all warrants, citations, and other processes issued by any court in enforcing this section.

4.26.7. An operator of a park, campground, trailer park, drive-in restaurant, gasoline service station, shopping center, grocery store parking lot, tavern parking lot, public and private beach and bathing area shall maintain sufficient litter receptacles on the premises to accommodate the litter that accumulates.

4.26.8. Violation of this section, or any provision thereof, shall be punishable by a penalty of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) for any individual, and not more than ten thousand dollars (\$10,000.00) for any corporation, association, or other legal entity, for each violation. The imposition of a fine under this code shall not be suspended. Each day of violation after the expiration of the notice period shall constitute a separate offense for the purpose of calculating the civil penalty.

4.26.9. This ordinance shall become effective immediately upon passage.

CHAPTER 5

NONCONFORMING BUILDINGS AND USES

5.1. MAINTENANCE AND REPAIR PERMITTED.

A noncomplying structure or a structure housing or containing a nonconforming use may be maintained and repaired.

5.2. EXPANSION OF STRUCTURE OCCUPIED BY NONCONFORMING USE.

A structure occupied by a nonconforming use shall not be enlarged in any manner.

5.3. EXPANSION OF NONCOMPLYING STRUCTURE.

Unless the Board of Adjustment has approved an exception to these requirements under VULU Chapter 3, a noncomplying structure shall not be enlarged in any manner, unless such noncomplying structure is made to conform to all regulations of the zone in which it is located and the enlargements to be made to such noncomplying structure are made in conformance with all regulations of the zone in which the noncomplying structure is located.

5.4. ALTERATIONS WHERE PARKING INSUFFICIENT.

A building or structure lacking sufficient automobile parking space in connection therewith as required by this Ordinance may be altered or enlarged provided additional automobile parking space is supplied to meet the requirements of this Ordinance for such alterations or enlargements. All parking spaces shall be on the site or adjacent to the site.

5.5. RESTORATION OF DAMAGED BUILDINGS.

A noncomplying structure or a building or structure occupied by a nonconforming use which is damaged or is destroyed by fire, flood, wind, earthquake, or other calamity, may be restored and the occupancy or use of such building, structure, or portion thereof, which existed at the time of such damage or destruction, may be continued or resumed.

5.6. ONE YEAR VACANCY.

A building or structure or portion thereof occupied by a nonconforming use, which is, or hereafter becomes, vacant and remains unoccupied by a nonconforming use for a continuous period of one (1) year, except for dwellings, shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.

5.7. CONTINUATION OF NONCONFORMING USE.

A nonconforming use may be continued on the parcel of land upon which such nonconforming use has historically been made, provided that no structures housing or containing such use, may be enlarged or expanded except in compliance with all applicable provisions of the Virgin Uniform Land Use Ordinance.

5.8. OCCUPATION WITHIN ONE YEAR.

A vacant building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one (1) year after the use became nonconforming.

5.9. CHANGE OF USE.

The nonconforming use of a building or structure may not be changed except to a conforming use; but once such change is made, the use shall not thereafter be changed back to a nonconforming use.

5.10. NONCONFORMING USE OF LAND.

The nonconforming use of land, existing at the time this Ordinance became effective, may be continued provided that:

5.10.1. No such nonconforming use of land shall in any way be expanded or extended to adjoining property; and

5.10.2. No such nonconforming use shall be expanded or extended outside the structures or other delineated areas associated with the original legal use, unless an exception is approved by the Land Use Authority to ensure compliance with state or federal fair housing and discrimination laws; and

5.10.3. If such nonconforming use of land, or any portion thereof, including nonconforming use as a residential facility for persons with a disability, is abandoned or changed for a period of one (1) year or more, any future use of such land shall be in conformity with the provisions of this Ordinance.

5.11. EXCEPTIONS.

The following nonconforming structures and nonconforming uses shall be amortized in a period not exceeding that stated below, effective from the date of adoption of this Ordinance:

5.11.1. Trash, junk, debris, abandoned or dismantled automobiles or similar material shall be removed for any residential zone within one (1) year.

5.11.2. NONCONFORMING SIGNS. See VULU Chapter 26, Sign Regulations.

CHAPTER 6

HOME OCCUPATIONS

6.1. HOME OCCUPATION LICENSE REQUIRED.

To assure compliance with provisions of the Zoning Ordinance, a Home Occupation license shall be obtained from the Town before a dwelling unit in any residential zone may be used for business purposes. Application for Home Occupation License shall be submitted to the Town Clerk for review. A Home Occupation License is renewable annually for a fee as listed on the effective Town Fee Schedule. If collection of sales tax is required by the State of Utah for the requested use, a Utah State Sales Tax License will be required with Virgin Town listed as a business location, if any point of sale is in Virgin Town. Some home businesses require not only a license but a type of conditional use permit, called a Home Occupation Permit, as described in Section 6.2 below.

6.2. HOME OCCUPATION PERMIT REQUIRED; EXEMPTIONS.

To protect the character of residential neighborhoods in the Town of Virgin and assure compliance with town goals and ordinances, all home occupations which are not exempted in this section require a Home Occupation Permit. An exempt Home Occupation may operate simply under its Home Occupation License. Home occupations which are exempt and thus do NOT require a permit may include but are not restricted to such low-impact uses as home office; corporation with no business activity beyond office work on the property, the off-street parking of a commercially registered light truck, van, or car on the property; **only if** the use, other than off street parking, as it affects the associated property:

- a. is conducted wholly out of view from property boundaries;
- b. is not required by law to collect sales, use, service, resort, or bed taxes;
- c. does not employ non-occupant workers;
- d. does not generally receive customers, clients, or business-related salespeople on the premises; and
- e. does not present a potential nuisance due to noise, light, dust, odors, pests, hazardous materials, or visible storage of supplies, merchandise, or equipment.

An applicant for an Exemption shall fill out a questionnaire provided by the Town that provides information necessary to determine if the applicant qualifies for an Exemption. In the event the Town Clerk is unsure if the application qualifies for a permit exemption, Clerk shall forward it to the Zoning Administrator or Planning & Zoning Commission for a determination, inform the applicant of the determination, and record the result in the applicant's file. If any home

occupation operating under the permit exemption ceases to comply with conditions in this section, a Home Occupation Permit shall be required.

6.3. CONDITIONS OF HOME OCCUPATION PERMIT.

Each and every one of the following conditions must be observed at all times by the holder of a Home Occupation Permit:

1. Not more than the number of persons listed on the Home Occupation permit shall be employed in the Home Occupation or office of a professional person on the premises in addition to the residing occupants.
2. The Home Occupation shall be conducted wholly within the structures on the premises and shall not exceed twenty-five (25) percent of the total ground floor area of the home. The Home Occupation shall not occupy any area within said structures which is required for off-street parking by the provisions of this chapter.
3. Inventory and supplies for the Home Occupation shall not occupy more than fifty percent (50%) of the permitted area.
4. Home Occupation signs require a permit from the Virgin Town Planning and Zoning Commission, and shall comply with the sign standards of this ordinance in Chapter 26, Signs. The information stated on the sign shall be limited to stating the name of the occupant and the type of Home Occupation or office of a professional person, i.e.: Jean A. Public-Attorney at Law; or B. Jones-Ceramics and Crafts; etc.
5. No merchandise display of any kind shall be visible from outside of the premises.
6. No mechanical or electrical apparatus, equipment, or tools shall be permitted except those items which are commonly associated with a residential use or as are customary to home crafts or Home Occupations. No activity generating more than fifty (50) decibels of sound not commonly associated with residential use may be engaged in between 9:00 AM and 5:00 PM, and no sounds audible from off the parcel to which the HO permit is attached may be generated by the activity governed by the HO permit during the remainder of the time.
7. The Home Occupation shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the zone in which the use is located.
8. There shall be complete compliance with all fire, building, plumbing, electrical and health codes and to all State and Town laws and ordinances.
9. The Home Occupation shall not cause a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential use.

10. The Home Occupation shall not alter the residential character of the premises or unreasonably disturb the peace and quiet of the neighborhood by reason of color, design, materials, construction, lighting, sounds, noise, vibrations, dust, odors, noxious fumes, etc.

11. Any special condition established by the Planning and Zoning Commission and made of record in the Home Occupation Permit, as it deems necessary to carry out the intent of this Ordinance shall be met.

12. All Home Occupation Permits shall be valid for one (1) year from date of issuance, and shall be renewed automatically each year provided there have been no reported violations, complaints, or detrimental characteristics which may, in the opinion of the Planning and Zoning Commission, require revocation of Home Occupation Permit and termination of said Home Occupation. Notices, public hearing, and appearance in public meeting will not be required on renewals.

13. Retail sales of merchandise on the premises shall be limited to merchandise which is sold online or is directly related to the services offered by the Home Occupation, i.e.: hair care products by a hairdresser; otherwise, there shall be no other delivery or resale of retail merchandise on the premises.

14. Premises shall be subject to inspection by the Planning and Zoning Commission, after reasonable notice is given with due cause.

6.4. PERMIT FEES.

A fee as dictated by the effective Town Fee Schedule shall accompany the initial application for a Home Occupation Permit.

6.5. NONCOMPLIANCE.

Any Home Occupation Permit shall be revoked by the Planning and Zoning Commission upon violation of any requirements of this Chapter, or upon failure to comply with any of the conditions or limitations of the permit, unless such violation is corrected within ten (10) days of receipt of written notice thereof. A permit may be revoked for repeated violations of the requirements of this Chapter, notwithstanding compliance to the violation notice.

6.6. APPEAL.

In the event of denial of any permit, or of the revocation thereof or of objection to the limitations placed thereon, appeal may be made to the Town Council in accordance with the provisions of this Ordinance.

6.7. UTAH SALES TAX LICENSE.

If collection of sales tax is required by the State of Utah for the requested use, a Utah State Sales Tax License will be required with Virgin Town listed as a business location.

6.8. AWARENESS OF NEIGHBORS.

All applications for HO permits must include notices to inform neighbors of the application, including specifics of the Home Occupation permit applied for, and the dates of official consideration, along with postage-paid envelopes correctly addressed to all property owners within three hundred feet (300') from the exterior boundaries of the property involved.

6.9. PERMIT PROCEDURE.

6.9.1. SUBMISSIONS.

Applications for Home Occupation Permits shall be submitted to the Virgin Town Clerk, reviewed by the Planning and Zoning Administrator, and approved or denied by the Virgin Town Planning and Zoning Commission. Application shall include:

6.9.1.A. map showing the location and size of the subject property, the length of each boundary, and all adjoining properties, including ownership of each, as well as all existing buildings on the subject property and their proposed uses, if any, which are associated with the Home Occupation;

6.9.1.B. floor plans to scale, showing size and location of all areas to be used in the pursuit of the Home Occupation;

6.9.1.C. a letter describing the use requested, with attachment including:

6.9.1.C.i. Hours of operation;

6.9.1.C.ii. an estimate of the number of additional trips to and from the home each day;

6.9.1.C.iii. an estimate of the number of additional vehicles to be parked on the property each day and parking location;

6.9.1.C.iv. a description of any changes to be made to the home or its accessory buildings;

6.9.1.C.v. a description of all equipment to be used, including any lighting fixtures and a measure of any noise or odors likely to be generated;

6.9.1.C.vi. design of proposed sign, if any;

6.9.1.C.vii. proof of property ownership or documentation of owner permission for pursuit of the use on the subject property;

6.9.1.C.viii. a list and documentation of any licenses or permits required under state or federal law; and

6.9.1.C.ix. If sales tax is to be collected, proof of proper location on Utah Sales Tax License, which shall be produced within thirty (30) days following approval, or permit shall be deemed void.

6.9.2. APPROVAL.

The Virgin Town Planning and Zoning Commission shall consider all potential impacts of the use upon the surrounding area. The Commission shall make a determination of the maximum number of employees permitted on the property per day, and include this maximum in the findings, and on the permit. Other conditions shall be included if deemed necessary to mitigate possible impacts of traffic, noise, odor, or other aspects of the use which are not in character with the surrounding existing or anticipated uses. If it is determined that the use will violate any of the conditions of this chapter, permit shall be denied.

6.9.3. ISSUANCE.

If permit is approved by the Virgin Town Planning and Zoning Commission, the Town shall issue a Home Occupation Permit which shall state the Home Occupation permitted, the conditions attached thereto, and any time limitations imposed thereon. The permit shall not be issued unless the Planning and Zoning Commission is satisfied that the applicant has agreed in writing to comply with all said conditions.

CHAPTER 7

OFF-STREET PARKING REQUIREMENTS

7.1. OFF-STREET PARKING REQUIRED.

At the time any building or structure is erected or enlarged or increased in capacity or any use is established, there shall be provided off-street parking spaces for automobile adjacent to the building in accordance with the following requirements:

7.2. SIZE.

The dimensions of each off-street parking space shall be at least ten feet (10') by twenty feet (20') for diagonal or ninety degree (90°) spaces; or ten feet (10') by twenty-three feet (23') for parallel spaces.

7.3. ACCESS TO INDIVIDUAL PARKING SPACE.

Except for single-family and two-family dwellings, access to each parking space shall be from a private driveway and not from a public street.

7.4. NUMBER OF PARKING SPACES.

The number of off-street parking spaces required shall be as follows:

7.4.1. BUSINESS OR PROFESSIONAL OFFICES.

One (1) parking space for each two hundred (200) square feet of floor area.

7.4.2. CHURCHES WITH FIXED SEATING.

One (1) parking space for each three and one-half (3.5) fixed seats, or one (1) parking space for each seven feet (7') of linear pew, whichever is greater.

7.4.3. CHURCHES WITHOUT FIXED SEATS, AUDITORIUMS, ASSEMBLY HALLS, MEETING ROOMS.

One (1) parking space for each three and one-half (3.5) seats of maximum seating capacity.

7.4.4. DWELLINGS.

Two (2) parking spaces for each dwelling unit.

7.4.5. FURNITURE AND APPLIANCE STORES.

One (1) parking space for each 600 square feet of floor area.

7.4.6. MOBILE HOME PARKS AND MOBILE HOME SUBDIVISIONS.

Two (2) parking spaces for each mobile home unit plus point seventy-five (.75) auto parking spaces per mobile home unit to be provided for communal visitor parking.

7.4.7. MOTELS.

One (1) space for each living or sleeping unit, plus parking space for all accessory uses as herein specified.

7.4.8. RESTAURANTS, TAVERNS, PRIVATE CLUBS, AND ALL OTHER SIMILAR DINING AND/OR DRINKING ESTABLISHMENTS.

One (1) parking space for each 3.5 seats or one (1) parking space for each one hundred (100) square feet of floor area (excluding kitchen, storage, etc.), whichever is greater.

7.4.9. RETAIL STORES, SHOPS, EXCEPT AS PROVIDED IN (5) ABOVE.

One (1) parking space for each two hundred (200) square feet of retail floor space.

7.4.10. WHOLESALE ESTABLISHMENTS, WAREHOUSES, MANUFACTURING ESTABLISHMENTS, AND ALL INDUSTRIAL USES.

As determined by conditional use permit or by Planned Unit Development requirements, if applicable, or by the Planning and Zoning Commission, but in no case fewer than one (1) space for each employee projected for the highest employment shift.

7.4.11. ALL OTHER USES NOT LISTED ABOVE.

As determined by the Virgin Town Planning and Zoning Commission based on the nearest comparable use standards.

7.5. ACCESS REQUIREMENTS.

Adequate ingress and egress to and from all uses shall be provided as follows:

7.5.1. RESIDENTIAL LOTS.

For each residential lot there shall be no more than two (2) driveways, each of which shall not be more than twenty feet (20') in width at the street lot line. No two (2) of said driveways shall be closer to each other than twelve feet (12'), and no driveway shall be closer to a side property line than three feet (3').

7.5.2. OTHER THAN RESIDENTIAL LOTS.

Access shall be provided to meet the following requirements:

7.5.2.1. Not more than two (2) driveways shall be used for each one hundred (100) feet or fraction thereof of frontage on any street.

7.5.2.2. No two (2) of said driveways shall be closer to each other than twelve feet (12'), and no driveway shall be closer to a side property line than three feet (3').

7.5.2.3. No driveway shall be closer than ten feet (10') of any intersection at any corner as measured along the property line.

7.5.2.4. In all cases where there is an existing curb and gutter or sidewalk on the street, the applicant for a permit shall provide a safety island along the entire frontage of the property, except for the permitted driveways. On the two (2) ends and street side of each such island shall be constructed a concrete curb, the height, location and structural specifications of which shall be approved by the Virgin Town Planning and Zoning Commission.

7.5.2.5. All other uses not listed above as determined by the Virgin Town Planning and Zoning Commission, based on the nearest compatible use standards.

7.6. LOCATION OF GASOLINE PUMPS.

Gasoline pumps shall be setback not less than twenty feet (20') from any street line to which the pump island is perpendicular and twelve feet (12') from any street line to which the pump island is parallel, and not less than ten feet (10') from any residential or agricultural district boundary line. If the pump island is set at an angle on the property, it shall be so located that the automobiles stopped for service will not extend over the property line.

7.7. MAINTENANCE OF PARKING LOTS.

Every parcel of land used as a public or private parking lot shall be developed and maintained in accordance with the following requirements:

7.7.1. SURFACING.

Each off-street parking lot shall be surfaced with an asphaltic or Portland cement or other binder pavement so as to provide a dustless surface. The parking area shall be so graded as to

dispose of all surface water. If such water is to be carried to adjacent streets, it shall be piped under sidewalks.

7.7.2. SCREENING.

The sides and rear of any off-street parking lot which face or adjoining a residential district shall be screened from such district by a masonry wall or solid visual barrier fence not less than six feet (6') or more than eight feet (8') in height.

7.7.3. LANDSCAPING.

Each parking lot shall be adequately landscaped and permanently maintained.

7.7.4. LIGHTING.

Lighting used to illuminate any parking lot shall be arranged to reflect the light away from adjoining premises in any R district, and from street traffic.

7.8. OCCUPANCY OF OVERNIGHT PARKED UNITS.

Parking lots shall not be used for overnight occupancy and parking of occupied vehicles, campers, trailers, busses, vans, motor homes, moving vans, refrigerated trucks or similar vehicles without a temporary permit from Virgin Town.

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 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 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 issued by the Virgin Town Council. 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 plot 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. 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.

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 COMMERCIAL HABITATION.

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.

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.1. 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.2. Specific floor plan location of quarters within business to minimize intrusion of private space in commerce areas;

8.11.5.A.3. Greater front, side, or rear yards than the minimum for the area;

8.11.5.A.4. Additional parking or screening;

8.11.5.A.5. Modification of exterior design or materials;

8.11.5.A.6. Limitations on the lot coverage and occupancy of the building or structure;

8.11.5.A.7. Limitations on signs and sign coverage;

8.11.5.A.8. Time limitations appropriate to the circumstances (ie: 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.

8.12.6. ENFORCEMENT.

8.12.6.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.

8.12.6.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.

8.12.6.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.

8.12.6.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.

8.13. STANDARDS FOR CONDITIONS BY USE.

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.

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

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

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

8.13.6.A.xii.b. 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.xii.c. 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.xiii. 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.xiv. 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.

CHAPTER 9

DIVISION OF LAND

9.1. GENERAL PROVISIONS.

The Town of Virgin shall not approve the creation of a lot to which a right to develop a dwelling or a business requiring a water hookup will attach, unless the number of hookups available at the time of consideration exceeds the number necessary to service each legal, developable lot or parcel then in existence within the town.

9.1.1. TITLE.

These regulations shall officially be known, cited, and referred to as the Subdivision Ordinance of Virgin Town, Utah.

9.1.2. PURPOSES.

The provisions of this ordinance are enacted for the purpose of adopting subdivision regulations for the divisions of land within the Town of Virgin. The Planning & Zoning Commission of the Town of Virgin is hereby designated as the Advisory Agency with respect to subdivisions and shall have all powers and duties with respect to the preliminary plats thereof, and the procedure relating thereto which are specified in this ordinance. The regulations, action data, exceptions, suggestions and conditions set forth in this ordinance are designed to assist the subdivider in the preparation of his plans and shall apply to all subdivisions of property wholly within the Town limits. This ordinance is adopted for the following purposes:

9.1.2.A. to guide the future growth and development of the community consistent with Virgin Town Standards and adopted General Plan;

9.1.2.B. to guide the detailed analysis of the development parcel so as to locate and coordinate appropriate areas for development and conservation;

9.1.2.C. to preserve the rural character through the permanent preservation of meaningful open space and sensitive natural resources;

9.1.2.D. to preserve scenic views by minimizing the visual impact of new development from existing roads;

9.1.2.E. to preserve prime agricultural land by encouraging the concentration of housing on lands that have low agricultural potential;

9.1.2.F. to provide commonly-owned open space areas for passive and/or active recreational use by residents of the development and, where appropriate, the larger community;

9.1.2.G. to provide for a diversity of lot sizes, housing choices and building densities to accommodate a variety of age and income groups;

9.1.2.H. to provide buffering between new development and existing uses;

9.1.2.I. to protect and restore environmentally sensitive areas and biological diversity, minimize disturbance to natural topography and existing native and beneficial vegetation, and maintain environmental corridors;

9.1.2.J. to preserve significant archaeological sites, historic buildings and their settings;

9.1.2.K. to meet demand for housing in a rural setting;

9.1.2.L. to preserve natural drainage systems and ensure adequate present and future rain and floodwater drainage;

9.1.2.M. to protect the purity of waterways and watersheds; and

9.1.2.N. to promote the development of a connective trail system throughout the Town and the region.

9.1.3. APPLICABILITY AND COMPLIANCE.

9.1.3.A. Subdivision standards set forth in this chapter do not necessarily apply to partitions, joinders, adjustments and divisions that do not qualify as subdivisions under Utah Code and the Virgin Uniform Land Use Ordinance. Under current Utah Code, "Subdivision" does not include:

9.1.3.A.i. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;

9.1.3.A.ii. a recorded agreement between owners of adjoining unsubdivided properties adjusting their mutual boundary if:

9.1.3.A.ii.a. no new lot is created; and

9.1.3.A.ii.b. the adjustment does not violate applicable land use ordinances.

9.1.3.A.iii. A recorded document, executed by the owner of record:

9.1.3.A.iii.a. Revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property; or

9.1.3.A.iii.b. joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances;

9.1.3.A.iv. a recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if:

9.1.3.A.iv.a. No new lot or housing unit will result from the adjustment; and

9.1.3.A.iv.b. the adjustment will not violate any applicable land use ordinances; or

9.1.3.A.v. A bona fide division or partition of land by deed or other instrument where the land use authority expressly approves in writing the division in anticipation of further land use approvals on the parcel or parcels.

9.1.3.A.vi. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under Utah Code as to the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's subdivision ordinance.

9.1.3.B. Any adjustment to a boundary between two parcels which does not qualify as a subdivision shall be reviewed by the Virgin Town Zoning Administrator or Virgin Town Planning and Zoning Commission for compliance with VULU ordinances, and approved or denied by the Planning and Zoning Commission. Application for a boundary adjustment shall be submitted at least ten (10) days prior to a regular Planning and Zoning Commission meeting at which it may be heard, and accompanied by a concept plan which includes parcel sizes, ownership and current zoning of each parcel and all contiguous parcels, and any agreement to be recorded.

9.1.3.C. The standards of this ordinance apply to all subdivisions. The number of new parcels that can be created shall be consistent with the applicable zoning ordinance for the parent parcel. The overall development density for the parent parcel is the same as would be allowed in the existing zoning district except for those conservation subdivisions which qualify for a development bonus under VULU Chapter 9.16.2.B.

9.1.3.D. It shall be unlawful for any person to offer to sell or lease, to contract to sell or lease, or to sell or lease any such division of land, or any part thereof, which is located in the Town, until the provisions of this ordinance as they apply to the property in question have been met. No person shall divide any land under the provisions of this ordinance without compliance with all requirements of this ordinance and the following:

9.1.3.D.i. The provisions of Virgin Town ordinances;

9.1.3.D.ii. the General Plan adopted by Virgin Town; and

9.1.3.C.iii. all applicable local, county, state and federal regulations, including zoning, sanitary, building and official mapping ordinances.

9.2. STATUTORY AUTHORIZATION.

This ordinance is adopted pursuant to the authority granted by the State of Utah.

9.3. JURISDICTION.

Jurisdiction of this ordinance shall include all lands within the extraterritorial jurisdiction of the Town, and within the corporate limits of the Town. The ordinance does not apply to:

9.3.1. transfers of interests in land by will or pursuant to court order;

9.3.2. cemetery plats; and

9.3.3. the sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not made un-buildable or reduced below the minimum sizes required by this ordinance or other applicable laws or ordinances.

9.4. ABROGATION AND GREATER RESTRICTIONS.

9.4.1. PUBLIC PROVISIONS.

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

9.4.2. PRIVATE PROVISIONS.

These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement impose duties and obligations more restrictive than these regulations, and the private provisions are not inconsistent with these regulations, then the private provisions shall be operative and supplemental to these regulations and the determinations made under the regulations.

9.5. INTERPRETATION.

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly in favor of Virgin Town to promote the purposes for which they are adopted.

9.6. SEPARABILITY.

If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered. It shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The Virgin Town Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application which is judged to be invalid.

9.7. ENFORCEMENT, VIOLATIONS, PENALTIES.

9.7.1. VIOLATIONS.

It shall be unlawful to build upon, divide, convey, record, or monument any land in violation of this ordinance or state law, and no person shall be issued a building permit by the Town authorizing the building on or improvement of any subdivision within the jurisdiction of this ordinance not of record as of the effective date of this ordinance until the requirements of this chapter have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this ordinance or applicable state law.

9.7.2. PENALTIES.

Penalties for violation of this ordinance shall be as follows:

9.7.2.A. Any person who fails to comply with this chapter shall, upon conviction, be subject to the penalties as provided by the Town.

9.7.2.B. Recordation improperly made has penalties provided in the Virgin Town ordinances.

9.7.3. APPEALS.

Any person aggrieved by an objection to a plat or a failure to approve a plat under this ordinance may appeal there-from, as provided in the Virgin Town ordinances.

9.7.4. FEES.

The Virgin Town Council may, by resolution, establish reasonable fees for the administration of this ordinance. Subdivider shall reimburse the Town for all advisors consulted by the town in consideration of the project, including engineers, attorneys, planners, and other experts and professionals.

9.8. DEFINITIONS.

The definitions in VULU Chapter 1.6 shall be observed and applied, except when the context clearly indicates otherwise. Words used in the present tense shall include the future tense. Words used in the singular form shall include the plural form. Words used in the plural form shall include the singular. The word “shall” is mandatory and the word “may” is permissive.

9.9. APPLICATION PROCEDURE AND APPROVAL PROCESS.

9.9.1. INITIAL CONSIDERATIONS.

Before submitting for discovery of a subdivision, the subdivider shall meet with the Town Clerk, who may schedule an appointment with the Zoning Administrator to discuss the procedure for approval of a subdivision, including submittal requirements and design standards. Incomplete submissions are cause for immediate removal of any subdivision review from a meeting agenda.

9.9.2. DISCOVERY CONFERENCE.

After any initial conference, the subdivider shall submit a series of maps and descriptive information to the Planning and Zoning Commission according to the discovery submission requirements below. All required submissions must be certified received by the Town Clerk at least ten (10) days before the date of the discovery review. The Planning and Zoning Commission or its chairman may schedule a planning commission site visit when discovery submissions are received by the clerk. The Discovery portion of the procedure is designed to provide a detailed analysis of existing conditions, and to result in an accurate calculation of development yield.

9.9.3. PLANNING & ZONING REVIEW OF DISCOVERY SUBMISSIONS.

Following the clerk-certified filing of all submissions required for discovery, the chairman of the Planning and Zoning Commission may schedule a site visit and shall place the discovery conference on the agenda of a regularly scheduled meeting. At its meeting, the Planning and Zoning Commission shall first make the determination of whether the initial submissions are complete.

9.9.4. DISCOVERY SUBMISSION REQUIREMENTS.

The subdivider shall submit twelve (12) copies of a general location map with a north arrow showing total acreage of the tract, the general outlines of existing buildings, land use, and natural features such as water bodies or wooded areas; and roads and property boundaries, including names of adjacent property owners within 500 feet of the tract. This information may be presented on an aerial photograph at a scale of no less than one inch (1"): 400 feet. Mapping for the initial application can be done in any combination of features as long as individual map components can be distinguished and the relationship between map components can be determined. In addition, applicant must provide the following elements mapped at a scale of no less than one inch equals one hundred feet (100'):

9.9.4.A. Topographic contours at two-foot (2') intervals;

9.9.4.B. United States Department of Agriculture, Natural Resource Conservation Service soil type locations and identification of soil type characteristics such as agricultural capability, depth to bedrock and water table, and suitability for wastewater disposal systems. Type and stability of bedrock should also be noted, particularly in karst areas and areas with high potential for groundwater contamination due to fractured bedrock or the presence of arsenic and mercury;

9.9.4.C. hydrologic characteristics, including surface water bodies, floodplains, groundwater recharge and discharge areas, wetlands, natural swales, drainage ways, and steep slopes;

9.9.4.D. land cover on the site, according to general cover type (pasture, woodland, desert scrub, etc.), and stand-alone trees with a caliper of more than two inches (2") measured four feet (4') off the ground. The inventory shall include comments on the health and condition of the vegetation;

9.9.4.E. current and past land use, all buildings and structures on the land, cultivated areas, brown fields, waste sites, and history of waste disposal practices, paved areas, and all encumbrances, such as easements or covenants;

9.9.4.F. known critical habitat areas for rare, threatened or endangered species;

9.9.4.G. views of the site, including views onto the site from surrounding roads, public areas and elevated areas, including photographs with a map indicating the location where the photographs were taken;

9.9.4.H. unique geological resources, such as rock outcrops and other significant geological features;

9.9.4.I. cultural resources: brief description of historic character of buildings and structures, historically important landscapes, and archeological features (this includes a review of existing inventories, including those the State Historical Society of Utah maintains for historic buildings, archaeological sites, and burial sites); and

9.9.4.J. north arrow.

9.9.5. DEVELOPMENT YIELD ANALYSIS.

The subdivider shall submit a table showing the maximum number of dwelling units that would be permitted under the Virgin Town ordinances, consistent with the minimum lot size, lot widths, set backs, and other provisions of the Town ordinances. Land that is un-developable because of 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.

9.9.5.A. Concept Plan.

A Concept Plan shall be required for all divisions of land. This provides the applicant with an opportunity to consult with and receive assistance from the Town regarding the regulations and design requirements applicable to the division of land. The applicant, or applicant's duly authorized agent, shall submit an application to the Town Clerk for Concept Plan review and pay an application fee as provided in the Fee Schedule. If a change of zone is needed to accomplish a proposal, a rezone application shall be submitted with the Concept Plan application. All required submissions must be certified received by the Town Clerk at least ten (10) days before the date of the concept plan review. At this point, Town officials and staff from appropriate state agencies may also be asked to review the proposal. If the commission did not make an official site visit to the development location before the discovery conference, a site visit shall be scheduled to occur before consideration of the concept plan.

9.9.5.B. Concept Plan Review.

At its meeting, the commission shall review the elements of the concept plan first for completeness, and then for compliance with the Town's General Plan and land use ordinances and other appropriate regulations, informing applicant of any additional impact studies it deems necessary. Following its investigation, the Planning & Zoning Commission shall approve the Concept Plan as submitted or modified; postpone consideration to await additional information, data, or studies; or disapprove the plan. If the Concept Plan is approved, notice shall be authorized for a public hearing to occur before consideration of the preliminary plat. If the concept plan is approved, the Planning Commission shall return to the subdivider's representative one copy of the plan, signed by the Planning & Zoning Commission chairman, and a written report of findings. One (1) signed copy of the plan and report of findings shall be placed in the Town files, and one (1) copy shall be forwarded to the Town Council. The receipt of a signed copy of the approved Concept Plan shall authorize the subdivider to proceed with the preparation of the Preliminary Plat. Concept Plan approval shall be valid for a period of six (6) months, unless extended by the planning commission.

9.9.5.C. Concept Plan Submission Requirements.

Using the map and inventory provided in Chapter 9.10.4.4, the development yield analysis provided in Chapter 9.10.5, and applying the standards elsewhere in this ordinance, the subdivider shall submit twelve (12) copies of a concept plan including at least the following information at a scale of no less than one inch (1") equals one hundred feet (100'):

- 9.9.5.C.1.** open space areas indicating trail locations and areas to remain undeveloped;
- 9.9.5.C.2.** boundaries of areas to be developed and proposed general street and lot layout;
- 9.9.5.C.3.** number and type (i.e., single-family, multi-family) of housing units proposed;
- 9.9.5.C.4.** proposed methods for and location of water supply, storm water management (e.g., best management practices), and sewage treatment;
- 9.9.5.C.5.** inventory of preserved and disturbed natural features and prominent views;
- 9.9.5.C.6.** preliminary development envelopes showing areas for lawns, pavement, buildings, grading and all other ground surface disturbances;
- 9.9.5.C.7.** man-made features or existing structures within 500 feet of any portion of it; the property boundaries of the proposed subdivision; the names of adjacent property owners; and north arrow.

In addition, concept plan submission shall include:

- 9.9.5.C.8.** proposed methods for ownership and management of open space, if applicable;
- 9.9.5.C.9.** proof of the availability of utilities required for the development;
- 9.9.5.C.10.** total acreage of the parcel proposed for division;
- 9.9.5.C.11.** draft proposals to qualify for density bonuses, if any;
- 9.9.5.C.12.** development yield analysis;
- 9.9.5.C.13.** comments from utility companies and UDOT, if applicable;
- 9.10.5.C.14.** a report of a review of the concept plan by the Town Engineer including comments pertaining to those portions of the property which are included in the most recent flood insurance rate maps prepared by FEMA (Applicants shall reimburse the Town for all costs of the Town Engineer);
- 9.9.5.C.15.** stamped envelopes addressed to all owners of property within 200 feet of the land proposed for subdivision; and

9.9.5.C.16. estimates of traffic levels on existing streets within and adjoining the property.

9.9.6. DIVISION OF LAND WAIVER.

This section requires the Town Attorney's opinion.

9.9.6.A. Upon review of a Concept Plan for a division of land up to and including four (4) lots, the planning commission may recommend and the Town Council may waive the requirements for preparation and approval of Preliminary and Final Plats if it can be shown that:

9.10.6.A.1. the municipality has provided notice and public hearing as required in the procedure for preliminary plat below; and

9.9.6.A.2. the proposed subdivision:

9.9.6.A.2.i. is not traversed by the mapped lines of a proposed street or a street to be widened as shown in the general plan and does not require the dedication of any land for street or other public purposes;

9.9.6.A.2.ii. has been approved by the culinary water authority and the sanitary sewer authority;

9.9.6.A.2.iii. is located in a zoned area;

9.10.6.A.2.iv. conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance; and

9.9.6.A.2.v. no lot or parcel to be divided is the result of a subdivision completed less than three (3) years earlier.

9.9.6.B. Private streets shall not exceed 800 feet in length and shall be at least thirty feet (30') wide, with at least thirty feet (30') paved. The Virgin Town Council may waive the paving requirement, if the parcel is determined to be contiguous only to legally established and constructed streets that are not paved. A dead-end private street shall have a turn around of not less than one hundred feet (100') diameter (right of way), the center of which is not more than 150 feet from the terminus of the street.

9.9.6.C. Each of the lots in a division of land must meet the frontage, width, and area requirements of the zone district in which it is located, or must have been granted a variance from such requirements by the Board of Adjustment.

9.9.6.D. The Planning & Zoning Commission may recommend and the Town Council may require as part of the approval of the Concept Plan for a division of land any improvements

and/or public facility and/or utility easements that are required to ensure the new development complies with Town standards.

9.9.6.E. The Land Use Authority shall certify in writing that the requirements listed in this section have been met, and that the municipality has provided notice as required by law.

9.10. PRELIMINARY PLAT.

Following approval of the concept plan, the subdivider or subdivider's agent may file an application for planning commission review of a preliminary plat.

9.10.1. PROCEDURE.

Upon receipt of a preliminary plat review application, staff shall provide copies of the preliminary plat to the Planning and Zoning Commission, the Town Council, and the appropriate utilities for their review and comment. The Virgin Town staff and utility comments will be forwarded to the planning and Zoning Commission and Town Council for consideration during the review process. If a public hearing has not yet been advertised, staff shall send notice to adjoining property owners in envelopes provided by applicant with concept plan submissions and schedule advertisement and posting of a public hearing to be held at a regularly scheduled meeting on or before the date of the plat review, as advised by the planning commission chair.

9.10.1.A. Public Hearing.

The Planning and Zoning Commission shall hold a public hearing on the subdivision at a regularly scheduled meeting of the Planning and Zoning Commission before reviewing the preliminary plat. Notice for the public hearing will be given by listing it as an agenda item in the planning commission meeting notice posted locally and published in the local newspaper. The hearing notice shall include the name of the applicant, the address of the property in question, and the requested action. Property owners within 200 feet of the proposed land division shall receive written notice of the public hearing.

9.10.1.B. Planning Commission Recommendation.

The Planning & Zoning Commission shall first make the determination that submissions for preliminary plat are complete. After reviewing the preliminary plat submissions, making appropriate changes, and determining the kind and extent of public improvements required, the planning commission shall recommend or conditionally recommend to the Virgin Town Council disapproval or approval of the preliminary plat. If the commission determines that development activity for the project will substantially disturb the site, a bond to ensure reclamation of the land in the event the project is not completed shall be included in the conditions of approval. The planning commission shall make its recommendation and comments in writing to forward to the Town Council, along with minutes of the public hearing.

9.10.1.C. Town Council Action.

After receipt of the planning commission recommendation, at the subdivider's request, the Town Council shall place preliminary plat review on the agenda of a regularly scheduled Town Council meeting. The Council shall first make the determination that submissions are complete, and that conditions imposed by the planning commission have been met. The Town Council shall review the preliminary plat together with public comments and all recommendations received from the Planning and Zoning Commission, Town Engineer and utility companies. The Town Council may approve, approve with modifications, approve conditionally, or reject the plat and shall state, in writing, conditions or modifications required for approval or reasons for rejection. If the Council determines that development activity for the project will substantially disturb the site, a bond to ensure reclamation of the land in the event the project is not completed shall be included in the conditions of approval. If the preliminary plat is approved, the Town shall return to the subdivider's representative the preliminary plat, with a written report of findings. The receipt of a copy of the approved preliminary plat, signed by the Mayor signifying Town Council approval, shall authorize the subdivider to proceed with the preparation of the final plat.

9.10.1.D. Effect of Approval.

Approval of a preliminary plat shall be valid for six months from the date of approval. Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat, which will be subject to further consideration by the Planning and Zoning Commission and the Town Council, at the time of its submission.

9.10.1.E. Amendment.

If the subdivider desires to amend the preliminary plat as approved, the subdivider may resubmit the amended plat, which shall follow the same procedure, except for the fee, unless the amendment is, in the opinion of the Planning and Zoning Commission or land use authority, of such scope as to constitute a new plat, in which case it shall be re-filed.

9.10.2. PRELIMINARY PLAT SUBMISSION REQUIREMENTS.

The preliminary plat shall be prepared by a licensed land surveyor or engineer at a convenient scale not less than one inch (1") equals one hundred feet (100'). More than one (1) sheet may be used to present the information required in this section. Certain items below may be brought forward from previous submissions. Subdivider shall file all submissions, including draft CC&R's and twelve (12) copies of the plat, a minimum of ten (10) days before the meeting at which preliminary recommendation or approval is to be considered.

9.10.2.A. Plat Requirements.

The preliminary plat shall include the following:

9.10.2.A.1. Name of the Proposed Subdivision. The proposed name of the subdivision is subject to approval by the Planning and Zoning Commission and shall not duplicate or be alike in pronunciation of the name of any plat previously recorded in the county.

9.10.2.A.2. Name, address, and telephone number of the legal owner and, if applicable, agent of the property.

9.10.2.A.3. Name, address, and telephone number of the professional person(s) responsible for subdivision design, for the design of public improvements, and for surveys.

9.10.2.A.4. Date of preparation.

9.10.2.A.5. Boundary line of the proposed site and all property to be subdivided, to include all contiguous land owned or controlled by the subdivider.

9.10.2.A.6. Location, width, and names of all existing platted streets and rights-of-way to a distance of one hundred feet (100') beyond the site.

9.10.2.A.7. Type, width and condition of street improvements; railroad or major utility rights-of-way; parks and other public open spaces; location and widths of existing snowmobile or other recreation trails; and permanent buildings and structures to a distance of one hundred feet (100') beyond the site, if any.

9.10.2.A.8. Location, widths, and names of all existing public and private easements to a distance of one hundred feet (100') beyond the site.

9.10.2.A.9. Names and ownership boundary lines of all adjoining lands within one hundred feet (100') of the land proposed for division.

9.10.2.A.10. Topographic data including contours at vertical intervals of not more than two feet (2') or less than ten feet (10'), as recommended by the Planning and Zoning Commission. Elevation values shall be based on the National Geodetic Vertical Datum of 1929 (NGVD 29) or the North American Datum of 1988 (NAVD 88) or future adjustments to NAVD 88 as defined by the National Geodetic Survey and should also be so noted on the plat.

9.10.2.A.11. Significant natural resource features on the site, i.e. wetlands, floodplains, water-courses, existing wooded areas, steep slopes, drainage ways, rare, threatened and endangered species, and other natural resource features, views and other prominent visual features.

9.10.2.A.12. Burial sites categorized under Indian mounds, national and state register listed properties, and locally designated historic properties.

9.10.2.A.13. Existing soil classifications, including hydric soils.

- 9.10.2.A.14.** Legal description of the property.
- 9.10.2.A.15.** Existing zoning classifications for land in and abutting the subdivision.
- 9.10.2.A.16.** Total acreage of the proposed site.
- 9.10.2.A.17.** Provide graphic scale, north arrow and date.
- 9.10.2.A.18.** Layout of proposed streets, showing right-of-way widths, types of improvements, street surface widths, and proposed street names.
- 9.10.2.A.19.** Locations and type of proposed public easements (i.e. drainage, utility, pedestrian, public access to waterways, etc.); and all conservation easements.
- 9.10.2.A.20.** Layout of proposed blocks and lots within the plat.
- 9.10.2.A.21.** Basic data regarding proposed and existing (if applicable) lots and blocks, including numbers, dimensions, area.
- 9.10.2.A.22.** Minimum front, side and rear yard building setback lines for all lots.
- 9.10.2.A.23.** Indication of the use of any lot.
- 9.10.2.A.24.** Location and size of all proposed and existing sanitary sewer lines and water mains, proposed community sewer and water system, or individual on-site septic systems and potable water sources approved by the culinary water authority and the sanitary sewer authority;
- 9.10.2.A.25.** Location and size of all proposed and existing drainage facilities, features and areas, and other storm water facilities within the plat that allow drainage within a distance of one hundred feet (100') beyond the site.
- 9.10.2.A.26.** Development envelopes showing areas for grading, lawns, pavement and buildings.
- 9.10.2.A.27.** Open space areas, other than pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres, and provide information on the conditions, if any, of the dedication or reservation.
- 9.10.2.A.28.** Management plan, if any, for restoration and long-term management of any open space areas.
- 9.10.2.B. Preliminary Construction Plans.**

Provide four (4) sets of the following information on one (1) or more sheets:

9.10.2.B.1. Plan and Profile: proposed street centerline profile grades, showing the existing and proposed profile grade lines;

9.10.2.B.2. Grading and Erosion Control Plan: a plan showing existing and proposed grades, drainage patterns, and storm water facilities. The plan shall show the location and extent of grading activities in and adjacent to the plat, overall area of the site in acres, total impervious surface area of project, total pervious area, stockpile locations, erosion and sediment control facilities, and a schedule for erosion and sediment control practices including site specific requirements to prevent erosion at the source. Major trees to be preserved, shall be shown on the preliminary grading and erosion control plan. Adequate measures for protecting major trees shall be shown on the plan; and

9.10.2.B.3. Provisions for sewage disposal, water supply, storm water management, and flood control.

9.11. STUDIES.

Completed traffic studies by certified traffic engineers are required of all subdivisions which have not been granted a division of land waiver. The following studies, to be done by certified experts, may be requested by the planning commission, and are required for subdivisions of five (5) lots or more:

9.11.1. Completed traffic study by a certified traffic engineer;

9.11.2. fiscal impact study;

9.11.3. wastewater study; and

9.11.4. storm water or drainage study.

9.12. FINAL PLAT.

9.12.1. FINAL PLAT REVIEW AND APPROVAL PROCEDURES.

The purpose of the final plat is to require formal approval by the planning commission and Town Council before a subdivision plat is recorded in the office of the Washington County Recorder. The final plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of this ordinance and applicable state and federal laws. The final plat and engineering drawings shall be submitted at the time of the final plat review application and shall conform to those regulations and requirements specified during the preliminary plat procedure. The owner or subdivider shall file the final plat not later than six (6) months after the date of approval of the preliminary plat; otherwise, the preliminary plat and

final plat will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the Town. The subdivider shall prepare a final plat and an application in accordance with this ordinance, pay the required fee, and file twelve (12) copies of the plat and the application with the Town Clerk at least ten (10) days prior to the meeting of the Planning and Zoning Commission at which action is desired. No application shall be forwarded or be scheduled for hearing before the Planning and Zoning Commission until all required fees are paid and a written report of the Town Engineer's review of the final plat has been submitted. The developer shall provide the following copies of the final plat: five (5) for the Planning and Zoning Commission, five (5) for the Town Council, and one (1) each to the appropriate utilities and Utah state departments per UCA 10-9a-603 for their review and comment. Comments from Virgin Town staff, engineer, attorney, and other departments will be forwarded to the Planning and Zoning Commission and the Town Council for their consideration during the review process.

9.12.1.A. Town Engineer Review.

The Town Engineer shall review and recommend approval of the Final Plat if he finds that the subdivision fully complies with the improvements required by the ordinance and other stipulations the Town may have required, that the survey description is correct, and that the easements are appropriately located. The Town Engineer shall make a final review of the plat and engineering drawings after it is approved and prior to signing of required signatures on the Mylar copy of the final plat. The engineer shall then forward the plat to the Town Attorney for his final review and recordation. The plat shall not be returned to the subdivider after the engineer has made his final review.

9.12.1.B. Planning and Zoning Commission Review.

The planning commission shall recommend the final plat for approval to the Virgin Town Council, if it finds that the final plat conforms to the approved preliminary plat and any conditions of its approval and that the subdivision complies with the physical development standards of this ordinance, the zoning ordinance, the general plan, the laws of the State of Utah and the rules and regulations promulgated pursuant thereto, and that the subdivision will have adequate fire protection, a sufficient supply of culinary water, will not decrease the pressure in the culinary water system at any point in the Town to less than forty (40) psi, will not unduly congest traffic, and will not create unreasonable potential for flooding. The Planning and Zoning Commission shall, within a reasonable length of time of filing of the final plat with the Town Clerk, recommend approval, conditional approval, or rejection of the plat and shall transmit the final plat and application along with its recommendations to the Town Council. The Planning and Zoning Commission may hold the matter in abeyance if there is incomplete or inadequate information.

9.12.1.C. Town Council Review.

The Town Council shall, within a reasonable length of time after the filing of the original final plat with the Town Clerk, place the final plat review on the agenda of a regularly scheduled meeting. The Town Clerk shall, when Town Council is to consider approval of a final plat, give at least ten (10) days prior written notice of its intention to the town clerk of any municipality within 1,000 feet of the final plat. If the town clerk fails to act within sixty (60) days, without a time extension and no unsatisfied objections having been filed, the plat shall be deemed uncontested by the neighboring municipality. All signatures (except those of the Town Engineer, Town Council, Town Attorney, and County Recorder) shall appear on the final plat prior to submitting said plat to the Town Council for final approval. The Town Council shall approve the Final Plat if it finds that all other persons required to approve the plat have given their approval; that the Final Plat meets all of the requirements of the Town's ordinances; that it does not violate any state laws or rules and regulations promulgated pursuant thereto; that the bonds or escrow deposits are fully in effect, and that all fees and assessments have been fully paid. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider. If approved, subdivider will create a Mylar copy to circulate for the appropriate final signatures. After appearance before the Town Council and approval of the final plat for recordation, as well as payment of all engineering, attorney and other fees required by this ordinance, the Town Attorney shall record the final plat.

9.12.1.D. Attorney Review.

The Town Attorney shall approve the final plat if he finds that there is a current title opinion from a licensed title company showing that the person dedicating the property described on the final plat, is the title owner as shown on the records of the County Recorder; and that all lien holders have signed mortgage contracts, that the bond, escrow, letter of credit, or trust deed or deposit with the Town is in appropriate form and signed by the necessary parties to the bond, letter of credit or trust deed; that the subdivider has executed the subdivision agreement required by this ordinance; and that the subdivision and its restrictive covenants do not, in his or her opinion, violate any ordinance of the Town or the laws of the State of Utah or the rules and regulations promulgated pursuant thereto. The Town Attorney shall verify that all fees, attorney, engineering fees, Town fees, etc., have been paid. Upon satisfactory review the Town Attorney shall approve the drafting of the Mylar copy and require all signatures to be signed by the appropriate persons, i.e., planning commission chairman, Town Clerk, Town Mayor, Town Engineer, Town Attorney, and cause that the plat be recorded at the Washington County Recorder's office.

9.12.1.E. Recordation.

After the final plat has been approved by the Town Council and a contract and bonds or sureties ensuring the installation of all required improvements is filed, the Town Council shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the Town Attorney for recording with the county recorder along with all

conservation easements and deed restrictions. The final plat shall then be delivered, complete, to the Town Attorney for recordation within thirty (30) days of its approval.

9.13. START OF CONSTRUCTION.

When the Town Attorney has acknowledged receipt of a correct Mylar copy of the final plat, complete with all required certificates, subdivider may start construction.

9.14. FINAL PLAT SUBMISSION REQUIREMENTS.

A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply with the requirements of the State of Utah and this ordinance. Submissions for final plat approval shall include:

9.14.1. FINAL CONSTRUCTION PLANS.

Simultaneously with the filing of the final plat, the owner shall file with the Town Clerk four (4) copies of the final construction plans and specifications of public improvements required by Virgin Town, along with an engineer's estimate of construction costs. Engineering drawings (complete and detailed construction plans and drawings of improvements) must be prepared, signed and stamped by a licensed engineer and contain all information as set forth below:

9.14.1.A. Drawings and/or prints that are clear, legible, and conform to good engineering and drafting practices. Size of drawings shall be twenty-three inches by thirty-six inches (23"x 36") (trim line) with minimum one-half inch ($\frac{1}{2}$ ") borders on top, bottom and right side, and one and one-half inches ($1\frac{1}{2}$ ") minimum border on left side for binding.

9.14.1.B. Each sheet shall indicate a scale for each detail and include a typical title block on the right side (or lower right hand corner) of full sheets, and the lower right hand corner of the plan view on plan and profile sheets, including the name of the subdivision.

9.14.1.C. Typical street cross sections(s) in the form prescribed by the Town.

9.14.1.D. Profiles of all streets, whether existing or proposed, in which improvements will be located. Where subdivision lots abut existing curbed and uncurbed streets, a profile of the roadway centerline shall be shown for a distance of 100 feet (each way) beyond the subdivision boundaries.

9.14.1.E. Profiles of all sanitary sewers, storm drains, and irrigation lines, and any other features required for clarity or necessary to avoid conflicts between existing and new facilities and structures. Detailed information as to size, type, grade, ring and flow lines, elevations, etc., shall be displayed.

9.14.1.F. When both sides of the street are to be at the same elevation, street centerline only need be profiled (with stationing and clearly indicated elevations); otherwise, profiles of both

sides of the street must be so shown. All curb returns shall be stationed and assigned elevations. Vertical curves in roadway profiles shall show station and elevation at the beginning, end, tangent intersection (both at point of intersection and on the curve), and at even fifty-foot (50') intervals along the curve.

9.14.1.G. Detailed engineering plan views of the above, showing lot lines, site grading, landscaping (including type and location, with minimum effort being one tree per lot frontage), street improvements, drainage, public utility locations (including valves and hydrants), street lights, and street sign locations (signs to be approved by the Town and installed by the developer), open spaces.

9.14.1.H. Details of any proposed structures, completely dimensioned and described. For standard structures, reference may be made to the appropriate adopted Town Standard drawings.

9.14.1.I. A completed geotechnical report addressing the suitability of all soils as they relate to all public improvements such as but not limited to streets, utility lines, backfill, proposed structures, site grading etc. The report shall include site-specific conditions and recommendations. The report shall include locations, logs and test results of all borings or excavations. The report shall be signed and stamped by a licensed professional in the related field.

9.14.2. OTHER SUBMISSIONS.

The subdivider shall also submit:

9.14.2.A. Plans for any areas to be protected and/or planted in native vegetation.

9.14.2.B. Plans required to qualify for density bonuses, if applicable.

9.14.2.C. A copy of the final protective covenants.

9.14.2.D. An agreement that the subdivider will hold the Town harmless for any and all liability which may arise as a result of the improvements which are installed until such time as the Town certifies the improvements at the end of the warranty period.

9.14.2.E. Effective bonds or escrow deposits.

9.14.3. CERTIFICATION.

All final plats shall provide all the certificates required by Utah State Statutes, as well as:

9.14.3.A. A current certified abstract of title or such other evidence as the Town may require showing ownership or control by the applicant.

9.14.3.B. A registered land surveyor’s “Certificate of Survey”, and the surveyor’s certification that the surveyor has fully complied with all sections of this Chapter.

9.14.3.C. The owner’s “Certificate of Dedication” or a “Corporate Certificate” for corporations.

9.14.3.D. A notary public’s acknowledgement.

9.14.3.E. The Town Engineer’s “Certificate of Approval” (submit for Planning and Zoning Commission review).

9.14.3.F. The Planning and Zoning Commission’s “Certificate of Approval” (submit for Town Council review).

9.14.3.G. The Town Council’s “Certificate of Approval” (submit for Attorney review).

9.14.3.H. The Town Attorney’s “Certificate of Approval” (submit for recordation).

9.14.4. FINAL PLAT.

The Final Plat must be prepared by a licensed land surveyor on a standard form, or as modified by the Town Council. The top of the plat shall be either north or east, whichever accommodates the drawing best. The plat shall contain all of the following information set forth accurately on its face:

9.14.4.A. The name of the subdivision, which name must be approved by the planning commission.

9.14.4.B. Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the subdivision, properly tied to public survey monuments. These lines should be slightly heavier than street and lot lines. Lot lines shall show dimensions in feet and hundredths.

9.14.4.C. Exact length and bearing of the centerline of all streets. All street centerline data must be shown together with its relationship to the property lines, corners, etc.

9.15.4.D. The accurate location of all monuments shall be shown on the plat, and shall be identified, including all United States, State, County or other official monuments.

9.14.4.E. Streets shall be numbered (named streets shall also be numbered) in accordance with the Town’s street numbering system.

9.14.4.F. Exact street width along the line of any obliquely intersecting street.

9.14.4.G. Exact location and description of utility and drainage easements.

9.14.4.H. Rights-of-way within and abutting the plat.

9.14.4.I. Consecutively numbered lots throughout the subdivision with no omissions or duplications.

9.14.4.J. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purpose indicated thereon, and of any area to be reserved by deed or covenant for common uses of all property owners, including public access to waterways.

9.14.4.K. Restrictions relating to access control along public ways.

9.14.4.L. Setback or building lines.

9.14.4.M. Survey, mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines, including bearing and distance of straight lines, and central angle, radius and arc length of curves, and such information as may be necessary to determine the location of beginning and ending points of curves.

9.14.4.N. Restrictive covenants, deed restrictions, conservation easements for the proposed subdivision shall be filed with the final plat.

9.14.4.O. The legal instruments detailing the ownership of any common open space, as required in Chapter 9.6, which shall be filed with the final plat.

9.14.4.P. The dedication to the public of all proposed public streets and highways included in the project, and location of all monuments.

9.14.4.Q. All final plats shall meet all the surveying and monument requirements of the State of Utah; and

9.14.4.R. State Plane Coordinate System.

Where the plat is located within a quarter section, the corners of which have been relocated, monumented, and coordinated, the plat shall be tied directly to one of the section or quarter corners so relocated, monumented, and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat.

9.15. REQUIREMENTS FOR DESIGN AND IMPROVEMENTS.

9.15.1. LAND SUITABILITY.

No land shall be developed which is held to be unsuitable for any proposed use if identified as being environmentally sensitive. Areas identified as being environmentally sensitive include, but are not limited to:

9.15.1.A. All areas mapped as floodplain by the Federal Emergency Management Agency (FEMA), Utah Department of Natural Resources, or other public or private entity, and deemed unsuitable for the proposed development under the Flood Damage Prevention sections of Virgin Town ordinances.

9.15.1.B. All wetlands as defined in federal and Utah State code, including a fifty-foot (50') buffer.

9.15.1.C. All areas having slopes greater than thirty percent (30%).

9.15.1.D. Areas that are proven to provide habitat for rare, threatened or endangered species, unless species have been removed by certified experts under procedures approved by all authorized entities.

9.15.1.E. Burial sites and Indian mounds.

9.15.1.F. Drainage ways that contain running water during spring runoff, during storm events or when it rains, as well as twenty-five foot (25') buffers from the edges of the drainage way.

9.15.1.G. Areas determined to be environmentally sensitive may be included as common open space in a subdivision but shall not be included in the Development Yield Analysis in VULU Chapter 9.10.5. These lands shall be identified as an out-lot or other designation that indicates the land is not available for development.

9.15.2. DEVELOPMENT YIELD.

The number of residential units for a parcel shall be determined in accordance with the following:

9.15.2.A. VULU Chapter 9.10.5, Development Yield Analysis, shall establish the base development yield for the parcel.

9.15.2.B. The base development yield may be increased if the parcel complies with the Performance Standards for Conservation Subdivisions of this Chapter and development complies with one or more of the following standards. Each standard provides a development yield bonus of five percent (5%) in addition to the base development yield. The maximum bonus permitted is twenty percent (20%).

9.15.2.B.1. Creating an endowment where the principal would generate sufficient annual interest to cover the conservation easement holder's yearly costs (taxes, insurance, maintenance, enforcement, etc.).

9.15.2.B.2. Providing for access by the general public to trails, parks, or other recreational facilities, excluding golf courses.

9.15.2.B.3. Reusing historical buildings and structures, including those sites inventoried by the State Historical Society of Utah. The U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Properties shall apply.

9.15.2.B.4. Implementing approved professional grazing management plan on open space designed to maintain natural vegetation while reducing noxious plant populations.

9.15.2.B.5. Maintaining an approved agricultural use under a permanent approved professional management plan on open space.

9.15.2.B.6. Implementing approved permanent, enforceable policies of strict xeriscaping and water conservation throughout the development.

9.15.2.B.7. Implementing innovative low impact wastewater treatment (requires Town-approved professional plan and specs).

9.15.2.B.8. Implementing trails improved and connected as preferred by Town.

9.15.3. GENERAL PERFORMANCE STANDARDS

Development envelopes should not be located on ridges, hilltops, along peripheral public roads or in other visually prominent areas.

9.15.3.A. Storm Water Management.

9.15.3.A.i. Roof down spouts should drain to porous surfaces.

9.15.3.A.ii. Peak discharges during the two (2) and ten (10) year storm events shall be no more than pre-developed conditions.

9.15.3.A.iii. The development should capture 80% of the sediments/pollutants from the one (1) year storm event.

9.15.3.A.iv. Landscape plantings should be used to increase infiltration and decrease runoff.

9.15.3.A.v. Natural open drainage systems (i.e., washes and dry river beds) should be preserved.

9.15.4. PERFORMANCE STANDARDS FOR CONSERVATION SUBDIVISIONS

9.15.4.A. General Requirements.

Conservation subdivisions shall identify a conservation theme or themes. This theme shall be identified at the time of the initial application. Conservation themes may include, but are not limited to, forest stewardship, water quality preservation, farmland preservation, natural habitat restoration, view shed preservation, or archaeological and historic properties preservation. The Planning and Zoning Commission shall have the ability to recommend to the Town Council which areas shall be preserved.

9.15.4.B. Residential Lot Requirements.

9.15.4.B.1. Minimum lot size to be determined by professionally prepared and agreed-upon design within the specifications required by the Utah Division of Environmental Health. The residential lot shall be large enough to accommodate a house and two-car garage.

9.15.4.B.2. Principal and accessory building setbacks shall be according to a professionally prepared, reasonable design approved by the land use authority which complies with applicable adopted building and fire codes.

9.15.4.B.3. Lots shall be configured to minimize the amount of impervious surfaces.

9.15.4.B.4. Maximum building height shall be according to Virgin Town ordinances.

9.15.4.B.5. Most lots shall take access from interior local streets. Existing uses to be preserved will have a driveway as part of the historic landscape that does not access a local street but should be preserved.

9.15.4.B.6. Lots shall be configured to minimize the amount of road length required for the subdivision.

9.15.4.B.7. Development envelopes shall be compatible with conservation themes identified in Chapter 9.15.4.

9.15.4.B.8. If agricultural uses are being maintained, lots shall be configured in a manner that maximizes the usable area remaining for such agricultural uses with appropriate buffers between agricultural uses and residential structures.

9.15.4.B.9. A local street may separate lots from the open space.

9.15.4.B.10. Lots may be oriented around one or more of the following: (i) a central green or square; (ii) a physical amenity such as a meadow, a stand of trees, or some other natural or restored feature.

9.15.4.B.11. A thirty foot (30') native vegetation buffer shall be maintained around open water areas.

9.15.4.B.12. Natural open drainage systems (i.e., washes and dry river beds) shall be preserved.

9.15.4.C. Residential Cluster Siting Standards (for Conservation Subdivisions only).

9.15.4.C.1. All residential lots and dwellings shall be grouped into clusters. Clusters shall be separated by tracts of open space as determined during plan review. Each cluster shall contain no more than twenty (20) dwelling units and no fewer than five (5) units.

9.15.4.C.2. Residential clusters shall be located to minimize negative impacts on the natural, scenic and cultural resources of the site and conflicts between incompatible uses.

9.15.4.C.3. Residential clusters shall avoid encroaching on rare plant communities, high quality sites, or endangered species identified by the Department of Natural Resources.

9.15.4.C.4. Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels and local or regional recreational trails.

9.15.4.C.5. Residential clusters should be sited to achieve the following goals, to the extent practicable.

9.15.4.C.5.i. Minimize impacts to prime farmland soils and large tracts of land in agricultural use, and avoid interference with normal agricultural practices.

9.15.4.C.5.ii. Minimize disturbance to woodlands, wetlands, grasslands, and mature trees.

9.15.4.C.5.iii. Prevent downstream impacts due to runoff through adequate on-site storm water management practices.

9.15.4.C.5.iv. Protect scenic views of open land from adjacent roads. Visual impact should be minimized through use of landscaping or other features.

9.15.4.C.5.v. Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.

9.15.4.C.5.vi. Landscaping around the cluster may be required to reduce off site views of residences.

9.15.5.C. Open Space Design.

9.15.5.C.1. Common Open Space. The minimum open space required shall be owned and maintained under one of the alternatives listed in Chapter 9.5., as approved by the Town of Virgin. The uses within the open space shall be accessible to the residents of the development. These uses may also be available to the general public providing the proper approvals are received. Common open space shall not be part of individual residential lots. It shall be

substantially free of structures, but may contain historic structures and archaeological sites including Indian mounds, and/or such recreational facilities for residents as indicated on the approved development plan. The required open space shall be undivided and restricted in perpetuity from future development, as specified in Chapter 9.5. Open space shall be designated as part of the development. The minimum required open space is sixty percent (60%) of the gross acreage.

9.15.5.C.2. Open Space Conservation Ranking (in order of significance). The areas to be preserved shall be identified on a case-by-case basis in an effort to conserve and provide the best opportunities to restore and enlarge the best quality natural features of each particular site.

9.15.5.C.2.i. First priority will be given to intact natural communities, rare and endangered species, important view corridors, natural and restored prairies, significant historic and archaeological properties, and steep slopes.

9.15.5.C.2.ii. Second priority will be given to areas providing some plant and wildlife habitat and open space values.

9.15.5.C.2.iii. Third priority will be given to areas providing sense of open space.

9.15.5.C.2.iv. The following areas or structures may be located within the open space area and shall be counted toward the overall open space percentage required:

9.15.5.C.2.iv.a. Parking areas for access to and use of the open space developed at a scale limited to the potential users of the open space, with the recommendation of Planning & Zoning Commission.

9.15.5.C.2.iv.b. Privately-held buildings or structures provided they are accessory to the use of the open space.

9.15.5.C.2.iv.c. Shared septic systems and shared potable water systems.

9.15.5.C.2.iv.d. Road rights of way shall not be counted towards the required minimum open space.

9.15.5.C.2.iv.e. No more than fifty percent (50%) of the required open space may consist of water bodies, ponds, floodplain, or wetlands.

9.15.5.C.2.iv.f. That portion of open space designed to provide plant and animal habitat shall be kept as intact as possible. Trails shall be designed to avoid fragmenting these areas.

9.15.5.C.2.iv.g. Community gardens but should be designed in a manner that avoids adversely impacting archeological sites.

9.15.5.C.2.iv.h. A pathway system connecting open space areas accessible to neighborhood residents, and connecting these areas to neighborhood streets and to planned or developed trails on adjacent parcels shall be identified in the plan.

9.15.5.D. Standards.

Refer to Virgin Standards and Specifications for Design and Construction.

9.15.5.E. Sewage and Water Facilities.

Water for a subdivision shall be provided by approved hookups to Virgin Town water supply. All subdivisions shall be provided with adequate septic systems, either separate, shared, or community, as determined by the Land Use Authority and approved by the Utah State Health Department or Division of Environmental Quality, as applicable, which is the sanitary sewer authority. Where sewage treatment is not provided by a publicly owned wastewater treatment works, a common sewage treatment and disposal unit located on the common open space lands is encouraged.

9.15.5.F. Financial Guarantee.

A financial guarantee ensuring the construction and completion of the common facilities shall be submitted to the Town Clerk.

9.16. OWNERSHIP AND MAINTENANCE OF OPEN SPACE AND COMMON FACILITIES.

9.16.1. ALTERNATIVES.

The designated common open space and common facilities may be owned and managed by one or a combination of the following:

9.16.1.A. A homeowners' association;

9.16.1.B. a condominium association established in accordance with the laws of the State Of Utah;

9.16.1.C. a nonprofit conservation organization;

9.16.1.D. the Town of Virgin or another governmental body empowered to hold an interest in real property; or

9.16.1.E. an individual who will use the land for open space purposes as provided by a conservation easement.

9.16.2. HOMEOWNERS' ASSOCIATION.

9.16.2.A. A homeowners association shall be established if the common open space is proposed to be owned by a homeowners association.

9.16.2.B. Membership in the association is mandatory for all purchasers of homes in the development and their successors. The homeowners' association bylaws, guaranteeing continuing maintenance of the open space and other common facilities, and the declaration of covenants, conditions and restrictions of the homeowners association shall be submitted for approval to the Town as part of the information required for the preliminary plat. The homeowners' association bylaws or the declaration of covenants, conditions and restrictions of the homeowners association shall contain the following:

9.16.2.B.1. The legal description of the common land;

9.16.2.B.2. a description of common facilities;

9.16.2.B.3. the restrictions placed upon the use and enjoyment of the lands or facilities;

9.16.2.B.4. persons or entities entitled to enforce the restrictions;

9.16.2.B.5. a mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes and insurance premiums;

9.16.2.B.6. a mechanism for resolving disputes among the owners or association members;

9.16.2.B.7. the conditions and timing of the transfer of ownership and control of land facilities to the association;

9.16.2.B.8. language requiring that any termination of or amendment to the homeowners' association bylaws, or to the declaration of covenants, conditions and restrictions of the homeowners association, will not take effect unless approved by the Virgin Land Use Authority; and

9.16.2.B.9. any other matter the developer deems appropriate.

9.16.3. CONDOMINIUM ASSOCIATIONS.

If the common open space and facilities is to be held under the Condominium Ownership Act, the condominium instruments shall identify the restrictions placed upon the use and enjoyment of the common open space. All common open space shall be held as a "common element".

9.16.4. A NONPROFIT CONSERVATION ORGANIZATION.

If the common open space is to be held by a nonprofit conservation organization, the organization must be acceptable to the Town of Virgin. The conveyance to the nonprofit

conservation organization must contain appropriate provisions for reversion in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance.

9.16.5. PUBLIC DEDICATION OF OPEN SPACE AND STREETS.

The Town of Virgin may accept the dedication of fee title or dedication of a conservation easement to the common open space. The Town may accept the common open space provided:

9.16.5.A. The common open space is accessible to the residents of the Town of Virgin.

9.16.5.B. The Town of Virgin agrees to and has access to maintain the common open space.

9.16.5.C. Streets or other public ways which have been designated on a duly adopted official map or element of the Virgin Town General Plan shall be dedicated or reserved by the subdivider to the Town of Virgin. The street or public way shall be made a part of the plat in the locations and dimensions indicated in the comprehensive plan and as set forth in this ordinance.

9.16.6. INDIVIDUAL OWNERSHIP.

An individual may hold fee title to the land while a nonprofit or other qualified organization holds a conservation easement uses for the common open space.

9.16.7. MAINTENANCE PLAN.

Subdivisions with proposed open space must include a plan that provides evidence of a means to properly manage the common open space in perpetuity and evidence of the long-term means to properly manage and maintain all common facilities, including any storm water facilities.

The plan shall be approved by the Virgin Town Council prior to final plat approval. Any future amendments to the plan must be approved by the Virgin Land Use Authority. The plan shall do the following:

9.16.7.A. Designate the ownership of the open space and common facilities in accordance with Chapter 9.16.5.C.;

9.16.7.B. establish necessary regular and periodic operation and maintenance responsibilities;

9.17.7.C. estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis; and

9.16.7.D. include a land stewardship plan specifically focusing on the long-term management of common open space lands. The land stewardship plan shall include a narrative, based on the site analysis required in Chapter 9.10.5., describing:

9.16.7.D.1. Existing conditions including all natural, cultural, historic, and scenic elements in the landscape;

9.16.7.D.2. the proposed end state for each common open space area; and the measures proposed for achieving the end state;

9.16.7.D.3. proposed restoration measures, including measures for correcting increasingly destructive conditions, such as erosion or noxious weeds; and measures for restoring historic features and habitats or ecosystems; and

9.16.7.D.4. the operations needed for maintaining the stability of the resources, including: mowing schedules; weed control; planting schedules; clearing and cleanup. At Virgin Town's discretion, the applicant may be required to place in trust sufficient funds to provide maintenance and operation of common facilities in perpetuity.

9.16.7.E. In the event that the organization established to own and maintain the open space and common facilities, or any successor organization, fails to maintain all or any portion of the common facilities in reasonable order and condition upon the residents and owners of the open space and common facilities, setting forth the manner in which the organization has failed to maintain the common facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation of this ordinance, in which case the bond, if any, may be forfeited, and any permits may be revoked or suspended. The Town of Virgin may enter the premises and take corrective action. The costs of corrective action by the Virgin Town Council shall be assessed ratably, in accordance with tax assessments, against the properties that have the right of enjoyment of the common facilities and shall become a lien on said properties. The Town of Virgin, at the time of entering upon such common facilities for the purpose of maintenance, shall file a notice of such lien in the office of the County Register of Deeds upon the properties affected by such lien.

9.16.7.F. Management plans can be amended by the owner identified under Chapter 9.16.5.C. with the approval of the Virgin Town Council.

9.17. FINANCIAL RESPONSIBILITY FOR ALL SUBDIVISIONS.

9.17.1. GUARANTEE.

The subdivider shall warrant and guarantee that the improvements provided for herein, and every part thereof, will remain in good condition for a period of two (2) years after the date of

conditional acceptance by the Town Council, and agree to make all repairs to and maintain the improvements and every part thereof in good condition during the two (2) year period at no cost to the Town. It is further agreed and understood that identifying the necessity for repairs and maintenance of the work rests with the Town Engineer, whose decision upon the matter shall be final and binding upon the subdivider, and the guarantee hereby stipulated shall extend to and include, but shall not be limited to, the entire street, sub-grade, base, surface, all pipes, joints, valves, backfill and compaction, the working surface, curbs, gutters, sidewalks, and the other accessories that are or may be affected by the construction operations. Whenever, in the judgment of the Town Engineer, said work shall be in need of repairs, maintenance, rebuilding, the subdivider shall be notified in writing. If the work described in the notice is not completed within thirty 30 calendar days from the date of notice, the Town shall have such repairs made, and the cost, plus twenty-five percent (25%) for Town administration, shall be paid by the subdivider. Prior to final approval of a subdivision, the subdivider shall execute and acknowledge, in a form capable of being recorded in the office of the County Recorder, a written agreement with the Town Council by which the subdivider covenants that he will not sell, lease or convey any of the subdivided property to anyone whosoever unless he shall first, as a condition precedent thereto, satisfy at least one of the requirements listed below. The agreement shall specifically provide that it shall be deemed to be a covenant running with the land to secure the installation of all the improvements required by this ordinance, together with the payment of all costs, including a reasonable attorney's fee, which the Town Council may incur in enforcing any of the terms and provisions of the agreement. The lien may be released by the Town when the subdivider complies with the requirements set forth in at least one of the following requirements:

9.17.1.A. Bond. The subdivider shall furnish and file with the Town Clerk, an acceptable cash-surety bond in an amount equal to the cost of the required improvements, plus twenty-five percent (25%), as estimated by the Town Engineer. In the event the subdivider is in default or fails to or neglects to satisfactorily install the required improvements within two (2) years from the date of approval by the Town Council, or to pay all liens in connection therewith, the Town Council may declare the bond forfeited and the Town may install or cause the required improvements to be installed, using the proceeds of the collection of the bond to defray the expenses thereof. The subdivider shall be responsible for the quality of all material and workmanship. At the completion of the work, or not less than ten (10) days prior to the release date of the bond or other approved security, the Town Engineer, or authorized representative, shall make a preliminary inspection of the improvements and shall submit a report to the Town Council setting forth the conditions of such facilities. If all liens are paid, and conditions thereof are found to be satisfactory, the Town Council shall release the bond, less ten percent (10%). If the conditions of materials or workmanship shows unusual depreciation or does not comply with standards of the Town, or if any outstanding liens are not paid, the Town Council may declare the subdivider in default. At the end of guarantee period, a final inspection of the improvements shall be made by the Town Engineer, at the conclusion of which ten percent (10%) retainage will be returned to the subdivider, less costs to repair deficiencies found in the inspection. If repair costs are in excess of the retainage, the subdivider shall pay the overage.

9.17.1.B. Escrow Deposit. The subdivider shall deposit in escrow with an escrow holder approved by the Town Council, an amount of money equal to at least 125% of the cost of improvements, as estimated by the Town Engineer, and require a percentage to cover the cost of inflation, under an interest bearing escrow agreement conditioned for the installation of said improvements within two (2) years from the approval of the Final Plat. The escrow agreement aforesaid, shall be approved by the Town Council and the Town Attorney, and shall be filed with the County Recorder and shall contain substantially the following language:

AGREEMENT

The undersigned hereby promises and warrants that it has in deposit in an escrow account for the benefit of Virgin Town the sum of \$_____, which represents at least 125% of the estimated costs of the improvements not accepted by the Town and not constructed or installed by the developer of _____ subdivision. The undersigned hereby agrees that the foregoing sum of money shall be use exclusively for the purpose of paying for the costs of materials, and construction and installation of the improvements required by the municipality's subdivision ordinances. The undersigned further agrees that the money held in an escrow account shall be paid out to the contractors installing and constructing the required improvements only upon an order executed by the subdivider and by an authorized officer of the Town.

The subdivider shall not withdraw from the escrow account any amount in excess of one-hundred percent (100%) of the estimated cost of improvements, but shall pay from other sources any costs for such improvements which exceed one-hundred percent (100%) of the costs estimated by the engineer.

A sum equal to twenty-five percent (25%) of the estimated costs of improvements shall remain with the escrow holder for a period of two (2) years after all improvements are completed and conditionally accepted.

If after two (2) years, all or any part of the required improvements are not installed, constructed, and maintained according to the standards required in the Town's Subdivision Ordinance, the Town shall notify, in writing, the subdivider and the escrow holder of the defects and shall make demand on the subdivider that the defects be corrected. If the defects are not corrected within thirty (30) calendar days, the Town may correct the defects and charge the costs to the escrow holder. The escrow holder shall, on receiving reasonable proof from the Town of the defect, and that the Town had incurred the cost of correcting the defect pay to the Town from the escrow account the cost of correcting the defect, and the escrow holder shall be held harmless by the parties by reason of the payment to the Town.

If, after two (2) years the Town Board has conditionally accepted the improvements required by its subdivision ordinance, the required improvements remain substantially free from latent defects, the Town shall certify such fact to the escrow holder and the escrow holder shall release to the subdivider any money still held in the escrow account, and the escrow holder shall be discharged of its obligations to the Town.

AUTHORIZED SIGNATURE _____ DATE _____

PAYMENT OF ENGINEERING AND ATTORNEY'S FEES

The Town of Virgin requires that all subdividers agree to pay the out-of-pocket attorney and engineering costs or fees incurred by the Town. These fees are the actual cost for legal and engineering review to ensure that all plats and plans are in compliance with Town standards. These fees shall be paid prior to release of the final plat for recordation. Failure to pay these fees shall cause the approval process to be suspended until such time the fees are paid.

AGREED TO BY:

_____ DATE _____
OWNER/AGENT FOR SUBDIVIDER

_____ DATE _____
NOTARY

CHAPTER 10

DESIGN REVIEW

10.1. PURPOSE.

The purpose and intent of design review is to secure the general purposes of this Ordinance and the Virgin Town General Plan and to insure that the general appearance of buildings and structures and the development of the land shall in no case be such as would Impair the orderly and harmonious development of the neighborhood or impair investment in the occupation of the neighborhood.

It shall not be the intent of this Chapter to restrict or specify the particular architectural design proposed or to specify the exterior detail of design, color or materials proposed by the applicant, except as such detail is of such magnitude as to affect the general appearance and compatibility of the development with its surroundings.

10.2. APPLICATION AND REVIEW.

All applicants for building permits for all buildings and structures, except for single-family dwellings and their accessory buildings, shall be accompanied by architectural and site development plans to scale, which shall show building locations, landscaping, prominent existing trees, general treatment, fences, off-street parking and circulation, location and size of adjacent streets, North arrow and property lines, drawings of the major exterior elevations, the building materials, proposed exterior color scheme, existing grades and proposed new grades. All such drawings and sketches shall be reviewed by the Virgin Town Planning and Zoning Commission, except that the review and approval of such permits by the Virgin Town Zoning Administrator may be authorized by the Virgin Town Planning and Zoning Commission when the application meets all requirements of this Ordinance. All of the above required architectural and site development plans shall have been reviewed and approved prior to the issuance of a building permit.

10.3. EXCEPTIONS.

For buildings and uses covered by conditional use permits design review shall be incorporated within such conditional use permit and need not be a separate application, provided the requirements of this Chapter are met.

10.4. PLANNING AND ZONING COMMISSION ACTION.

The Virgin Town Planning and Zoning Commission, or the Virgin Town Zoning Administrator when authorized by the Commission, shall determine whether the proposed architectural and site development plans submitted are consistent with this Chapter and with the general objectives of this Ordinance, and shall recommend approval or denial to the Virgin Town Council.

10.5. CONSIDERATION IN REVIEW OF APPLICATIONS.

The Virgin Town Planning and Zoning Commission and the Virgin Town Zoning Administrator, when authorized, shall consider the following matter, and others when applicable, in their review of applications:

10.5.1. CONSIDERATIONS RELATING TO TRAFFIC SAFETY AND TRAFFIC CONGESTION.

10.5.1.A. The effect of the site development plan on traffic conditions on abutting streets.

10.5.1.B. The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits.

10.5.1.C. The arrangement and adequacy of off-street parking facilities.

10.5.1.D. The location, arrangement, and dimensions of truck loading and unloading facilities.

10.5.1.E. The circulation patterns within the boundaries of the development.

10.5.1.F. The surfacing and lighting of off-street parking facilities.

10.5.2. CONSIDERATION RELATED TO OUTDOOR ADVERTISING.

The number, location, color, size, height, lighting, and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and the appearance and harmony with adjacent development.

10.5.3. CONSIDERATION RELATING TO LANDSCAPING.

10.5.3.A. The location, height and materials of walls, fences, hedges, screen plantings to insure harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development.

10.5.3.B. The planting of ground cover or other surfacing to prevent dust and erosion.

10.5.3.C. The unnecessary destruction of existing healthy trees.

10.5.3.D. Consideration relating to buildings and site layout.

10.5.3.D.i. Consideration of the general silhouette and mass, including location on the site, elevation, and relation to natural plant coverage, all in relationship to the neighborhood.

10.5.3.D.ii. Consideration of exterior design in relation to adjoining structures in height, bulk, and area openings, breaks in façade facing on the street (or streets), line and pitch of roofs, and the arrangement of structures on the parcel.

10.6. CONDITIONS.

The Virgin Town Council shall decide all applications for design review. Design approval may include such conditions consistent with the consideration of this Chapter as the Virgin Town Council deem reasonable and necessary under the circumstances to carry out the intent of this Chapter.

10.7. FINDINGS AND DECISIONS.

Upon a finding by the Virgin Town Council that the application meets the intent of this Chapter, the design approval shall be granted, subject to such conditions as are necessary; otherwise, approval shall be denied.

10.8. NOTIFICATION OF APPROVAL OR DENIAL.

Upon the granting or denial of design approval, the Virgin Town Council shall prepare and mail or deliver to the applicant a formal statement thereof, stating the fact of the grant and any conditions attached thereof, or the fact of denial and the reasons thereof.

10.9. TIME LIMITATION ON APPROVAL.

If construction in harmony with the permit for any development for which design approval has been granted has not been commenced within one (1) year from date of notification of approval, the approval shall be deemed automatically revoked. Upon application, an extension of time may be granted by the Virgin Town Council.

10.10. TRANSFER OF APPROVAL UPON CHANGE IN USE.

Design approval shall be deemed revoked if the buildings erected or the classification of their use or the classification of the use of land for which the approval was granted is changed, unless the approval is transferred by the Virgin Town Council. If the transfer is not approved, a new application must be filed.

10.11. CONFORMANCE TO APPROVAL.

Development for which design approval has been granted shall conform to the approval and any conditions attached hereto.

10.12. MODIFICATIONS.

Upon request of the applicant, modifications in the approved plan may be made by the Virgin Town Council if it is found that the modifications will meet the requirements of this Chapter. The Virgin Town Council may revoke or modify a design approval which does not conform to any requirements of the approved permit.

CHAPTER 11

**CONSTRUCTION SUBJECT TO
GEOLOGIC, FLOOD, OR OTHER NATURAL HAZARDS**

11.1. PURPOSE.

To protect the general public from geologic, flood, or other natural hazards that might be detrimental to the health, safety, and general welfare of the residents of the Town of Virgin. Any applicant whose application for a conditional use or building permit for any site which has potential soils, earthquake, flood or other discernible hazards may be required to provide a report addressing such hazards. The determination of whether such report shall be required shall be made by the Virgin Town Planning and Zoning Commission.

11.2. REQUIREMENTS.

11.2.1. The report shall be prepared at applicant's expense by a registered or licensed geologist, soils, engineer, or civil engineer and shall show the suitability of soils on the property to accommodate the proposed construction as well as any discernible flood or earthquake hazards.

11.2.2. Whenever a geologic and soils survey report indicates that a lot is subject to unusual potential or actual hazard, the applicant shall meet the special conditions required by the Virgin Town Planning and Zoning Commission or the Virgin Town Zoning Administrator, when authorized, to reduce or eliminate such hazards.

11.3. FLOOD DAMAGE PREVENTION.

ARTICLE 1.

ART. 1.1. STATUTORY AUTHORIZATION.

The Legislature of the State of UTAH has delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Town Council of Virgin, Utah, does ordain as follows:

ART. 1.2. FINDINGS OF FACT.

ART. 1.2. Section 1.

The flood hazard areas of Virgin, Utah are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental

services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

ART. 1.2. Section 2.

These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage.

ART. 1. Section 3. Statement of Purpose.

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

ART. 1. Sec. 3.1. Protect human life and health;

ART. 1. Sec. 3.2. Minimize expenditure of public money for costly flood control projects;

ART. 1. Sec. 3.3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

ART.1. Sec. 3.4. Minimize prolonged business interruptions;

ART. 1. Sec. 3.5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

ART. 1. Sec. 3.6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

ART. 1. Sec. 3.7. Insure that potential buyers are notified that property is in a flood area.

ART. 1. Section 4. Methods of Reducing Flood Losses.

ART. 1. Sec. 4.1. In order to accomplish its purposes, this ordinance uses the following methods:

ART. 1. Sec. 4.1.A. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

ART. 1. Sec. 4.1.B. require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

ART. 1. Sec. 4.1.C. control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

ART. 1. Sec. 4.1.D. Control filling, grading, dredging and other development which may increase flood damage;

*Stripping natural vegetation.

ART. 1. Sec. 4.1.E. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

ART. 1. Sec. 4.1.F. Build home at least one foot (1') above the one-hundred (100) year flood plain.

ARTICLE 2.

DEFINITIONS.

Unless specifically defined in VULU Chapter 1.6., words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

ARTICLE 3.

GENERAL PROVISIONS.

ART. 3. Section A. Lands To Which This Ordinance Applies.

The ordinance shall apply to all areas of special flood hazard within the jurisdiction of VIRGIN, UTAH.

ART. 3. Section B. Basis For Establishing the Areas of Special Flood Hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Virgin, Utah, with accompanying Virgin Town Flood Insurance Rate Maps and Flood Boundary- Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance. Until such time as flood maps become available, the property/land owner should be responsible for the flood map.

Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance .

ART. 3. Section C. Establishment Of Development Permit.

A Development Permit shall be required to ensure conformance with the provisions of this ordinance.

ART. 3. Section D. Compliance.

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

ART. 3. Section E. Abrogation And Greater Restrictions.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

ART. 3. Section F. Interpretation.

In the interpretation and application of this ordinance, all provisions shall be:

ART. 3. Sec. F.1. Considered as minimum requirements;

ART. 3. Sec. F.2. liberally construed in favor of the governing body; and

ART. 3. Sec. F.3. deemed neither to limit nor repeal any other powers granted under State statutes.

ART. 3. Section G. Warning and Disclaimer or Liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there-under.

ARTICLE 4.

ADMINISTRATION.

ART. 4. Section A. Designation Of The Floodplain Administrator.

The Mayor or Engineer is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate Sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

ART. 4. Section B. Duties & Responsibilities of the Floodplain Administrator.

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

ART. 4. Sec. B.1. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.

ART. 4. Sec. B.2. Review permit application to determine whether proposed building site, flooding.

ART. 4. Sec. B.3. Review, approve or deny all applications for development permits required by adoption of this ordinance.

ART. 4. Sec. B.4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

ART. 4. Sec. B.5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

ART. 4. Sec. B.6. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is Army Corp of Engineers & ? State Agency, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency management Agency.

ART. 4. Sec. B.7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

ART. 4. Sec. B.8. When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of VULU Chapter 11, Article 5.

ART. 4. Section C. Permit Procedures.

Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to

scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

ART. 4. Sec. C.1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures.

ART. 4. Sec. C.2. Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed.

ART. 4. Sec. C.3. A certificate from a registered professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of VULU Chapter 11, Article 5, Section B.2.

ART. 4. Sec. C.4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

ART. 4. Sec. C.5. Maintain a record of all such information in accordance with VULU Chapter 11, Article 4, Section B.1. Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

ART. 4. Sec. C.5.1. The danger to life and property due to flooding or erosion damage;

ART. 4. Sec. C.5.2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

ART. 4. Sec. C.5.3. The danger that materials may be swept onto other lands to the injury of others;

ART. 4. Sec. C.5.4. The compatibility of the proposed use with existing and anticipated development;

ART. 4. Sec. C.5.5. The safety of access to the property in times of flood for ordinary and emergency vehicles;

ART. 4. Sec. C.5.6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as twelve (12) sewer, gas, electrical and water systems;

ART. 4. Sec. C.5.7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

ART. 4. Sec. C.5.8. The necessity to the facility of a waterfront location, where applicable;

ART. 4. Sec. C.5.9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

ART. 4. Sec. C.5.10. The relationship of the proposed use to the comprehensive plan for that area.

ART. 4. Section D. Variance Procedures.

ART. 4. Sec. D.1. The appeal Board as established by the community shall hear and render judgment on requests for variances from the requirements of this ordinance.

ART. 4. Sec. D.2. The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

ART. 4. Sec. D.3. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

ART. 4. Sec. D.4. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

ART. 4. Sec. D.5. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

ART. 4. Sec. D.6. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C.2 of this Article have been fully considered. As the lot size increases beyond the one-half-acre, the technical justification required for the variance increases.

ART. 4. Sec. D.7. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of VULU Chapter 11, Article 1, Section C.

ART. 4. Sec. D.8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

ART. 4. Sec. D.9. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

ART. 4. Sec. D.10. Prerequisites for granting variances:

ART. 4. Sec. D.10.1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

ART. 4. Sec. D.10.2. Variances shall only be issued upon:

ART. 4. Sec. D.10.2.a. showing a good and sufficient cause;

ART. 4. Sec. D.10.2.b. a determination that failure to grant the variance would result in exceptional hardship to the applicant; and

ART. 4. Sec. D.10.2.c. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

ART. 4. Sec. D.10.3. Homes shall not be built in the one-hundred (100) -year flood plain without proper engineering.

ART. 4. Sec. D.10.4. Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

ART. 4. Sec. D.11. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

ART. 4. Sec. D.11.1. the criteria outlined in VULU Chapter 11, Article 4, Section D. are met; and

ART. 4. Sec. D.11.2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION.

ART. 4. Section A. General Standards.

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

ART. 4. Sec. A.1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

ART. 4. Sec. A.2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

ART. 4. Sec. A.3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

ART. 4. Sec. A.4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

ART. 4. Sec. A.5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

ART. 4. Sec. A.6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

ART. 4. Sec. A.7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

ART. 4. Section B. Specific Standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) VULU Chapter 11, Article 3, Section B., (ii) VULU Chapter 11, Article 4, Section B.8., or (iii) VULU Chapter 11, Article 5, Section C.3., the following provisions are required:

ART. 4. Section B.1. Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in VULU Chapter 11, Article 4, Section C.1.1., is satisfied.

ART. 4. Section B.2. Nonresidential Construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation

(in relation to mean sea level) to which such structures are flood proofed shall be maintained by the Floodplain Administrator.

ART. 4. Section B.3. Manufactured Homes. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

ART 4. Section C. Standards For Subdivision Proposals.

ART. 4. Sec. C.1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with VULU Chapter 11, Article 1, Sections B, C, and D of this ordinance.

ART. 4. Sec. C.2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of VULU Chapter 11, Article 3, Section C.; Article 4, Section C.; and the provisions of Article 5 of this ordinance.

ART. 4. Sec. C.3. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant to VULU Chapter 11, Article 3, Section B; or Article 4, Section B.8. of this ordinance.

ART. 4. Sec. C.4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

ART. 4. Sec. C.5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

CHAPTER 12

MOBILE HOMES, MOBILE HOME PARKS AND MOBILE HOME SUBDIVISIONS

12.1. PURPOSE.

The purpose of this Chapter is to require that mobile home parks or mobile home subdivisions be of such character as to promote the objectives and purposes of this Ordinance, to protect the integrity and characteristics of the districts contiguous to those in which the mobile home parks are located, and to protect other use values contiguous to or near mobile home park uses.

12.2. LOCATION AND USE.

No mobile home shall be located, placed, used or occupied in any district other than within an approved mobile home park or mobile home subdivision where allowed within the zoning district except that mobile homes may be stored, displayed, and sold, but not occupied except in mobile home parks or mobile home subdivisions when allowed in such districts. Following the effective date of this Ordinance, no mobile home shall be placed within the Town of Virgin for the use as a residence unless said mobile home shall have been manufactured after January 1, 1977.

12.3. OCCUPANCY PERMIT AND FEES.

No mobile home shall be located, placed, used or occupied within the Town of Virgin that shall not meet the minimum standards for mobile homes as are adopted or set forth in the Ordinances of the Town of Virgin from time to time. Accordingly, prior to any mobile home being occupied for permanent residency, such mobile home users shall first apply for and receive from the Virgin Town Planning and Zoning Commission or Virgin Town Zoning Administrator, when authorized, an Occupancy Permit certifying that the mobile home complies with the relevant standards of the existing Ordinances of the Town of Virgin with respect to mobile homes. In connection with applying for said occupancy permit, a fee for said inspection shall be submitted and paid to the Town of Virgin to cover the costs thereof. The fee shall be determined by the Virgin Town Council. Inspection shall be made by the Town Building Official so authorized as soon as reasonably possible with a certificate being issued by the Building Official. In connection with any such inspection, in the event that the Building Official has cause or reason to believe that the plumbing, mechanical, electrical, or structural systems are not up to code or otherwise unsafe or present a hazard to health of any person, then the building Official shall have the right to have the owner of the mobile home provide such additional expert analysis at their expense as to be able to be certain that the mobile home meets all applicable safety standards prior to receipt of the Occupancy Permit.

12.4. DISPUTES INVOLVING INSPECTION REQUIRED BEFORE ISSUANCE OF AN OCCUPANCY PERMIT.

In the event of a dispute over the inspection required before issuance of an Occupancy Permit, said dispute shall be heard at the next available regular meeting of the Virgin Town Council. Request for the same shall be made no sooner than three (3) days prior to such meeting.

12.5. APPROVAL.

Mobile home parks and mobile home subdivisions may not be constructed unless it is first approved by the Virgin Town Council, after review of plans for said mobile home park, which satisfy the Planning and Zoning Commission that the proposed development will:

12.5.1. Be in keeping with the general character of the district within which the proposed development will be located.

12.5.2. Be located on a parcel of land containing not less than five (5) acres, or on two (2) or more parcels separated by a street or alley only, and totaling at least five (5) acres.

12.5.3. Shall have at least ten (10) spaces completed and ready for occupancy before first occupancy is permitted.

12.5.4. Shall meet all standards and requirements effective upon the adoption of the Mobile Home Park Ordinance of the Town of Virgin.

12.5.5. Shall be connected to the municipal facilities of the Town of Virgin.

12.5.6. Shall be developed according to plans prepared by a professional team. In all cases it is recommended that professional design and other assistance be obtained early in the program including (as needed) a geologist or soils engineer, an urban planner, a lawyer, a financial expert, or others. It is the intent of the Town of Virgin that the developer solve problems associated with the development before approval is given and construction begins. Determination of qualifications of required professional individuals or firms shall be made by the Virgin Town Planning and Zoning Commission.

12.6. DENSITY.

In a mobile home park or mobile home subdivision, the number of mobile homes shall be limited to ten (10) units per acre. The mobile homes may be clustered, providing that the total number of units does not exceed the number permitted on one (1) acre, multiplied by the number of acres in the development given ideal soil conditions. No mobile home may be placed closer than sixteen feet (16') of the nearest mobile home. The remaining land not contained in individual lots, required roads, or parking, shall be set aside and developed as

parks, playground, and service areas for the common use and enjoyment of occupants of the development and of the visitors thereto, as provided in Chapter 12.8. of this Ordinance.

12.7. APPLICATION.

12.7.1. An overall plan for development of a mobile home park shall be submitted to the Virgin Town Planning and Zoning Commission for review. The plan shall be drawn to scale no smaller than one inch (1") to fifty feet (50'). At least six (6) copies of the plan shall be submitted. The plan shall show:

12.7.1.A. The topography of the site represented by contours, shown at not greater intervals than two feet (2') when required by the Virgin Town Planning and Zoning Commission.

12.7.1.B. The proposed street and mobile home space layout.

12.7.1.C. Proposed reservations for parks, playgrounds, open space.

12.7.1.D. Tabulations showing percent of area to be devoted to parks, playgrounds and open spaces, number of mobile home spaces, and total area to be developed.

12.7.1.E. Proposed locations of required parking spaces.

12.7.1.F. Generalized landscaping and utility plan, including locations of sewer, water, electricity, gas lines, fire hydrants, etc.

12.7.1.G. Any other data the Virgin Town Planning and Zoning Commission may require.

12.7.2. The applicant for a mobile home park or mobile home subdivision shall pay to the Town of Virgin at the time of application an inspection and review fee, in addition to all other required fees. The inspection and review fee shall be established by the Virgin Town Council.

12.7.3. Applications shall be made in writing, submitted to the Virgin Town Planning and Zoning Commission at its regular meeting and shall be recommended for approval or disapproval to the Virgin Town Council within thirty (30) days, unless an extension of time is approved by the Virgin Town Planning and Zoning Commission. An application recommended for approval or disapproval by the Virgin Town Planning and Zoning Commission shall be submitted to the Virgin Town Council, which decision must be made within (30) days after the recommendation is submitted by the Virgin Town Planning and Zoning Commission to the Virgin Town Council.

12.8. SAFETY, SANITATION, LANDSCAPING AND AMENITY REQUIREMENTS.

Each mobile home park or mobile home subdivision shall contain the following minimum requirements for safety, sanitation, and landscaping purposes:

12.8.1. All on-site utilities shall be installed underground and shall be installed in compliance with all applicable codes.

12.8.2. Each mobile home unit parking area shall be provided with adequate water supply lines in accordance with the municipal ordinances so made and provided. Each mobile home space shall have an approved shut-off valve of sufficient depth to provide for water control and shut-off. Each mobile home space shall have an approved backflow prevention device installed. Approval by the municipal water official or local health official, or other official, as authorized, shall be required prior to occupancy of a unit.

12.8.3. All mobile home parks and mobile home subdivisions shall provide for adequate sewer disposal. Mobile home parks will not provide for the minimum lot sizes required for individual septic systems, thus the mobile home park shall allow sufficient room for and shall construct a central septic system to serve all residents of the mobile home park or mobile home subdivision.

12.8.4. Each and every mobile home space shall be provided with an electrical hookup providing appropriate residential voltages. All electrical service to mobile home spaces shall utilize approved, underground, cable-type connection. No electrical line shall be suspended above ground or allowed to lay on the ground. All electrical connections in this paragraph shall be subject to periodic inspections by the designated municipal officer for safety purpose.

12.8.5. A fire hydrant shall be located within 250 feet of every mobile home space within the mobile home park or mobile home subdivision. Each mobile home shall be equipped with skirting around the base and shall be of non-flammable material, or provided with a support pad which is recessed to give the appearance of the mobile home being located on-grade. All petroleum and liquefied gas and other similar and related containers shall be located outside the mobile home and shall not be located closer than five feet (5') from any outside door of each mobile home. Said containers shall be securely fastened in place so as to prevent upset. Connections to said containers shall be made with approved copper or other metallic tubing. The accumulation of litter or weeds or placement or storage or other flammable objects around or underneath said mobile home unit shall be subject to periodic inspection by the municipal fire inspector for safety purposes.

12.8.6. The number of parking spaces provided in mobile home parks or mobile home subdivisions shall be as provided in Chapter 7 of this Ordinance. Vehicle parking on a street within the mobile home park or mobile home subdivision shall be prohibited to allow the free travel of vehicles upon said street. Streets within mobile home parks or mobile home subdivisions shall be subject to periodic patrolling by municipal police officers for safety purposes.

12.8.7. The owner/operator of said mobile home park or mobile home subdivision shall provide a communal metal solid-waste receptacle with a tight fitting lid. Said receptacle shall

be located in an area screened from public view by enclosure in a solid fence structure having a closable gate. Construction of said structure shall be of wood, brick, finished concrete or decorative concrete block, or combination thereof, so as to prevent littering. Said receptacle structures shall not be constructed of chain-link fencing.

Said owner/operators shall be responsible for proper disposal of all refuse, garbage and litter accumulated within the mobile home park, as necessary, but in no case shall refuse to be collected less than once a week.

12.8.8. The owner/operator of said mobile home park may provide for accommodation of recreational vehicle, boat, or trailer storage as an amenity for such vehicle registered to the occupants of said mobile home park. The provision of such storage areas shall be in addition to, and shall in no way relieve the owner of, any parking or common open space requirements in this Ordinance for mobile home parks and subdivisions.

12.8.9. No less than ten percent (10%) of the total area of any mobile home park or subdivision established under these regulations shall be devoted to common recreational areas and facilities, such as playgrounds, swimming pools, community buildings, ways for pedestrians and cyclists away from streets, and play areas for small children or other recreational areas in block interiors. At least one principal common recreation area shall be established within the development and shall contain an area of not less than five percent (5%) of the total area of the mobile home park or subdivision. This area may contain a community/recreation building for the common use by all tenants and their invited guests. To be counted as common recreational area, interior- block ways for pedestrians or cyclists shall be at least ten feet (10') in width and form part of a system leading to principal destinations. Such ways may also be used for installation of utilities. To be counted as common recreational area, inner-block play areas for small children or other inner-block recreational areas shall be at least twenty feet (20') in least dimensions and shall contain not less than 1,000 square feet. Common areas shall not include streets or parking areas, shall be closed to automotive traffic except for maintenance and service vehicles, and shall be improved and maintained for the uses intended.

12.8.10. All exterior boundaries of the mobile home park shall appear similar to conventional residential developments and shall be screened by a sight-obscuring decorative wall or fence. Construction of said structure shall be of brick, finished concrete, pre-cast concrete, or decorative concrete block a minimum of seven feet (7') in height, with a minimum seven foot (7') wide landscaped area provided along the inside of the perimeter screen.

12.8.11. All mobile home park or mobile home subdivision developments shall provide recreational amenities within the site which may include: a swimming pool; spa; clubhouse; tot lot with play equipment; picnic shelter-barbecue area; court game facilities such as tennis, basketball, or racquetball; improved softball or baseball fields; or, day care facilities. The type of amenities shall be approved by the Virgin Town Council and provided in quantity according to the following schedule:

Number of Mobile Home Spaces	Minimum Number of Amenities Required
1-9	2
10-50	4
51-100	6
101-150	8
151-200*	10

*Add two (2) amenities for each fifty (50) additional units.

CHAPTER 13

RECREATIONAL VEHICLES AND TRAVEL TRAILER PARKS

13.1. PURPOSE.

The purpose of this Chapter is to permit development of facilities for recreational vehicles and travel trailers in appropriate districts and to require that recreational vehicle and travel trailer accommodations be of such character as to promote the objectives and purpose of this Ordinance, to protect the integrity and characteristics of the districts contiguous to those in which recreational vehicle and travel trailer parks are located, and to protect other use values contiguous to or near recreational vehicle and travel trailer park uses.

13.2. STANDARDS FOR PERMITTING RVS OUTSIDE OF TRAILER PARKS.

13.2.1. COMMERCIAL ZONES.

The purpose of this section is to establish a permitting process, standards for temporary occupancy of Recreational Vehicles (RVs) in commercial zones, and penalties for noncompliance. This ordinance replaces and supersedes any previous ordinance or resolution regarding temporary occupancy of RVs in commercial zones. The Resort Zone is hereby excepted from the provisions of this section. It is the intent of the town to allow for temporary occupancy of RVs in commercial zones based on the following:

All rules of the underlying zone must be met.

13.2.1. ON-STREET PARKING OF RVS IS PROHIBITED.

Owner-builders of a commercial development are prohibited from living in an RV on their building lot during construction unless an exception is granted by the Land Use Authority (LUA). Those seeking an exception must submit a written request for consideration according to existing rules for such. The LUA shall review the request during public meetings and make a determination that an exception is prudent because it helps promote town goals and will not undermine the intent of the zone or harm the public health, safety, or welfare. RV shall not be on site more than five days prior to the beginning of construction for which a valid building permit has been issued and shall be removed within five days of completion, granting of certificate of occupancy, or expiration of building permit, whichever occurs first.

13.2.2. When occupying an RV under the provisions of this chapter, approved power cords and water hoses are allowed for utility hook-ups. Occupants are expressly prohibited from tying in to the septic system anytime during occupancy unless connecting via an approved hook-up on site. If connecting to an approved hook-up, applicant shall show that the impact will not exceed 1-ERU capacity on the septic system.

13.2.3. The area surrounding an RV shall be kept tidy and free from trash and debris.

13.2.4. RV shall be in good repair and free from substantial defects or unsightliness.

13.2.5. A maximum of one permit for one limited living quarters may be granted on a Commercial lot.

13.2.6. Maximum occupancy of an RV under the provisions of this chapter is limited to two (2).

13.2.7. Violations of this ordinance are subject to provisions outlined in VULU Chapter Ordinance 1.14., Penalties.

13.2.8. Only the owner, proprietor or operator of an approved business can apply for a permit to occupy an RV in a commercial zone. Applicant must demonstrate to the satisfaction of the Land Use Authority that occupancy is complementary to the primary use and not for rental purposes AND that a presence is necessary to ensure the safety and security of an established business OR the nature of the business requires an off-hours presence on the premises.

13.2.9. Applications for a permit allowing occupancy of an RV in a commercial zone shall be made in writing to the Land Use Authority and include, at a minimum, the following details:

13.2.9.A. Description of need purpose for a residential presence;

13.2.9.B. The dates of occupancy. Temporary occupancy shall not last longer than six (6) months without an exception from the LUA;

13.2.9.C. Hours of operation; and

13.2.9.D. Nature of work to be performed by the RV occupant.

Additionally, applications shall include a copy of a valid building permit if applicable, photos of the RV to be occupied and how it will be situated on the lot and a signed statement indicating applicant has read and understands the provisions of this chapter and associated penalties for violations of such. Land Use Authority may require a change in RV placement or the installation of screening to mitigate offsite visual impact.

Except as expressly outlined herein, there are no exceptions to the rules established by this Chapter.

13.3. TEMPORARY USE OF RECREATIONAL VEHICLE IN RESIDENTIAL ZONES.

13.3.1. PURPOSE.

To establish procedure and standards regarding temporary occupancy of Recreational Vehicles (RVs) in residential zones and penalties for noncompliance. This ordinance replaces and supersedes any previous ordinance or resolution regarding temporary occupancy of RVs in residential zones. In the best interests of public health and safety, and in an effort to maintain the integrity of individual septic systems, using an RV as a permanent residence or satellite bedroom for a primary residence, is expressly prohibited by this ordinance.

13.3.2. A RECREATIONAL VEHICLE, AS DEFINED BY THIS ORDINANCE.

A vehicle designed and/or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah Motor Vehicle Act which is: (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently tow-able by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

13.3.3. IT IS THE INTENT OF THE TOWN TO ALLOW FOR TEMPORARY OCCUPANCY OF RVs IN RESIDENTIAL ZONES BASED ON THE FOLLOWING.

13.3.3.A. All rules of the underlying zone must be met.

13.3.3.B. On-street parking of RVs is prohibited.

13.3.3.C. Residential owner-builders are prohibited from living in an RV on their building lot during construction unless an exception is granted by the Land Use Authority (LUA). Those requesting an exception must submit a written request for consideration according to existing rules for such. The LUA shall review the request during public meetings and make a determination that an exception is prudent because it helps promote owner-builder goals contained in town policies and will not harm the public health, safety, or welfare. The LUA may impose conditions to mitigate any anticipated nuisance.

13.3.3.D. When occupying an RV under the provisions of this chapter, power cords and water hoses are allowed for utility hook-ups. Occupants are expressly prohibited from tying in to the septic system anytime during the visit unless connecting via an approved hook-up at the host's residence.

13.3.3.E. Whether occupied or not, the area surrounding an RV parked in a residential zone must be kept tidy and free from trash and debris.

13.3.3.F. Residents may host RV guests on their privately owned residential lots for up to thirty (30) days with no encumbrances.

13.3.3.G. No visit shall exceed thirty (30) days without a permit issued by the Virgin Town Zoning Administrator. Permit applications must be made by the host resident and require a \$25.00 administrative fee. Applications shall contain a proposal for mitigation of health and

safety concerns related to an extended visit and show the impact will not exceed 1-ERU capacities on the septic system.

13.3.3.H. Unless an exception is granted by the Land Use Authority under provisions outlined in Section 13.3.3.G. above, no stay shall exceed thirty (30) days in a 180-day period.

13.3.3.I. Except as expressly outlined herein, there are no exceptions to the rules established by this chapter.

13.3.3.J. Violations of this ordinance are subject to provisions outlined in VULU Chapter 1.14., Penalties.

13.4. LOCATION AND USE.

13.4.1. No recreational vehicle or travel trailer shall be located, placed, used or occupied for residential purposes in any district except within approved and licensed recreational vehicle and travel trailer parks, except as otherwise provided herein.

13.4.2. Recreational vehicle and travel trailer parks generally shall be located:

13.4.2.A. Adjacent to or in close proximity to a major traffic artery or highway.

13.4.2.B. Near adequate shopping facilities.

13.4.2.C. Within or adjacent to a mobile home park.

13.4.3. A recreational vehicle or travel trailer park space shall not be occupied or otherwise used by any one (1) individual for more than 180 days in a one (1) year period beginning at the initial date of occupancy or other use of the space.

13.4.4. Recreational vehicles and travel trailers shall only be used as temporary residences in the Town of Virgin. It is the intent of this Ordinance and Virgin Town that recreational vehicles and travel trailers not be used for permanent living quarter within approved parks or elsewhere within Virgin.

13.4.5. Recreational vehicles and travel trailers may be stored, displayed, sold and/or serviced in a sales lot in a commercial district, when such use is a permitted or a conditional use, but shall not be used for living quarters.

13.4.6. Recreational vehicles and travel trailers may be accommodated in an approved and licensed mobile home park, provided that:

13.4.6.A. The recreational vehicle and travel trailer park portion of the development is separated by barriers, screens, or otherwise from the area of mobile homes.

13.4.6.B. The recreational vehicle and travel trailer area shall have direct access to a collector or arterial street.

13.4.6.C. Separate ingress and egress shall be provided for recreational vehicles and travel trailers when required by the Planning and Zoning Commission.

13.4.6.D. Recreational vehicle and travel trailer parks shall be connected to the municipal facilities of the Town of Virgin.

13.4.6.E. If a caretaker and/or manager resides on the premises of an approved recreational vehicle or travel trailer park, their housing shall be provided by a permanent residence, not a recreational vehicle or travel trailer.

13.5. APPROVAL.

A recreational vehicle or travel trailer park may not be constructed unless first approved by the Virgin Town Council as a conditional use. Review of plans for said recreational vehicle and travel trailer park shall be made by the Virgin Town Planning and Zoning Commission to insure that the proposed development will:

13.5.1. Be in keeping with the general character of the district with which the proposed development will be located.

13.5.2. Be located on a parcel of land containing not less than five (5) acres, unless attached to a mobile home park, in which case a minimum area of two (2) acres is required.

13.5.3. Have at least ten (10) spaces completed and ready for occupancy before the first occupancy is permitted.

13.5.4. Meet all requirements of this Ordinance and of the Recreational Vehicle and Travel Trailer Park Ordinance upon its adoption.

13.5.5. Meet all requirements of the State of Utah Code of Camp, Trailer Court, Hotel, Motel, and Resort Sanitation Regulations which are intended to apply to trailer, camper and tent camps as defined in such Code.

13.5.6. Be designed by a qualified architect, landscape architect, engineer, or professional land use planner, or team which includes one (1) or more of such professionals. Determination of qualifications of any such required professional individuals or firms shall be made by the Virgin Town Planning and Zoning Commission.

13.5.7. Contain not more than twenty (20) units per acre. The spaces may be clustered, provided that the total number of spaces does not exceed the number permitted on one (1) acre, multiplied by the number of acres in the development. The remaining land not contained in individual spaces, roads or parking, shall be set aside and developed as parks, playgrounds,

and/or service areas for the common use and enjoyment of occupants of the development and visitors thereto.

13.6. APPLICATION.

13.6.1. An overall plan for development of a recreational vehicle and travel trailer park shall be submitted to the Virgin Town Planning and Zoning Commission for review. The plan shall be drawn to scale not smaller than one inch (1") to fifty feet (50'). At least six (6) copies of the plan shall be submitted. The plan shall show:

13.6.1.A. The topography of the site, when required by the Planning and Zoning Commission, represented by contours shown at not greater than two foot (2') intervals.

13.6.1.B. The proposed street and recreational vehicle and travel trailer space pad layout, including points of ingress and egress.

13.6.1.C. Proposed reservations for parks, playgrounds and open spaces.

13.6.1.D. Tabulations showing the percent of area to be devoted to parks, playgrounds and open spaces, the number of recreational vehicle and travel trailer spaces, and the total area to be developed.

13.6.1.E. Proposed location, number and design of parking spaces.

13.6.1.F. Generalized landscaping and utility plan, including location of water, sewer, electricity, gas lines and fire hydrants.

13.6.1.G. Any other data the Virgin Town Planning and Zoning Commission may require.

13.6.2. The applicant for a recreational vehicle and travel trailer park shall pay to the Town of Virgin at the time of application an inspection and review fee, in addition to all other required fees. The inspection and review fee shall be established by the Virgin Town Council.

13.6.3. Applications shall be in writing, submitted to the Virgin Town Planning and Zoning Commission at its regular meeting and shall be recommended for approval or disapproval to the Virgin Town Council within thirty (30) days, unless an extension of time is approved by the Virgin Town Planning and Zoning Commission. An application recommended for approval or disapproval by the Virgin Town Planning and Zoning Commission shall be submitted to the Virgin Town Council, which decision must be made in writing within thirty (30) days after recommendation is submitted by the Virgin Town Planning and Zoning Commission to the Virgin Town Council.

13.7. SAFETY, SANITATION AND LANDSCAPING REQUIREMENTS.

Each recreational vehicle and travel trailer park shall provide and maintain the following minimum requirements for safety, sanitation and landscaping purposes:

13.7.1. Each recreational vehicle and travel trailer park shall provide each space an adequate water supply hookup equipped with an approved backflow prevention device.

13.7.2. Recreational vehicle and travel trailer parks shall provide for adequate sewer disposal, including the provision of a sanitary dumping station for users of the park. Unless a public wastewater system is available and required, the Land Use Authority shall determine the method of wastewater treatment, which shall be approved by the local health authority. The LUA shall not approve a method which can reasonably be expected to contribute to septic saturation in the Town greater than the equivalent of one dwelling per acre overall. Recreational vehicle and travel trailer parks shall also provide for individual hook-ups for those users who desire to connect their recreational vehicle or travel trailer to the park's wastewater system for temporary use.

13.7.3. Each recreational vehicle and travel trailer space within said park shall be provided with an electrical outlet of appropriate voltage. Said electrical service shall be installed underground to each pad in compliance with applicable codes utilizing approved connectors.

13.7.4. Each recreational vehicle and travel trailer park owner and/or operator shall provide a communal solid-waste receptacle area(s). Container(s) shall be fitted with tight fitting lid(s) so as to prevent refuse from scattering. Said container(s) shall be located in an area screened from public view by enclosure in a solid fence structure having a closable gate. Construction of said structure shall be of brick, finished concrete, pre-cast concrete, aggregate or decorative concrete block, or combination thereof, designed so as to prevent littering. Said receptacle structures shall not be constructed of chain-link fencing or wood. Said owner/operators shall be responsible for proper disposal of all refuse, garbage and litter accumulated within the recreational vehicle and trailer park, as necessary, but in no case shall refuse be collected less than once a week.

13.7.5. Each recreational vehicle and travel trailer park shall be required to provide a minimum of one hundred (100) square feet of recreational open space and/or recreational facilities for each recreational vehicle and travel trailer space. Public or private streets, vehicle storage areas and exterior boundary landscaping areas shall not be included in calculating recreation open space.

13.7.6. All exterior boundaries of the recreational vehicle and travel trailer park shall be adequately screened from surrounding uses by a decorative wall or fence. Said structure shall be constructed of brick, finished concrete, pre-cast concrete panels, or decorative concrete block a minimum of seven feet (7') in height, with a minimum of seven foot (7') wide landscaped area provided along the inside of the perimeter screen.

13.8. STANDARDS AND REQUIREMENTS.

The development of a recreational vehicle and travel trailer park shall conform to the standards and requirements established in the Recreational Vehicle and Travel Trailer Park Ordinance of the Town of Virgin upon adoption.

CHAPTER 14

PERFORMANCE STANDARDS

14.1. PURPOSE.

The purpose of this Chapter is to measure potential nuisances, from industrial or other uses, factually and objectively in terms of the potential nuisance itself; to ensure that all uses will provide necessary control methods for protection from hazards and nuisances which can be prevented by modern processes of control and nuisance elimination; and to protect any use from arbitrary exclusion based solely on the characteristics of uncontrolled production in this type of use in the past.

14.2. GENERAL PROVISIONS.

No land or building in any district shall be used or occupied in any manner so as to create dangerous, injurious, noxious or otherwise objectionable fire, explosive, or other hazards; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, glare, liquid or solid refuse or wastes; or other substance, condition or element in such a manner or in such amount as to adversely affect the surrounding area or adjoining premises. The foregoing is hereinafter referred to as "dangerous and objectionable elements". No use shall be Undertaken or maintained unless it conforms to the regulations of this Chapter in addition to the regulations set forth for the district in which such use is situated.

14.3 PERFORMANCE STANDARDS PROCEDURE.

The Virgin Town Zoning Administrator may require performance standards review for any use in any district when he/she has reason to believe that such use, or the manner of its operation will not or may not conform to the performance standards adopted by the Town of Virgin.

VIRGIN UNIFORM LAND USE ORDINANCE

CHAPTER 15

ZONES

15.1. ESTABLISHMENT OF ZONING DISTRICTS.

For the purposes of this Ordinance, the territory of the Town of Virgin to which this Ordinance applies is divided into the following zoning districts:

- Residential.....R**
- Rural Residential.....RR**
- Mobile Home.....MH**
- Agricultural.....AG**
- Commercial.....C**
- Restricted Development-Overlay Zone.....RD**
- Resort Zone.....RZ**
- Highway Resort Zone.....HRZ**
- Open Space District.....OS**

15.2. RULES FOR LOCATING BOUNDARIES.

Where uncertainty exists as to the boundary of districts as shown on the Virgin Zoning Map, the following rules shall apply:

15.2.1. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines and in the event of change in the centerline shall be construed as moving with the centerlines.

15.2.2. Boundaries indicated as approximately following the right-of-way lines of streets, highways, or alleys shall be construed to follow such right-of-way lines, and in the event of a change in the right-of-way line shall be construed as moving with the right-of-way line.

15.2.3. Boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines.

15.2.4. Boundaries indicated as parallel to or extensions of features indicated in sub-sections one (1) through three (3) above shall be so construed. Distances not specifically indicated on the official map shall be determined by the scale of the map.

15.2.5. In case any further uncertainty exists, the Virgin Town Board of Adjustments shall determine the location of such boundaries.

15.2.6. Boundaries of each of the said zones are hereby established as described herein or as shown on the map entitled Virgin Town Zoning Map which map is on file with the Virgin Town clerk and all boundaries shown thereon are made by this reference as much a part of this ordinance as is fully described and detailed herein.

15.3. SUPPLEMENTARY REGULATIONS TO ALL ZONING DISTRICTS.

The Town of Virgin shall require corrective action by responsible parties to control the impacts on Town image and neighboring properties of negligence in upkeep, as described in Section 4.19., Property Maintenance. *[amended 9-25-2013]*

15.4. ANNEXATIONS.

All proposed annexations of property shall come before the Virgin Town Planning and Zoning Commission for recommendation of approval or disapproval to the Virgin Town Council. All annexed property will come into Virgin zoned as follows:

The Virgin Town Council may assign a zoning designation to territory annexed to the municipality at the time the territory is annexed. If the Town Council does not assign a zone to territory at the time it is annexed, the territory annexed shall be zoned Open Space [according to the zone of Virgin with which it has the longest common boundary].

15.5. LISTING OF ORDINANCE AND MAP.

This Ordinance and map shall be filed in the custody of the Virgin Town Clerk and may be examined by the public subject to the reasonable regulations established by said Clerk.

CHAPTER 16

RESIDENTIAL DISTRICT (R)

16.1. PURPOSE.

To provide and protect areas for low density, single-family residences while permitting the limited establishment of public and quasi-public uses which serve the requirements of households.

16.2. LOCATION.

The Residential District includes any parcels currently zoned Residential at the time of adoption of this section. Until sewer and water supply limitations are addressed, and this section is amended, there shall be no further expansion of the Residential Zone. The standards of this zone remain valid for parcels so designated at the time of adoption of this section. Applicants may look to other zoning designations, such as the Rural Residential District, for the development of residential uses in compliance with current Town plans and goals (*amended 2011-04-27*).

16.3. PERMITTED USES.

16.3.1. 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. (*Amended 2013.08.10.*)

16.3.2. HOUSEHOLD PETS.

16.3.3. TILLING THE SOIL, RAISING CROPS, HORTICULTURE AND GARDENING.

16.3.4. ACCESSORY BUILDINGS AND USES CUSTOMARILY INCIDENTAL TO THE PERMITTED USES ALLOWED HEREIN.

16.3.5. KEEPING OF CHICKENS FOR NON-COMMERCIAL PURPOSES, SUBJECT TO THE FOLLOWING:

16.3.5.A. Number. The number of Chickens that may be kept per lot is limited to eight (8).

16.3.5.B. Roosters. The keeping of roosters is prohibited.

16.3.5.C. Slaughtering. The slaughtering of chickens in the public view is prohibited.

16.3.5.D. Enclosures. Chickens shall be confined within a secure, outdoor, enclosed area. The enclosure area shall include a covered chicken coop. Chicken coops with a permanent electric connection must comply with the electric code and require a building inspection.

16.3.5.E. Setback. The coop shall: (i) Meet all required setbacks; and (ii) be a minimum distance of thirty-five (35') from any neighboring dwelling.

16.4. CONDITIONAL USES.

16.4.1. HOME OCCUPATION (See Chapter 6.).

16.4.2. CHURCH.

16.4.3. SCHOOL.

16.4.4. PUBLIC BUILDINGS AND USES.

16.4.5. PARK OR PLAYGROUND.

16.4.6. PUBLIC UTILITIES, ESSENTIAL SERVICES.

16.4.7. CHILD DAY CARE OR NURSERY.

16.4.8. GUEST HOUSE/CASITA. Short-term lease or rental prohibited.

16.5. HEIGHT REGULATIONS.

No building shall be erected to a height greater than twenty-five feet (25'), and no dwelling structure shall be erected to a height less than one (1) story.

16.6. MINIMUM AREA, WIDTH, AND YARD REGULATIONS.

DISTRICT	AREA	WIDTH	YARDS		
			FRONT	SIDE	REAR
R	12,000 sq. ft.	75 ft.	25 ft.	10 ft.	10 ft.

16.7. SIGNS.

See Chapter 26, Signs.

16.8. MODIFYING REGULATIONS.

16.8.1. SIDE YARDS.

Buildings shall have a minimum side yard of eight feet (8'), and a total of the two (2) side yards shall be twenty feet (20'). Private garages and other accessory buildings located at least ten feet (10') behind the main building may have a side yard of two feet (2') except on street side of a corner lot, which shall be the same as the front yard setback.

16.8.2. REAR YARDS.

Private garages and other accessory buildings located at least ten feet (10') behind the main building may have a rear yard of two feet (2'), provided that on corner lots rearing the side of another lot, the minimum rear yard for all buildings shall be the same as the minimum side yard requirements of the zoning district.

16.8.3. EXCEPTIONS.

In order to prevent visual disharmony and limit site disturbance, accessory buildings may be allowed in front of the primary structure. The Planning Commission may recommend this during pre-permit review if owners with exceptional situations prove one or more of the following criteria exist. Ten copies of a terrain map with five foot (5') increments must be provided with pre-permit submissions in order to be eligible for consideration. Property owners within 200 feet of proposed exception shall be sent a written notice of the application by the applicant:

16.8.3.A. Lot is of a particular geography that limits 'buildability' of rear lot;

16.8.3.B. Lot has a slope of eight feet (8') or greater, over one-hundred feet (100') beginning at lot setback such that it would require significant grading or terracing;

16.8.3.C. A building constructed prior to April 16, 1986 is within twenty feet (20') of flood plain such that any rear accessory building would be within the flood plain;

16.8.3.D. A building constructed prior to November 17, 1994 is within twenty feet (20') of rear property line such that an accessory building would be less than ten feet (10') from the primary building and/or less than two feet (2') from property line;

16.8.3.E. Viewsheds would be dramatically obstructed by a rear accessory building for owner and neighbors.

Additionally, any plan proposing an exception to an accessory building standard must abide by the following:

16.8.3.F. Accessory building shall not exceed 800 square feet or seventy-five percent (75%) of the primary structure, whichever is smaller;

16.8.3.G. Plans shall present architectural elements including, but not limited to, windows, landscape, roof line, doors, and re-entrant corners towards the street and eliminate street-facing garage doors;

16.8.3.H. Design shall be of an architectural style compatible with existing buildings, surrounding neighborhood, and all standards as set forth in Virgin Uniform Land Use Ordinance;

16.8.3.I. Accessory building must be within easements, meet minimum setbacks, and be at least ten feet (10') from the primary structure;

16.8.3.J. Accessory building shall not cover more than twenty-five percent (25%) of the front yard;

16.8.3.K. Not more than one (1) accessory building will be allowed in the front yard, per lot;

16.8.3.L. Accessory building shall not be less than and not more than one (1) story, and not higher than fifteen feet (15').

If the Planning Commission determines during pre-permit review that the required criteria exist on the ground and in drawings, it shall make a recommendation to the Town Council and shall forward written findings, supported by clear documentation, for the council's consideration at a regularly scheduled meeting. The Town Council shall then approve or deny the exception. If a recommendation for exception is denied the Town Council shall provide written findings, supported by factual documentation, of the reason(s) for denial to be included as part of the record.

16.9. OTHER PROVISIONS.

Exception to these regulations are provided in Chapter 4 of the VULU Ordinance.

CHAPTER 17

RURAL RESIDENTIAL DISTRICT (RR)

17.1. PURPOSE.

To provide areas for neighborhoods of a rural character for small farms, hobby farms and large lot residential use.

17.2. PERMITTED USES.

17.2.1. AGRICULTURE.

17.2.1.A. Tilling of the soil, the raising of crops, horticulture, and gardening for personal use.

17.2.1.B. Animals and fowl for recreational use or family food production for the primary use of persons residing on the premises, excluding the keeping or raising of swine and exotic or dangerous animals.

17.2.2. SINGLE-FAMILY HOMES.

Not intended for short term occupancy. Short term lease or rental prohibited. Minimum square feet of home is 1,000 square feet. (Amended August 2013.)

17.2.3. HOUSEHOLD PETS.

Accessory uses and buildings customarily incidental to the permitted use.

17.3. CONDITIONAL USES.

17.3.1. Agricultural business or industry.

17.3.2. Public stable.

17.3.3. Kennel.

17.3.4. Park and playground.

17.3.5. Public buildings.

17.3.6. Public utilities, essential services.

17.3.7. Church.

17.3.8. School.

17.3.9. Cemetery.

17.3.10. Home occupation.

17.3.11. Accessory uses and buildings customarily incidental to the conditional use.

17.3.12. Guest house/ casita. Short term lease or rental prohibited.

17.4. HEIGHT REGULATIONS.

No buildings may exceed two and one-half (2-½) stories or twenty-five feet (25'), and no dwelling shall be less than one (1) story in height.

17.5. MINIMUM AREA, WIDTH AND YARD REQUIREMENTS.

DISTRICT	AREA	WIDTH	YARDS		
			FRONT	SIDE	REAR
RR	43,560 sq. ft.	100 ft.			
			25	20	40

*Inclusive of roads

17.6. SIGNS.

Signs permitted in the rural residential zone shall be limited to the following:

17.6.1. One (1) identification sign, not to exceed sixteen (16) square feet in sign area.

17.6.2. One (1) development sign, not to exceed eight (8) square feet in sign area.

17.6.3. One (1) civic sign, not to exceed sixteen (16) square feet in sign area.

17.6.4. One (1) real estate sign, not to exceed eight (8) square feet in sign area.

17.6.5. One (1) residential sign, not to exceed two (2) square feet in sign area.

17.6.6. One (1) home occupation sign, not to exceed three (3) square feet in sign area (see Chapter 6.3.).

17.7. MODIFYING REGULATIONS.

17.7.1. SIDE YARD.

On corner lots, any side yard which faces on a street shall not be less than twenty-five feet (25') otherwise the minimum side yard of any accessory building shall not be less than ten feet (10').

17.7.2. REAR YARD.

All accessory buildings shall be located at the rear and at least ten feet (10') from the main building and shall have a rear yard of at least ten feet (10').

17.7.3. EXCEPTIONS.

In order to prevent visual disharmony and limit site disturbance, accessory buildings may be allowed in front of the primary structure. The Planning Commission may recommend this during pre-permit review if owners with exceptional situations prove one or more of the following criteria exist. Ten (10) copies of a terrain map with five-foot (5') increments must be provided with pre-permit submissions in order to be eligible for consideration]:

17.7.3.A. Lot is of a particular geography that limits 'buildability' of rear lot.

17.7.3.B. Lot has a slope of eight feet (8') or greater, over one-hundred feet (100') beginning at lot setback such that it would require significant grading or terracing.

17.7.3.C. A building constructed prior to April 16, 1986 is within twenty feet (20') of flood plain such that any rear accessory building would be within the flood plain.

17.7.3.D. A building constructed prior to November 17, 1994 is within twenty feet (20') of rear property line such that an accessory building would be less than ten feet (10') from the primary building and/or less than two feet (2') from property line.

17.7.3.E. Viewsheds would be dramatically obstructed by a rear accessory building for owner and neighbors.

Additionally, any plan proposing an exception to an accessory building standard must abide by the following:

17.7.3.E.1. For any lot under one (1) acre under, accessory building shall not exceed 800 square feet ,or any lot larger than one (1) acre, accessory building shall not exceed 1400 square feet or seventy-five percent (75%) of the primary structure, whichever is smaller.

17.7.3.E.2. Plans shall present architectural elements including, but not limited to, windows, landscape, roof line, doors, and re-entrant corners towards the street and eliminate street-facing garage doors.

17.7.3.E.3. Design shall be of an architectural style compatible with existing buildings, surrounding neighborhood, and all standards as set forth in Virgin Uniform Land Use Ordinance.

17.7.3.E.4. Accessory building must be within easements, meet minimum setbacks, and be at least ten feet (10') from the primary structure.

17.7.3.E.5. Accessory building shall not cover more than twenty-five percent (25%) of the front yard.

17.7.3.E.6. Not more than one (1) accessory building will be allowed in the front yard, per lot.

17.7.3.E.7. Accessory building shall not be less than and not more than one (1) story, and not higher than fifteen feet (15').

If the Planning Commission determines during pre-permit review that the required criteria exist on the ground and in drawings, it shall make a recommendation to the Town Council and shall forward written findings, supported by clear documentation, for the council's consideration at a regularly scheduled meeting. The Town Council shall then approve or deny the exception. If a recommendation for exception is denied the Town Council shall provide written findings, supported by factual documentation, of the reason(s) for denial to be included as part of the record.

17.7.4. DOMESTIC FARM ANIMALS.

17.7.4.A. The raising or keeping of domestic farm animals is permitted on lots one (1) acre or larger in size in the Rural Residential District and shall be subject to the following regulations.

17.7.4.B. All domestic farm animals shall be housed in enclosed corrals, stables, or other enclosures with open fenced exercise areas located a minimum of fifty feet (50') from any dwelling.

17.7.4.C. Domestic farm animals may be kept or raised in the following combination per acre of lot size:

17.7.4.C.1. Two (2) horses, or

17.7.4.C.2. Two (2) cows, or

17.7.4.C.3. One (1) horse and one (1) cow, or

17.7.4.C.4. Five (5) sheep/goats, or

17.7.4.C.5. One (1) cow and two (2) sheep/goats, or

17.7.4.C.6. One (1) horse and two (2) sheep/goats, or

17.7.4.C.7. One (1) horse and five (5) fowl, or

17.7.4.C.8. One (1) cow and five (5) fowl, or

17.7.4.C.9. Two (2) sheep/goats and five (5) fowl, or

17.7.4.C.10. One (1) sheep/goat and eight (8) fowl, or

17.7.4.C.11. One (1) horse and one (1) sheep/goat and two (2) fowl, or

17.7.4.C.12. One (1) cow and one (1) sheep/goat and two (2) fowl, or

17.7.4.C.13. Ten (10) fowl.

Note: Any partial acreage remaining shall not be counted so as to allow any additional domestic farm animals, only whole acres will be counted. In other words, the number and diversity of animals listed above is permitted on one (1) acre, and at least one (1) additional full acre of lot size is required to add any additional domestic farm animals on the lot.

17.8. OTHER PROVISIONS.

Exceptions to these regulations are provided in Chapter 4 of this Ordinance.

CHAPTER 18 MOBILE HOME DISTRICT. *REPEALED*

CHAPTER 19
AGRICULTURAL DISTRICT (A)

19.1. PURPOSE.

To promote and preserve in appropriate areas conditions favorable to agriculture.

19.2. PERMITTED USES.

19.2.1. Livestock, fowl and household pets.

19.2.2. Agricultural uses, farming and gardening.

19.2.3. Barns, corrals, pens, coops, machinery sheds and other buildings incidental to agricultural operations.

19.3. CONDITIONAL USES.

19.3.1. Public riding stables, equestrian racetracks and related facilities.

19.3.2. Commercial radio and television, and cellular telephone transmitting stations or towers.

19.3.3. Utility easements, public use, essential facilities.

19.3.4. Roadside stands for the commercial sales of produce grown on the premises.

19.3.5. Retail sales of nursery and/or greenhouse products.

19.4. MINIMUM AREA.

DISTRICT	MINIMUM LOT AREA
A	43,560 square feet (1 acre)*

19.5. MODIFYING REGULATIONS.

Stables, corrals, barns and chicken coops shall be located at least fifty feet (50') from the nearest dwelling or public street.

19.6. OTHER PROVISIONS.

Exceptions to these regulations are provided in VULU Chapter 4. of this Ordinance.

CHAPTER 20

COMMERCIAL ZONE (C)

20.1. PURPOSE.

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

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

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

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

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

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

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

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

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

20.2. GENERAL.

The Commercial Zone shall be characterized by clean, low-lit and suitably scaled development and buildings that reflect the rural character of Virgin. The zone provides for recreational, commercial, strictly limited residential, and visitor activities. The general amenity of the zone is one of business development enclaves located in the open rural countryside with compatible native landscape. The zone is intended to provide for small-scale commercial activities and outdoor recreational opportunities while promoting access to public lands and the Virgin River.

Development and its associated activities will be sustainable in nature, constituting mixed density development, best practice methods of waste disposal, and longevity in quality and built form. Development controls and design standards, in conjunction with provisions of the General Plan and other ordinances, will ensure that the zone provides for the social, economic and cultural well-being of the wider community, while assisting in ecological enhancement and the seamless integration of the built and natural environment.

20.3. LOCATION.

Commercial Zone designation is deemed acceptable in certain areas along the SR-9 frontage, extending west from 700 West ***[to the furthest west commercially zoned parcel as of the date of approval of this chapter]***. The described area is natural desert land with a dramatic backdrop of mesas. This visually fragile corridor provides the first impression of the town and of Zion Canyon for many visitors. Other considerations specific to this location include:

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

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

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

20.4. PERMITTED USES.

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

20.5. CONDITIONAL USES.

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

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

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

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

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

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

20.5.6. News stand.

20.5.7. Farm market or stand.

20.5.8. Art gallery.

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

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

20.5.11. Museum.

20.5.12. Non-motorized bicycle shop and tour services.

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

20.5.14. Reception or event facility.

20.5.15. Trails.

20.5.16. Shuttle stop.

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

20.5.18. Limited Commercial Habitation (per Chapter 8.12.).

20.6. BUILDING LOCATION.

Structures shall not be located on ridges, hilltops, or within fifty feet (50') of SR-9 right-of-way. Development envelopes shall be designated during the approval process and recorded on the final plan. There shall be no excavation or disturbance of the natural vegetation or landforms beyond the approved streets, driveways, and development envelopes.

20.7. BUFFERS AND LANDSCAPING.

Those properties with frontage on SR-9 shall have a minimum fifty-foot (50') landscaped or well-maintained natural buffer between the boundary of SR-9 and the development. In lieu of sidewalks along the state highway, a continuous trail for use by pedestrians and bicycles shall be developed in accordance with Town standards, which may be located within this buffer zone. A thirty-foot (30') landscaped buffer shall also be provided between commercial and residential properties.

To the extent practical, existing significant landscape features, including existing non-noxious trees and large shrubs, shall be preserved and incorporated into the final landscape and site plans. Should a mature tree be removed, two approved trees of four-inch (4") or greater caliper shall be planted and maintained, and replaced should they become unhealthy. Vegetation and other land features to be preserved shall be clearly marked during all phases of site development. Plants shall be drought tolerant and low-water use plants.

20.8. PARKING.

A minimum of thirty-five feet (35') depth landscape screen is required where parking occurs between a building and SR-9. This landscaping screen may be counted toward buffer required in Chapter 20.7. Parking behind buildings is strongly preferred. At least eighty percent (80%) of required parking must be located on the side or rear of each land use. No contiguous parking area may be more than one-hundred feet (100') long. Parking areas shall be screened by buildings, berms and/or landscaping as determined in design or conditional use review. Shade trees may be required in larger lots.

20.9. WATER FEATURES.

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

20.10. OPEN SPACE.

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

20.11. BUILDINGS.

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

20.12. BUILDING HEIGHT.

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

20.13. OUTBUILDING/ACCESSORY BUILDING HEIGHT.

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

20.14. MAXIMUM BUILDING SIZE.

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

20.15. ARCHITECTURE AND DESIGN.

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

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

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

20.15.3. No corporate architectural design is permitted.

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

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

residences. Flat roofs visible from neighboring properties or SR-9 shall be gray or brown in color.

20.16. WASTEWATER COMPLIANCE.

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

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

20.17.1. NATURAL HAZARDS.

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

20.17.2. GRADING.

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

20.17.3. LIGHTING.

Exterior lighting may be installed to provide for safety and security. Proper controls must be provided to preserve, to the greatest extent possible, the visual qualities of the night sky and to

protect neighboring properties from light trespass, glare, and pollution. To this end, the provisions of VULU Chapter 4.20. will be enforced.

20.17.4. FLAGPOLES.

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

20.17.5. MECHANICAL DEVICES.

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

20.17.6. TRASH.

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

20.17.7. SCREENING.

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

20.17.8. STORAGE.

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

20.17.9. QUIET TIME.

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

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

20.18.1. Minimum Area and Setback Requirements.

SETBACKS (measured in feet)

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

CHAPTER 21

RESORT ZONE (RZ)

21.1. PURPOSE.

The purpose of this Chapter is to permit development of resort-oriented properties in the Town of Virgin in appropriate districts, and to provide for the regulation and control of such projects. The Town of Virgin is located in a corridor near Zion Park which receives millions of visitors each year, and it is deemed in the best interest of the Town of Virgin to have a zoning classification which will accommodate resorts designed to service the tourism in the Town of Virgin. This zone is intended to accommodate resort properties which are designed to provide a place for accommodating recreation and entertainment for the visitors to the area.

21.2. LOCATION.

(as amended 2011-04-27)

The Resort Zone designation covers an area with Tax ID #V-2-1-23-321 and #V-2-1-23-320, from south of State Route 9 south to the Virgin River. There shall be no further expansion of the Resort Zone. The standards of this zone remain valid for parcels so designated at the time of adoption of the Highway Resort Zone; however, Resort Zone is obsolete for purposes of rezoning new parcels, as the nearby Highway Resort Zone was adopted as an update to this zone. In any event, characteristics qualifying it as the best location for the intended use are similar to the adjacent Highway Resort Zone and include the following:

21.2.1. Natural features of the vegetation and topography are few, because the land has historically been in agricultural use.

21.2.2. Substantial flood zone is included in the designated tract; recreational and seasonal activities are a valuable and logical use for this land.

21.2.3. Much of the designated area is low-lying, relative to highway elevation. The river, which forms its lower 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.

21.2.4. 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.

21.2.5. Any properties on the south side of the Virgin River, which are also part of parcels located on the north side of the Virgin River, shall have no building of a business or resort use.

21.3. PERMITTED USES.

There are no permitted uses in a resort zone. All uses in a resort zone are by conditional use permit.

21.4. CONDITIONAL USES.

21.4.1. Recreational Vehicle Resort/Campground.

21.4.2. Motel/Hotel.

21.4.3. Parks and Playgrounds (incident to resort property).

21.4.4. Retail Trade (incident to resort business).

21.4.5. Restaurants (incident to resort business).

21.5. CONDITIONAL USE PERMIT REQUIRED.

The approval for any project and the continuing use of the property shall be subject to a conditional use permit.

21.5.1. PROJECT APPROVAL.

In order to obtain a conditional use permit, the owner shall submit to the Town detailed plans and specifications for the project which will show all improvements to the project included but not limited to, roads, septic design (or sewer as the case may be), utility design, architectural design of all buildings or other structures, and overall project layout and landscape plan. Included in the design shall be appropriate screening of the project where necessary through the building of wall and screening by landscaping. Included in the presentation shall be the proposed density for the project which density the Town Council reserves the right to require modification to provide for adequate parking, landscape and screening appropriate to the area, recreational amenities, and septic ability.

21.5.2. LIMITED COMMERCIAL HABITATION.

21.5.2.A. Purpose. The purpose of this exception to the prohibition of residential use in the 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.

21.5.2.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 8.12.

CHAPTER 22

HIGHWAY RESORT ZONE (HRZ)

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.

The Highway Resort Zone designation covers an area with Tax ID #s V-2136-C, V-2137-A, V-2151-A, V-2150-B-1, V-2148-B-2, V-2142, approximately from the east edge of the Forsmith L.L.C. Property (the owner of the existing Zion RV park) to the east boundary of the Petroglyph Partners LC property, and south of Highway 9 to the Virgin River. 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:

22.3.1. Natural features of the vegetation and topography are few, because the land has historically been in agricultural use.

22.3.2. Substantial flood zone is included in the designated tract; recreational and seasonal activities are a valuable and logical use for this land.

22.3.3. Much of the designated area is low-lying, relative to highway elevation. The river, which forms its lower 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.

22.3.4. 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.

22.3.5. Any properties on the south side of the Virgin River, which are also part of parcels located on the north side of the Virgin River shall have no building of a business or resort use.

22.4. PERMITTED USES.

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

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 INCIDENT 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.

22.6. PROHIBITED USES.

All uses not listed as permitted or conditional shall be deemed prohibited. It is intended that 'service station' be a conditional use in this zone; however, it will remain prohibited until specific standards for this use are adopted and incorporated into VULU.

22.7. SITE CONSIDERATIONS.

22.7.1. MINIMUM AREA AND SETBACK REQUIREMENTS.

SETBACKS (measured in feet).

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

22.7.2. BUILDING LOCATION.

Structures shall not be located on ridges, hilltops, or within fifty feet (50') of SR-9 easement.

22.7.3. LANDSCAPING.

22.7.3.A. Properties with frontage on SR-9 shall have a minimum fifty-foot (50') landscaped or well-maintained natural buffer between the southern boundary of SR-9 and the development. In lieu of sidewalks along the state highway, a continuous trail for use by pedestrians and bicycles shall be developed in accordance with Town standards, which may be located within this buffer zone. A thirty-foot (30') landscaped buffer shall also be provided between Resort Zone and residential properties.

22.7.3.B. To the extent practical, existing significant landscape features, including existing non-noxious trees and large shrubs, shall be preserved and incorporated into the final landscape and site plans.

22.7.3.C. Should a mature tree be removed, two (2) approved trees of four-inch (4") or greater caliper shall be planted and maintained, and replaced should they become unhealthy. Vegetation and other land features to be preserved shall be clearly marked during all phases of site development.

22.7.3.D. Plants shall be drought tolerant and low-water-use plants. An approved list can be found in the Design Review materials.

22.7.4. PARKING.

A minimum of thirty-five feet (35') depth landscape setting is required where parking occurs between a building and SR-9. 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.

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.

In no case shall any one building exceed 20,000 square feet.

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.

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 VUZ0 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.

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).

CHAPTER 23

RESTRICTED DEVELOPMENT OVERLAY ZONE (RD)

23.1. PURPOSE.

To provide for protection of property owners in areas of existing zones which are subject to development constraints as a result of environmental conditions.

23.2. PERMITTED USES.

No uses are specifically permitted in this zone.

23.3. CONDITIONAL USES.

All potential uses are subject to a Conditional Use Permit granted by the Virgin Town Council.

23.4. OTHER PROVISIONS.

23.4.1. Areas falling under the provisions of this section are shown generally on the official zoning map for the Town of Virgin. Specific boundaries of this district shall be determined by the Virgin Town Planning and Zoning Commission and approved by the Virgin Town Council.

23.4.2. Applicants for Conditional Use Permits within this zone must present detailed engineering studies as required by the Virgin Town Planning and Zoning Commission relating to potential problems of developing these areas.

23.4.3. Applicants for Conditional Use Permits within this zone must show what measures will be employed to mitigate flood and flash flood dangers in these zones. Such measures must be developed through consultation with an engineer, planner, architect, Arm Corps of Engineers, State Division of Comprehensive Emergency Management, and other professionals experienced with development proposals.

CHAPTER 24

OPEN SPACE DISTRICT (OS)

24.1. PURPOSE.

To promote and preserve open space in appropriate areas in keeping with the Town goals of protecting its unique landscape, views of open desert and geologic formations, access to river, trails, parks, and public lands; clean air and water; rural atmosphere; and beneficial vegetation and wildlife. To provide a zoning tool to help decision makers accomplish Town goal to limit density of use; to avoid undue burdens on town to provide services, infrastructure, or other financial contribution; to encourage only orderly, integrated growth at a manageable rate appropriate for a small town; and to assure future connectivity of utilities, streets, roads, trails, and open space.

24.2. LOCATION. All public lands within Virgin Town boundaries under the administration of the Bureau of Land Management or the State of Utah as of the date of adoption of this Chapter, as well as any properties subsequently rezoned to this designation.

24.3. PERMITTED USES.

24.3.1. Recreational hiking, bicycling, and horseback riding.

24.3.2. Grazing.

24.3.3. Single-family home.

24.4. CONDITIONAL USES.

24.4.1. Trails for public recreation.

24.4.2. Other public recreation facilities.

24.4.3. Utility easements, public use, essential facilities

24.5. MINIMUM AREA. Forty (40) acres.

24.6. MODIFYING REGULATIONS.

A single family home in this zone is subject to the regulations and requirements of the Rural Residential zone.

CHAPTER 25

CONGREGATE LIVING FACILITIES

25.1. SPECIAL GUIDELINES.

In order to determine which types of businesses and congregate living facilities will work best in which zones, certain properties of proposed enterprises must be considered.

25.1.1. For the purposes of this ordinance, an **'open'** residence is one where inhabitants come and go as they please, where movements of occupants and their visitors are unrestricted by formal program rules or by external law. An **'open'** facility is one in which residents have unrestricted interaction with the community. Such facilities encourage integration of residents in a neighborhood atmosphere and, in commercial areas, connect and enhance surrounding commerce spaces.

25.1.2. For the purposes of this ordinance, a **'closed'** residence is one where inhabitants are strictly monitored, where movements of occupants may be limited by formal program rules and/or external law. A **'closed'** facility does not necessarily provide unrestricted interaction with the community. Such facilities do not encourage unsupervised integration into the neighborhood and, in commercial zones, create commerce-stagnant areas which may interrupt the flow of consumer-oriented business.

25.1.3. For the purposes of this ordinance, a **'permanent'** residence or CLF means any building or portion thereof where individuals are actually residing at a given point in time and intend to remain, and not a place of temporary sojourn or transient visit.

25.1.4. For the purposes of this ordinance, a **'temporary'** CLF or residence means any building or portion thereof intended to house occupants on a temporary basis.

25.1.5. For the purposes of this ordinance, a **'tourist-based'** CLF or residence means any building or portion thereof designed specifically to accommodate those visiting the area for recreation or entertainment.

25.1.6. For the purposes of this ordinance, a **'non-tourist-based'** CLF or residence means any building or portion thereof not necessarily intended for those visiting the area for recreation or entertainment.

25.1.7. For the purposes of this ordinance, a **'tax-base contributory'** facility is one which provides substantial sales, service, or, if authorized by the state and adopted by resolution of the Town Council, tourist or resort taxes to the town.

25.1.8. For the purposes of this ordinance, a ‘**non-tax-base contributory**’ facility is one which does not contribute substantial sales, service, tourist, or resort taxes to the town.

25.2. PLACEMENT.

25.2.1. RESIDENTIAL (R) AND RURAL RESIDENTIAL ZONES (RR).

Because it is the purpose of Virgin’s residential zones to provide and protect areas for low density, single-family residences, CLF occupants shall be limited to five or fewer in these zones. A residential facility for the disabled or the elderly is a permitted use in any zoning area where similar residential dwellings that are not residential facilities for the disabled or elderly are allowed [see UCA 10-9-605 as amended]. Because it is the goal of state and federal laws protecting the disabled and elderly to encourage the “deinstitutionalization” and the “mainstreaming” of these classes into “normalized” residential neighborhoods, and because closed facilities do not contribute to harmonious neighborhood character or integration into residential communities, only ‘open’ CLF’s are permitted in these zones. Because the continuity and stability of a residential neighborhood is disrupted by the transitory nature of temporary residents, only ‘permanent’ residential facilities are permitted in these zones. No congregated living facility which would likely create a fundamental change in the character of a residential neighborhood shall be permitted in these areas.

25.2.2. FUTURE MULTIPLE RESIDENTIAL DISTRICT (RM).

Because it will be the purpose of Virgin’s Multiple Residential District, should such a zone be created and adopted, to provide and protect areas for medium density residences, the maximum occupancy of a CLF shall be in accordance with the applicable density requirements of Virgin Uniform Zoning Ordinance. In any case, more than ten unrelated occupants shall require a CLF permit. Because it is the goal of state and federal laws protecting the disabled and elderly to encourage the “deinstitutionalization” and the “mainstreaming” of these classes into “normalized” residential neighborhoods, only ‘open’ CLF’s are permitted in these zones. Because the continuity and stability of a residential neighborhood is disrupted by the transitory nature of temporary residents, only ‘permanent’ residential facilities are permitted in these zones.

25.2.3. RESORT ZONE (RZ).

Because it is the purpose of Virgin’s Resort zone to accommodate resort properties which are designed to provide recreation and entertainment for visitors to the area, no ‘non-tourist based’ facilities are permitted in this zone.

25.2.4. COMMERCIAL ZONE (C).

Because it is the purpose of Virgin’s Commercial zone to accommodate commercial businesses designed to service the citizens of Virgin Town and visitors to the area, including the

encouragement of foot traffic, 'closed' CLF's are not permitted in this zone. Because Virgin's limited commercial zones will carry the majority of the burden to provide revenue to the town, only 'tax-base contributory' businesses are permitted in this zone.

25.2.5. FUTURE INDUSTRIAL COMMERCIAL ZONE (IC).

Because it will be the purpose of Virgin's Industrial Commercial zone, should one be created and adopted, to provide opportunities removed from its public commerce corridor for non-consumer based businesses which do not necessarily deal directly with the public, 'closed' CLF's are permitted in this zone.

25.3. REQUIREMENTS.

25.3.1. GENERAL.

25.3.1.A. A CLF shall comply with all standards, provisions and rules of the applicable sections of Utah Administrative Code. A CLF is subject to the Virgin Uniform Zoning Ordinance, the standards contained herein, and the exemptions below.

25.3.1.B. A CLF shall comply with all building, safety, and health regulations applicable to similar structures. As part of this requirement the following site development standards and parking standards shall be applicable:

25.3.1.B.i. Each CLF in a residential zone shall be subject to minimum site development standards applicable to a single family dwelling or other similar dwelling in the zone in which the CLF is located;

25.3.1.B.ii. The minimum number of parking spaces required for a CLF in Residential or Rural Residential zones shall be the same as those for a similar dwelling located in the same zoning district in which the CLF is located; and

25.3.1.B.iii. A CLF in a residential zone shall not have any structural or landscaping alterations that would change the residential character of the structure or the surrounding area.

25.3.1.C. Any conversion of buildings or new construction of a congregate living facility shall require that the development standards of Virgin Uniform Zoning Ordinance and the Virgin Town General Plan are met.

25.3.1.D. Any conversion of existing buildings or uses to a congregate living facility, or any new construction of a CLF outside of Residential and Rural Residential zones shall provide at least thirty percent (30%) of the area as open green space or playground, sufficient parking to service the number of vehicles likely to be used by the maximum allowed number of residents, and adequate off street parking spaces for the staff and visitors of the CLF as determined by the Town Council. The Town Council may reduce the parking requirement as part of the permit or

license approval upon a finding that less parking will meet the needs of the public and the proposed program.

25.3.1.E. The number of residents in a CLF shall not increase above five unless a conditional use permit is recommended by the Planning and Zoning Commission and approved by the Town Council.

25.3.1.F. The Planning and Zoning Commission and Town Council shall consider the General Plan, protection of neighborhood character and permitted uses in underlying zones, and the aesthetics of any proposed building in making its recommendations and/ or approval to any congregate living facility.

25.3.1.G. In review of any application for reasonable accommodation, the Town Council shall consider whether the use proposed will fill a demonstrated community need, and shall analyze the anticipated impact of the proposal on surrounding existing or intended uses, including the result with any written findings made. Consideration and analysis may include but are not limited to field trips to the site, commissioned studies, expert opinions, and etc. Before granting any application for reasonable accommodation, the Town Council shall find:

25.3.1.G.i. That the applicant is eligible for reasonable accommodation because the facility will house a meaningful proportion of the legally disabled.

25.3.1.G.ii. That the accommodation will affirmatively enhance the quality of life of the disabled by ameliorating the effects of their disabilities.

25.3.1.G.iii. That the accommodation will impose no undue financial or administrative hardship on the Town.

25.3.1.G.iv. That the accommodation proposed is required by federal law and is necessary to provide an equal opportunity for housing to the disabled.

25.3.1.G.v. That the accommodation will not adversely impact the harmony or intended character of the zone.

25.3.1.G.vi. That the proposed accommodation will not adversely impact legislative goals of the rule being relaxed, including those designed to protect the aquifer and comply with the guidelines of the Town's contract with the Washington County Water Conservancy District.

25.3.1.H. All recipients of facility services shall reside on site.

25.3.1.I. Any CLF which is a business shall maintain active, current business entity status with the Utah Department of Commerce.

25.3.1.J. Prior to the occupancy of any CLF requiring state licensure or certification, the person or entity to be licensed or certified shall:

25.3.1.J.i. Provide a copy of such license or certification to the Town, and

25.3.1.J.ii. certify in a sworn affidavit to the Town that no person will reside or remain in the facility whose tenancy would likely (i) constitute a direct threat to the health or safety of other individuals, or (ii) result in substantial physical damage to the property of others.

25.3.2. LARGE CLF's

25.3.2.A. All CLF's housing more than five (5) shall require a conditional use permit. For purposes of state licensure, a CLF may receive preliminary approval of the permit from the Town Council. However, final approval is contingent upon receipt and review of documentation of compliance with all federal, state, and local regulations and requirements, by the Town Council. Preliminary approval is offered as a convenience and is in no way an assurance of final granting of the permit if all requirements are not met.

25.3.2.B. The application for a conditional use permit shall include sufficiently detailed site plans, building plans or remodeling plans, and all other information necessary to determine compliance with building, fire, safety and health regulations and standards applicable to similar dwellings. Any alterations must be reviewed and recommended by the Town Planning and Zoning Commission before a conditional use permit is approved.

25.3.2.C. The Virgin Town Planning and Zoning Commission may recommend and Council may approve a conditional use permit and/or Town license to operate a Congregate Living Facility they deem to be in harmony with the zone, the surrounding uses, and the General Plan; and in the best interests of the health, safety and welfare of the Town, within the limits of this Ordinance, Utah Code Annotated, and Utah Administrative Code. Commission and Council shall consider in its decision any anticipated impacts of traffic, noise, disruption, added infrastructure, or saturation in the location proposed.

25.3.2.D. A business plan and a community impact study shall be provided by the applicant as part of the application for the conditional use permit. The impact study shall be commissioned by the Town at applicant's expense, and shall be conducted by an appropriately qualified firm or individual within any guideline passed by resolution of the Town (if any). The findings shall include results of a groundwater protection study, and shall specifically describe and evaluate the programs provided and the impact of the congregate living facility on local schools, the Town's economy and economic resources, the tax revenue of the Town, the Town's infrastructure including water hookup, sewer, septic and floodplain concerns, public safety and law enforcement, traffic, aesthetics, tourism, and neighboring properties and businesses, including the impact on property values, if any, and the impact of the use on any other uses within or proposed within the same building to be used as a congregate living facility.

25.3.2.E. The number of residents in a CLF shall not increase above the number allowed in the conditional use permit unless an amendment to the permit is recommended by the Planning

and Zoning Commission and approved by the Town Council. Any request for amendment shall be accompanied by a new study as described in Chapter 25.3.2.D. above.

25.3.3. BUSINESS LICENSE.

25.3.3.A. The owner or provider of a CLF for more than five people which is a business shall be required to maintain a valid Business License with the Town of Virgin.

25.3.3.B. Facility shall notify the Town immediately if a state or county license, permit or certification status changes (for instance, if the facility is placed under a conditional license by the licensing division of the state). The Town shall then review the reasons for the change in status and may, after a hearing and at the discretion of the Town Council, revoke the facility's Town license or place additional conditions on the facility's permit.

25.3.3.C. Permission to operate a congregate living facility as regulated by this section shall be subject to a nontransferable Town license which shall be revoked if at any time it is demonstrated to the Town Council, that:

25.3.3.C.i. The structure is devoted to a use other than the Town approved use; or

25.3.3.C.ii. the structure or program fails to comply with the requirements of this ordinance; or

25.3.3.C.iii. the applicant has not obtained and maintained all licenses from the state and/or county required to operate and provided the Town with proof of such licenses. If the license issued by the State of Utah expires, the Town of Virgin Business License will automatically become void and the CLF must close;

25.3.3.C.iv. material false information has been provided by the applicant during the process of obtaining a license or permit.

25.3.3.D. Town Business Licenses granted to congregate living facilities shall expire upon the expiration, revocation, or surrender of any state or county license or permit or other regulatory license of the facility.

25.3.3.E. A Business License to operate any congregate living facility, as authorized by this Chapter, is specific to the facility's location, is nontransferable, and shall only be valid to the owner or provider identified on a valid Town Business License authorizing the operation of such and identified as the owner or provider licensed or certified by the appropriate Department of the State of Utah.

25.4. EXCEPTIONS.

25.4.1. No CLF shall be made available to an individual whose tenancy would:

25.4.1.A. Constitute a direct threat to the health or safety of other individuals, or

25.4.1.B. result in substantial physical damage to the property of others. (It is not the intention of this subsection to establish any legal basis for tort liability on the part of the facility operator.)

25.4.2. No CLF shall be made available to an individual who:

25.4.2.A. is a current user of illegal drugs, or

25.4.2.B. as been convicted of the illegal manufacture or distribution of controlled substances.

25.4.3. No CLF licensed for the housing of more than five (5) persons which is not in a Resort Zone shall be established or maintained within 660 feet measured in a straight line between the closest property lines of the lots or parcels, of another such CLF.

25.4.4. Pursuant to U.C.A. 10-9-501, 502, 503 and 504, a CLF which is a residential facility for elderly persons housing up to eight (8) occupants in any residential area other than one zoned specifically for single-family dwellings shall be exempt from the requirements specified by Section X-3.2.

25.5. FEES AND FINANCIAL CAPABILITY.

25.5.1. The applicant for a permit or license to operate a congregate living facility shall pay the applicable license and permit fees as set by the Town Council.

25.5.2. Any costs to the Town for police, emergency, search, fire, or rescue services arising as a result of acts of CLF consumers, staff or management shall be the responsibility of the permittee(s).

25.6. PROCEDURE.

25.6.1. CHECKLISTS.

Anyone desiring to procure a Virgin Town permit and/or license to operate a CLF shall begin the process by completing any appropriate Congregate Living Facility Checklist, in the event one is adopted by the Town Council, consulting with the Town Clerk or Zoning Administrator when necessary. When the checklist has been reviewed and deemed complete by the Town Clerk and the Zoning Administrator, the applicant may be placed on the agenda of the next meeting of the Virgin Planning and Zoning Commission.

25.6.2. PLANNING AND ZONING RECOMMENDATION.

The Planning and Zoning Commission will hear the applicant's proposal, review the checklist and all required documentation, and determine whether or not it is in harmony with the Virgin Town General Plan and in compliance with the Virgin Town Uniform Zoning Ordinance and

State and Town standards for granting a Town license or permit. The Planning and Zoning Commission shall consider public input as well as any request for reasonable accommodation, and make its findings and recommendation to the Town Council, including any specific regulations to be placed on the permit, in writing. Writing requirement may be deemed satisfied by approved written minutes provided that findings are articulated in the minutes of a meeting.

25.6.3. PUBLIC HEARING REQUIRED.

The Planning & Zoning Commission shall publish notice at least ten (10) days in advance and hold a public hearing to gather input from citizens on the granting of a conditional use permit to a congregate living facility.

25.6.4. TOWN COUNCIL APPROVAL.

Once the Planning and Zoning Commission has forwarded formal written recommendations to the Town Council, the applicant may be placed on the agenda of a Town Council meeting. The Council may then approve, modify and approve, or deny the license or permit.

25.6.5. REASONABLE ACCOMMODATION.

None of the foregoing conditions shall be interpreted to limit any reasonable accommodation necessary to allow equal opportunity for the disabled in the establishment or occupancy of a residential facility. If the Zoning Administrator, the Planning and Zoning Commission, or the Town Council should have objective reason to believe an applicant is in need of reasonable accommodation, applicant shall be reminded or informed of the Town policy to reasonably accommodate the disabled, and inquired of as to whether he or she would like to be considered for such an accommodation. Should the applicant respond in the affirmative, the official shall (i) assist in filling out the Reasonable Accommodation Information Submission form to the applicant in regularly scheduled public meeting, or (ii) offer the Information Submission form to the applicant to fill out and return to the Town.

25.6.5.A. Any applicant for a project which will provide housing for a meaningful proportion of disabled persons may apply for reasonable accommodation to the Town Council. The applicant shall articulate on the application form the basis for the requested accommodation.

25.6.5.B. Any and all legally protected medical information provided by applicant will be reviewed as confidential, and shall be exempt from disclosure by the Town.

25.6.5.C. Each application for a reasonable accommodation shall be decided by the Town Council within not more than thirty (30) days.

25.6.5.D. If a request for a reasonable accommodation is denied, specific reasons for denial shall be made in writing or in the approved minutes of a meeting by the Town Council. Where appropriate, Council shall enumerate possible mitigations of any causative impacts or

deficiencies underlying denial, with the understanding that the applicant is free to request a new accommodation.

25.6.5.E. The Town of Virgin shall make available to all CLF applicants Reasonable Accommodation Information Submission Forms (attachment A).

25.6.6. DISPUTES.

In the event of a dispute, every effort shall be made to explore all reasonable alternative dispute resolution methods, such as requesting a variance, applying for reasonable accommodation, or participating in mediation or arbitration by mutual agreement between all affected parties.

25.7. SEVERABILITY.

If any portion of this ordinance is held to be unconstitutional, invalid, or unenforceable, the remainder of this ordinance shall be deemed severable and shall not be affected, and this ordinance shall remain valid.

25.8. CONFLICT.

The terms, standards, and requirements specified by this ordinance shall, wherever there is a conflict, supersede those of all previous ordinances and regulations of Virgin.

25.9. SCHEDULE OF ZONING.

Occupancy maximums stated in the chart below shall refer to the maximum number of occupants, excluding daytime employees and/or service providers.

CONGREGATE LIVING FACILITY OCCUPANCY LIMITS

CLASS ZONE	RESIDENTIAL	RURAL RESIDENTIAL	AGRICULTURAL	COMMERCIAL	FUTURE INDUSTRIAL/COMMERCIAL	FUTURE MULTI-RESIDENTIAL	RESORT
OPEN	5	5	X	15 CUP	15 CUP	10	Refer to Chapter 8; CUP
CLOSED	X	X	X	X	20 CUP	X	X
TOURIST-BASED	X	X	X	15 CUP	X	X	Refer to Chapter 8; CUP
NON-TOURIST BASED	5	5	X	15 CUP	15 CUP	10	X
PERMANENT	5	5	X	15 CUP	15 CUP	10	X
TEMPORARY	X	X	X	15 CUP	15 CUP	X	X
TAX-BASE CONTRIBUTORY	5	5	X	15 CUP	15 CUP	10	Refer to Chapter 8; CUP
NON-TAX BASE CONTRIBUTORY	5	5	X	X	15 CUP	10	Refer to Chapter 8; CUP

CHAPTER 26

SIGN REGULATIONS

26.1. GENERAL PROVISIONS.

26.1.1. TITLE.

26.1.2. INTENT AND PURPOSE.

26.1.2.A. The Sign Regulations are intended to enhance the character of the community and protect its various districts against visual blight. A proliferation of signs can seriously detract from the pleasure of observing the natural scenic beauty of the Town of Virgin and the human environment.

26.1.2.B. Recognizing that sign visibility is critical to the success of local businesses in Virgin and that most Virgin businesses and signs are located on SR-9 where through traffic travels at high speeds; the regulation of signs should maintain and enhance the visual aesthetic and character of Virgin while ensuring sufficient sign visibility.

26.1.2.C. It is necessary to regulate the size, type and location of signs to encourage the effective use of signs as a means of communication and to provide equality and equity among sign owners and those who wish to use signs.

26.1.2.D. Signs have an important design component and must be architecturally compatible with affected structures and the character of surrounding development in order to maintain the overall quality of a neighborhood or commercial district.

26.1.2.E. The cumulative effect of numerous signs close to each other has a detrimental impact which can not be addressed in any way other than by limiting the number and size of all signs.

26.1.2.F. It is necessary for public safety that official traffic regulation devices be easily visible and free from nearby visual obstructions and distractions, such as attention-getting signs, an excessive number of signs, or signs in any way resembling official signs.

26.1.2.G. It is the intent of these regulations to regulate the time, place and manner under which signs are permitted, and not the content of signage, with the exception of content that can be prohibited by law as defined by the U.S. supreme court in Miller vs. California, 413 U.S. 15, 24 (1973).

26.1.3. APPLICABILITY.

This chapter shall apply to all property and land within the jurisdiction of the Town of Virgin. It is unlawful for any person, firm, or corporation that owns, occupies, or controls property in the Town of Virgin to construct, maintain, display or alter or cause to be constructed, maintained, displayed or altered, a sign within the Town except in conformance with this chapter.

26.1.4. SEVERABILITY CLAUSE.

If any portion of this ordinance is found to be unconstitutional, only that portion of the ordinance may be invalid, the remaining content shall remain in effect.

26.1.5. NO SIGN SHALL VIOLATE STATE OR NATIONAL SCENIC BYWAYS STANDARDS established in Title 23, Section 162 of the United States Code. [see www.bywaysonline.org for more information.]

26.2. EXEMPTIONS.

The following signs are exempt from the permitting process and do not require a sign permit. Signs that exceed the limits outlined below are prohibited or, if allowed under this chapter, require permitting process.

26.2.1. CONSTRUCTION SIGNS.

One (1) non-illuminated sign per construction project not to exceed eight (8) square feet in area, nor six feet (6') in height, used to indicate owner, general contractor, architect and other pertinent construction data. Such signs shall not be erected more than five (5) days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the construction site, and shall be removed within five (5) days of completion, occupancy, or expiration of building permit, whichever occurs first.

26.2.2. DIRECTIONAL OR INSTRUCTIONAL SIGNS.

Signs not to exceed four (4) square feet in area identifying restrooms, public telephones, walkways or signs providing direction such as parking lot entrance and exit signs and those of similar nature. Such signs shall be located entirely on the property to which they pertain and shall not in any way advertise or otherwise mention a business. Such signs shall be either wall-mounted or freestanding. If freestanding and such sign is located adjacent to a street, it shall be placed at the driveway or sidewalk entrance to the property closest to the item being identified. Freestanding directional signs shall not exceed three feet (3') above grade. If wall-mounted, no portion of such sign shall be placed higher than eight feet (8') above grade. Directional or instructional signs visible from the public right of way shall not exceed a total of two (2) such signs per business or business center.

26.2.3. FLAGS.

26.2.3.A. Flags flown on a temporary basis for purposes of honoring national or civic holidays, provided such flags do not exceed eight feet (8') long in its largest dimension.

26.2.3.B. Up to three (3) official flags or emblems of national, state or local governments, provided all such flags or emblems shall be placed on flagpoles not attached to a building or structure, nor exceeding twenty five feet (25') in height. Such flag shall not exceed eight feet (8') long in its largest dimension.

26.2.3.C. One (1) Garrison flag as defined in VULU Chapter 22 for the Highway Resort Zone. Such flag shall not exceed twenty-four feet (24') long in its largest dimension.

26.2.3.D. Faded, torn or stained flags are prohibited.

26.2.3.E. Exceptions to allow up to two (2) advertising flags or more than three (3) national flags may be granted by the Planning and Zoning Commission for good cause.

26.2.4. GOVERNMENT SIGNS AND PUBLIC SERVICE SIGNS.

Signs indicating danger, notices issued by any court and aids to service or safety which are erected by or on the order of a public officer in the performance of his public duty.

26.2.5. HISTORICAL OR MEMORIAL SIGNS.

Memorial signs or tablets erected by recognized historical agencies, containing names of buildings, dates of erection or related information, provided the sign is cut into any masonry surface or installed so as to be part of the building and does not exceed two (2) square feet in area.

26.2.6. HOLIDAY SIGNS.

Signs of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local or religious holiday which do not display the name of a business, product or other advertising material. Such signs shall be displayed for a period of not more than forty (40) consecutive days for the Christmas holiday and twenty (20) consecutive days for all other holidays, nor more than a cumulative of sixty (60) days in any twelve (12) month period.

26.2.7. HOUSE NUMBERS AND NAMEPLATES.

Not to exceed two (2) per address and each sign not to exceed two (2) square feet in area in all town zones.

26.2.8. INTERIOR SIGNS.

Signs located within the interior of any building or within an enclosed lobby or court of any building that are not visible from any public right of way.

26.2.9. MENUS.

Menus displayed on the exterior of premises occupied by restaurants shall be of the size and lettering normally used within the restaurants, provided such size does not exceed four (4) square feet; such displayed menus shall be attached to the structure.

26.2.10. OPEN HOUSE SIGNS.

Non-illuminated, off-site, portable signs, placed on private property, containing directions to the location of an open house which is for sale, limited to one sign per intersection corner, not to exceed a total of five (5) such signs, provided the signs:

26.2.10.A. Shall not exceed four (4) square feet in area nor four feet (4') in height; and

26.2.10.B. Shall be removed daily immediately following a scheduled open house.

26.2.11. ACCESSORY INTERNAL WINDOW SIGNS (SUCH AS OPEN/CLOSED SIGNS; NEON ESPRESSO SIGNS).

Each duly licensed business is allowed up to five (5) internal window signs not to exceed a combined area of eight (8) square feet for all internal window signs. Lighted window signs shall be turned off at the end of each business day.

26.2.12. POLITICAL AND CAMPAIGN SIGNS.

Any number of non-illuminated political or campaign signs on behalf of candidates for public office or measures on election ballots, limited to an individual sign area of six (6) square feet and a combined sign area not exceeding twelve (12) square feet per residence or business, provided said signs shall be placed only on private property, with the permission of the property owner.

26.2.13. PROTECTIVE SIGNS.

Non-illuminated flat signs of not more than one (1) square foot each which contain words protective of an occupant, such as "no trespassing", "beware of dog", and the like, provided such signs are placed only at intervals of not less than thirty feet (30') or in compliance with the requirements of state law, whichever is more restrictive. The total number of signs allowed per property shall be reasonable in number, not to exceed a total of six (6) such signs and shall comply with the intent of these sign regulations.

26.2.14. PUBLIC SIGNS.

Signs required or specifically authorized for a public purpose by any law, statute or ordinance.

26.2.15. REAL ESTATE SIGNS.

26.2.15.A. On each street frontage, for any lot or building, one non-illuminated sign which serves solely to advertise the actual intent to sell, rent or build to suit, provided:

26.2.15.A.1. Such sign is located entirely within the property to which the sign applies;

26.2.15.A.2. Each individual sign shall not exceed six (6) square feet, nor four feet (4') in height and the total combined sign area shall not exceed twelve (12) square feet; and

26.2.15.A.3. The signs shall be removed with seven (7) days after the sale, rental or lease has been consummated.

26.2.16. SERVICE STATION SIGNS.

For any business selling automotive fuel, one price sign for each street frontage not to exceed eight (8) square feet in area, nor eight feet (8') in height. In addition, one "self/mini/full-serve" sign, not to exceed three (3) square feet in area, is allowed on each end of each pump island.

26.2.17. TEMPORARY SIGNS.

26.2.17.A. Special Event Signs. On-premise event advertising signs, not exceeding eight (8) square feet in area, that are painted on windows, attached to windows or walls, or affixed to a maximum of one (1) A-frame or sandwich board, provided that said signs are posted only during said event or no more than fourteen (14) days prior to said event and are removed no more than seven (7) days after an event .

26.2.17.B. Community Signs such as "missing" or "lost and found" signs are exempt for thirty (30) days and may only be posted on private property.

26.2.18. Wall murals and painted walls so long as the design is free of text advertising the business and logos as defined by this ordinance.

26.3. PROHIBITED SIGNS.

26.3.1. ABANDONED SIGNS.

Abandoned signs, including all structural and support elements.

26.3.2. ADVERTISING DEVICES THAT USE WIND.

Advertising devices which move in the wind, including, but not limited to, balloons or other gas filled figures, pennants, pinwheels and stringers.

26.3.3. ANIMATED SIGNS.

No sign shall be permitted which is animated by means of flashing, scintillating, blinking or traveling lights or any other means not providing constant illumination or intensity of illumination, including changeable signs as described in this section. This shall not include signal lights and other public safety signs maintained by government authority.

26.3.4. BEACONS AND SEARCHLIGHTS.

Lighted beacons, searchlights, other lights or lighted devices which attract attention to a property are prohibited.

26.3.5. BILLBOARDS.

Billboards, outdoor advertising and off site signs, except as allowed in other sections of these sign regulations.

26.3.6. CHANGEABLE SIGNS.

Electronically or electrically controlled "time and temperature", message center or reader board where copy changes automatically shall be prohibited. Signs on which copy or sign panels may be changed manually shall be prohibited, except service station signs, theaters, restaurants, and official 'Virgin Town Welcome Signs' as defined in VULU Chapter 26.9.

26.3.7. INTENSELY LIGHTED SIGNS.

Intensely lighted or exposed luminary sources such as exposed bulbs or tubes shall be prohibited. Exposed neon signs shall be prohibited, except for those allowed in VULU Chapter 26.2.

26.3.8. MISCELLANEOUS SIGNS AND POSTERS.

The tacking, posting or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on the walls of buildings, barns, sheds, on trees, poles, posts, fences or other structures, except to identify a residence or residence structure by means of posting the name of occupant or structure, and the street address, unless specifically permitted by this chapter. Miscellaneous signs may be permitted on a temporary basis, in certain locations, with prior written approval of the Planning and Zoning Commission.

26.3.9. MOVING SIGNS.

Signs that rotate, move or assume any motion constituting a non-stationary or non-fixed condition.

26.3.10. NATURAL OBJECT USED AS A SIGN.

No sign shall be painted on or affixed to any natural object in its natural location such as, but not limited to, a boulder, tree or cliff face.

26.3.11. PORTABLE SIGNS.

A-frame, sandwich board, or any sign not permanently affixed to the ground or to a structure on the site it occupies, except as provided for in this chapter.

26.3.12. REFLECTIVE SIGNS.

Signs made wholly or partially of highly reflective material.

26.3.13. SCULPTURE.

Sculpture, statues, fountains or other art or decorative articles made of plastic or vinyl, with or without advertising copy, which by reason of height, size, color or nature serve primarily to attract attention to an establishment, organization or enterprise rather than to serve a primarily decorative or landscaping function.

26.3.14. VEHICLE SIGNS.

Signs affixed upon a vehicle, trailer or the like that are temporary and promotional, parked conspicuously so as to attempt to direct attention to a place of business in an effort to circumvent the provisions of this chapter. This shall apply to vehicles parked on either public or private property. This shall not be construed as to prohibit customized automobile license plates.

26.3.15. OTHER SIGNS.

The following signs are also prohibited:

26.3.15.A. Signs which bear or contain statements, words or pictures of an obscene or pornographic character (as defined by the U.S. supreme court in Miller vs. California, 413 U.S. 15, 24 (1973), and anything that demeans or otherwise degrades religions, races or ethnic groups, or any other protected group.

26.3.15.B. Signs which emit audible sound, odor or visible matter.

26.3.15.C. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination, may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign or signal or device.

26.3.15.D. Signs, except as may be required by law, placed or maintained so as to interfere with free ingress to or egress from any door, window or fire escape.

26.3.15.E. Signs, including political signs, attached, maintained, painted, printed or otherwise affixed to any curb, sidewalk, post, pole, hydrant, bridge, bench, tree or other surface on public property or over or across any street or public thoroughfare, except by a duly authorized public employee or as required or permitted by law.

26.4. MINIMUM SIGN STANDARDS.

All signs must conform to building, structural, and electrical codes as well as regulations of the town. A sign permit is not required to repaint, clean or perform other activities normally associated with maintenance and repair of a sign. However, before changes can be made to the structure, design, color, character or advertiser of a sign, a new permit must be obtained. Except as further restricted by this title, all signs shall be subject to the following minimum requirements:

26.4.1. SETBACKS.

26.4.1.A. Signs less than three feet (3') in height may be placed in the clear view area. No sign greater than three feet (3') in height may be placed where it obstructs the clear view area.

26.4.1.B. Signs more than three feet (3') in height must have a front setback of at least eighteen inches (18") from the front property line as measured from leading edge of the sign. All signs are subject to the side and rear yard setbacks of the underlying zone. Signs shall also meet clear view requirements as detailed in sign definitions.

26.4.1.C. Signs over pedestrian ways shall have a clearance between the ground and the bottom of any projecting or free standing sign of not less than eight feet (8').

26.4.1.D. Signs over private driveways for vehicular traffic shall have a minimum clearance of not less than fourteen feet (14').

26.4.2. MATERIALS.

Signs, unless otherwise stated in the following sections of this chapter, may be constructed of painted, stained or carved wood; brick or stone; metal which is painted or otherwise treated to prevent reflective glare, but not anodized. Wood signs shall be solid wood, except that painted signs may be of MDO surfaced plywood or equivalent. Ordinary plywood, cardboard, or materials that do not have adequate longevity are prohibited.

26.4.3. COLOR.

Brilliant, luminescent, "day-glo" or fluorescent colors are prohibited. Colors should repeat those of the facade or compliment them. In general, dark backgrounds with light letters are more legible. Too many colors can overwhelm the sign's communication function and create a distracting, garish visual element rather than an integral part of the texture of the street.

26.4.4. SIGNS MAY BE UNLIGHTED OR LIGHTED EXTERNALLY.

No sign shall be internally lighted. Light sources for externally lighted signs shall be placed to illuminate only the sign surface and shall not be visible beyond the premises. Special care shall be taken in the design of external sign lighting to ensure that the light source is not visible to motor vehicle traffic. All sign lighting shall comply with the requirements in VULU Chapter 4.20., Outdoor Lighting.

26.5. SIGN STANDARDS FOR BUSINESS AND RESORT DISTRICTS.

26.5.1. INDIVIDUAL BUSINESSES.

Each duly licensed business on its own parcel shall be allowed one primary sign, one secondary sign and one “Unified Community Business Sign”. In addition, each duly licensed business may have their business name and logo included in official “Virgin Town Welcome Signs”, as defined in VULU Chapter 26.9. In the event that the primary sign is freestanding, the secondary sign shall be building mounted. In the event that the primary sign is building mounted, the secondary sign may be freestanding or building mounted on a building frontage other than that upon which the primary sign is located. In the event the building is one hundred feet (100') or more from SR-9, primary and secondary signs may both be freestanding monument signs.

26.5.1.A. Freestanding Monument Signs.

A freestanding monument sign and the corresponding support structures shall be designed to complement the building architecture and the surrounding areas, and shall comply with height, area, material, and color requirements for the following sub-districts whose physical boundaries are defined below.

26.5.1.A.i. Western Business District. This district exists between the town’s western boundary to 700 West.

26.5.1.A.i.a. Height. No freestanding monument sign shall exceed fifteen feet (15') in height or extend beyond the roofline or parapet wall at the highest point, whichever is less.

26.5.1.A.i.b. Area. Primary sign not to exceed fifty (50) square feet in area; secondary sign not to exceed thirty (30) square feet.

26.5.1.A.i.c. Colors. Colored or painted portions of the sign (including black and white) shall be limited to the sign copy and forty percent (40%) of the sign total area. Sixty percent (60%) of the sign area shall remain unpainted, natural material. Logos, as defined in the definitions section of this chapter are subject to this standard.

26.5.1.A.i.d. Materials. Freestanding monument signs in the Western Business District shall be constructed of rustic and natural materials, including stone or wood. Some metal may be

incorporated into the design of the sign, but shall not be used for the majority of the sign and shall be painted or otherwise treated to prevent reflective glare, but shall not be anodized.

26.5.1.A.ii. Central Business District. This district exists between the 700 West and the western boundary of Zion River Resort.

26.5.1.A.ii.a. Height. No freestanding monument sign shall exceed fifteen feet (15') in height or extend beyond the roofline or parapet wall at the highest point, whichever is less.

26.5.1.A.ii.b. Area. Primary sign not to exceed forty (40) square feet in area; secondary sign not to exceed twenty (20) square feet in area.

26.5.1.A.ii.c. Colors. Signs in the Central Business District/ Village Commercial Zone shall comply with minimum sign standards in VULU Chapter 26.4.

26.5.1.A.iii. Resort District. This district exists between the western boundary of Zion River Resort and the town's eastern boundary.

26.5.1A.iii.a. Height. No freestanding monument sign shall exceed six feet (6'). [Consider height allowance if ground elevation of sign location is lower than SR-9.]

26.5.1A.iii.b. Area. Primary sign not to exceed fifty-five (55) square feet in area; secondary sign area not to exceed thirty (30) square feet in area.

26.5.1A.iii.c. Colors. Colored or painted portions of the sign (including black and white) shall be limited to forty percent (40%) of the sign total area. Sixty percent (60%) of the sign area shall remain unpainted, natural material. Logos, as defined in the definitions section of this chapter are subject to this standard.

26.5.1A.iii.d. Materials. Freestanding monument signs in the Highway Resort Zone and Resort Zone shall be constructed of rustic and natural materials, including stone or wood. Some metal may be incorporated into the design of the sign, but shall not be used for the majority of the sign and shall be painted or otherwise treated to prevent reflective glare, but shall not be anodized.

26.5.1A.iii.e. Base. The base of the freestanding monument sign shall be incorporated into a landscaping design or planter box.

26.5.2. BUILDING MOUNTED SIGNS.

Signs mounted on the building shall be integrated into the building and designed so that architectural features and expression of the building are not obscured. Signs mounted to the building include wall signs, awning signs, projecting signs, roof-mounted signs and suspended signs.

26.5.2.A. A building mounted primary sign for all business and resort districts shall:

26.5.2.A.i. Have a maximum area of forty (40) square feet.

26.5.2.A.ii. Non roof-mounted signs shall not extend beyond the roofline or parapet wall at the highest point, nor extend beyond a maximum of fifteen feet (15') in height.

26.5.2.A.iii. If mounted on a pitched roof, sign shall not extend beyond the roofline or parapet wall at the highest point or the maximum building height of the applicable zone, whichever is less. If mounted on a flat roof, sign shall not extend beyond the maximum building height of the applicable zone or four feet above the roof, whichever is less.

26.5.2.A.iv. If wall mounted, be permanently attached and not extend more than twelve inches (12") from said wall.

26.5.2.A.v. In the case of a projecting sign, not extend from the building face a distance greater than six feet (6'), and no projecting sign shall extend over public property a distance greater than twelve inches (12").

26.5.2.A.vi. In the case of projecting signs, awning signs and suspended signs, maintain a minimum eight foot (8') clearance between the lowest point of the sign and the grade immediately below.

26.5.2.A.vii. In the instance of a building set back from the road by more than one hundred feet (100'), the Planning and Zoning Commission may allow installation of a wall mounted primary sign up to but not exceeding five percent (5%) of the total area of the wall on which it will be mounted.

26.5.2.B. A building mounted secondary sign for all business and resort districts shall:

26.5.3.B.i. Have a maximum sign area of twenty (20) square feet.

26.5.3.B.ii. Not extend beyond the roofline or parapet wall at the highest point, nor extend beyond a maximum of fifteen feet (15') in height.

26.5.2.B.iii. If mounted on a pitched roof, sign shall not extend beyond the roofline or parapet wall at the highest point or the maximum building height of the applicable zone, whichever is less. If mounted on a flat roof, sign shall not extend beyond the maximum building height of the applicable zone or four feet above the roof, whichever is less.

26.5.2.B.iv. If wall mounted, be permanently attached and not to extend more than twelve inches (12") from said wall.

26.5.2.B.v. In the case of a projecting sign, not extend from the building face a distance greater than six feet (6'), and no projecting sign shall extend over public property a distance greater than twelve inches (12").

26.5.2.B.vi. In the case of projecting signs, awning signs and suspended signs, maintain a minimum eight foot (8') clearance between the lowest point of the sign and the grade immediately below.

26.5.3. ADDITIONAL SIGNS.

26.5.3.A. Tertiary Signs. Restaurants and hotels/motels may display tertiary special feature signs.

26.5.3.A.i. Only one (1) such sign may be displayed at any given time.

26.5.3.A.ii. Tertiary signs shall have a maximum area of two (2) square feet.

26.5.3.A.iii. Tertiary signs may be wall mounted or attached to a freestanding sign, providing the tertiary sign shall be no closer than three feet (3') to any public right of way.

26.5.3.A.iv. Transient lodging facilities may display one additional tertiary "vacancy" or "no vacancy" sign.

26.5.3.A.v. Each duly licensed business on a separate property shall be allowed one 'Unified Community Business Sign', as defined in VULU Chapter 26.9.

26.5.3.A.vi. Each duly licensed business is allowed to include their business name and logo in 'Virgin Town Welcome Signs', as defined in VULU Chapter 26.9.

26.5.3.B. Business Centers.

For groups of two (2) or more duly licensed businesses associated by a common agreement or common ownership, that occupy the same legally recorded parcel(s) with common parking facilities, or housed in one structure, the following signs shall be allowed:

26.5.3.B.i. One (1) freestanding monument sign per business center provided such sign shall not exceed forty (40) square feet in area, except as allowed in Subsection 2.C. of this section, nor fifteen feet (15') in height, or the height of the roof of the building at its highest point, whichever is less.

26.5.3.B.ii. For businesses with individual entrances, one (1) building mounted sign per duly licensed business, provided such sign shall:

26.5.3.B.ii.1. Be limited in area to:

26.5.3.B.ii.1.a. Twenty (20) square feet if the freestanding monument sign for the business center exceeds twenty (20) square feet, or

26.5.3.B.ii.1.b. Forty (40) square feet if the freestanding monument sign for the business center is limited to twenty (20) square feet or less;

26.5.3.B.ii.2. Not extend beyond the roofline or parapet wall at the highest point nor extend fifteen feet (15') in height, whichever is less;

26.5.3.B.iii. If mounted on a pitched roof, sign shall not extend beyond the roofline or parapet wall at the highest point or the maximum building height of the applicable zone, whichever is less. If mounted on a flat roof, sign shall not extend beyond the maximum building height of the applicable zone or four feet above the roof, whichever is less.

26.5.3.B.iv. If wall mounted, be permanently attached and not extend more than twelve inches (12") from said wall.

26.5.3.C. For businesses housed in one building or structure, which share a common entrance or have a central hall or foyer, one (1) building mounted sign shall be allowed for each business within the building provided:

26.5.3.C.i. The cumulative building mounted sign area utilized by all businesses within the building shall not exceed forty (40) square feet, with no one individual business sign to exceed twenty (20) square feet in area;

26.5.3.C.ii. such signs shall be located adjacent to the common entrance and appropriately grouped together; and

26.5.3.C.iii. such signs may be tertiary signs that are incorporated into the Business Center's freestanding monument sign allowed in Subsection 26.5.2.A of this Title. When such an exception is made, the freestanding tertiary business signs shall replace the building mounted signs and the building mounted signs shall not be used. The maximum total area of the freestanding monument sign with tertiary signs allowed in Subsection 26.5.2.A of this Title, may increase in size not to exceed sixty (60) square feet nor extend beyond fifteen feet (15') in height or the height of the roof of the building at its highest point, whichever is less.

26.5.3.D. Additional Signs.

26.5.3.D.1. Additional freestanding monument signs may be allowed by the Planning and Zoning Commission for those business centers with frontage on more than one dedicated street. If allowed, such signs shall not exceed thirty two (32) square feet in area, nor ten feet (10') in height and shall be located on the additional street frontage.

26.5.3.D.2. Additional building mounted signs may be allowed at other common entrances to the building if such entrances are on separate frontages of the building or are separated by a

distance of more than one hundred feet (100'). In such cases, the cumulative total of signs at all entrances shall not exceed eighty (80) square feet in area.

26.5.3.D.3. Master Sign Plan for Business Centers. An approved master sign plan shall be required for any new use, new construction of any sign or building permit request involving a building or development containing two (2) or more businesses. This master sign plan shall identify all sign types, sizes, locations, illumination, materials and design for all signs in existence, presently proposed, and those anticipated in the future. While specific details may not necessarily be available for future signs, the master sign plan shall serve as a framework for such signs. The purpose of such a master sign plan shall be to ensure continuity and compatibility of all signs within a business center and prevent needless repetition and proliferation of signage. The property owner shall be responsible for the permit application process and implementation of said master sign plan. Amendments to an approved master sign plan shall require submission of a new application and reconsideration in the same manner as originally reviewed. New or additional tenant signs shall be reviewed on an individual basis and shall conform to the approved master sign plan.

26.6. SIGN STANDARDS FOR RESIDENTIAL AND RURAL RESIDENTIAL DISTRICTS - PERMITTED SIGNS.

One (1) low profile identification sign is allowed for each subdivision, home occupation business, agricultural business or the like. Signs shall be either freestanding, attached to a building wall or attached to a wall or fence announcing the site entrance; provided, that:

26.6.1. FREESTANDING MONUMENT SIGNS.

26.6.1.A. Do not exceed eight (8) square feet in area or four feet (4') in height.

26.6.1.B. Shall be located a minimum of six feet (6') from the public right of way.

26.6.2. WALL MOUNTED.

Signs mounted flat against the building or entrance wall or fence shall:

26.6.2.A. Not exceed eight (8) square feet in area;

26.6.2.B. not extend more than twelve inches (12") at all points from said wall or fence; and

26.6.2.C. not exceed eight feet (8') in height --- nor extend above the roofline, for signs mounted on a building wall; or

26.6.2.D. not extend above said wall or fence, for signs attached to an entrance wall or fence.

26.6.3. ADDITIONAL STREET FRONTAGE.

One (1) additional sign may be permitted if the property concerned exceeds five (5) acres and has frontage on more than one public dedicated street. Such additional sign shall be located on the additional frontage. Such signs shall be subject to the sign standards of this Chapter.

26.7. SIGN PERMITS - APPLICATION AND PROCESSING PROCEDURES.

26.7.1. PERMIT REQUIRED.

Except as provided in this chapter, it shall be unlawful to display, erect, relocate, or alter any sign without first obtaining a valid sign permit. The applicant should complete the application and review process before entering into binding commitments incurring expense in the design, preparation or construction of the proposed sign. After a sign permit has been issued by the Planning and Zoning Commission, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of said permit without prior approval of the Planning and Zoning Commission. A written record of such approval shall be entered upon the original permit application and maintained in the files of the Town Clerk.

26.7.2. APPLICATION.

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

26.7.2.A. Rendering.

A rendering, to scale, showing the proposed sign as it will appear on the project and illustrating its relationship to its surroundings.

26.7.2.B. Site Plan.

In the case of a freestanding monument sign, a site plan showing the location of the proposed sign in relation to the property line, setbacks, and other structures on the site.

26.7.2.C. Elevations.

Front and side elevations of the sign, drawn to scale, which indicate:

26.7.2.C.i. Dimensions of the sign, lettering and corresponding building;

26.7.2.C.ii. construction supports;

26.7.2.C.iii. foundation;

26.7.2.C.iv. method of attachment; and

26.7.2.C.v. style of lettering showing the complete lettering.

26.7.2.D. Materials.

Description and samples, if feasible, of sign materials for background and lettering, including samples of finishes of the background and lettering to demonstrate light transmission or reflection.

26.7.2.E. Color. Color samples.

26.7.2.F. Illumination.

Applications for illuminated signs shall include:

26.7.2.F.1. A description of proposed illumination.

26.7.2.F.2. sufficient technical data of all proposed illumination systems so as to allow evaluation of proposed light levels.

26.7.2.F.3. All fixtures, types, locations, mounting and wattage shown on plans and elevations.

26.7.2.G. Landscaping. Landscaping plans for the base, if applicable.

26.7.2.H. Projection. The extent to which, if any, the sign is proposed to project into or over public property.

26.7.2.I. Master Sign Plan. In the case of a master sign plan, the information requested above shall be included for all signs existing, proposed or anticipated for the entire project.

26.7.2.J. Additional Information. Any additional information the Planning and Zoning Commission deems relevant to the application.

26.7.3. ENGINEERING REQUIREMENTS.

26.7.3.A. All signs shall be designed in accordance with any and all applicable building codes as adopted by the Town of Virgin and the State of Utah.

26.7.3.B. Drawings bearing a wet stamp of a licensed engineer are required for any roof mounted or freestanding monument sign, or any sign that projects from the face of a building more than three inches (3").

26.7.3.C. The Planning and Zoning Commission may request engineering for building mounted signs at its discretion.

26.7.4. PLANNING AND ZONING COMMISSION ACTION.

The Virgin Town Planning and Zoning Commission shall approve or deny a sign permit application. In approval of any sign permit, the Virgin Town Planning and Zoning Commission shall consider applicable standards for review listed in Section 26.4 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 required by the Planning and Zoning Commission, the Commission shall approve a sign permit subject to the conditions proposed.

26.7.5. FEES FOR PERMIT. Twenty-five Dollars (\$25.00), no refund for issuance or denial.

26.7.6. APPROVED PERMITS ARE VALID FOR A PERIOD OF ONE (1) YEAR FROM DATE OF APPROVAL.

26.7.7. APPEALS. Refer to VULU Chapter 3.

26.8. NONCONFORMING SIGNS.

26.8.1. ANY FREESTANDING MONUMENT SIGN IN THE COMMERCIAL ZONE, RESORT ZONE, AND HIGHWAY RESORT ZONE THAT IS PHYSICALLY IN EXISTENCE ON THE DATE OF ADOPTION OF THIS TITLE SHALL BE DEEMED LEGAL, REGARDLESS OF ANY FAILURE TO CONFORM TO THIS CHAPTER, UNTIL SUCH A TIME AS ITS OWNER CHOOSES TO REMOVE OR SUBSTANTIALLY ALTER IT.

26.8.2. BUSINESS SIGNS IN USE FOR SIX (6) MONTHS OR LONGER PRIOR TO THE ADOPTION DATE OF THIS SECTION THAT ARE NONCONFORMING BUT NOT LEGALLY SO, SHALL BE REMOVED OR BROUGHT INTO COMPLIANCE WITHIN TWELVE (12) MONTHS OF THE ADOPTION DATE OF THIS CHAPTER.

26.8.3. LEGALLY NONCONFORMING.

26.8.3.A. Any sign located within the town in compliance with the applicable law on the date of adoption of this title, which is found to be nonconforming by reason of not being in compliance with the requirements of the "Sign Standards" of this chapter, shall be designated as legally nonconforming, except for those signs that are deemed legal by Subsection 26.8.1. of this Title.

26.7.3.B. The loss of legally nonconforming designation shall deem such sign unlawful and the sign shall thereafter be removed by the owner or abated according to Subsection 26.8.3. of this Title. A legally nonconforming sign shall immediately lose its legally nonconforming status if:

26.7.3.B.1. The sign is altered structurally in a manner which makes the sign less in compliance with the requirements of Chapter 26 of this Title than it was before the alteration; or

26.7.3.B.2. The sign is relocated to a position making it less in compliance with Chapter 26 of this Title; or

26.7.3.B.3. The sign requires repair or maintenance costing more than fifty percent (50%) of its appraised value as determined by two (2) independent sign contractors of the Planning and Zoning Commission's choosing; or

26.7.3.B.4. The sign is replaced or the sign is changed to reflect a new or different advertiser; or

26.7.3.B.5. Ten (10) years have elapsed from the effective date of this title.

26.7.3.C. Abatement.

The Town shall have the authority to abate and remove or require the removal of any sign illegally erected within the Town of Virgin, including signs placed on public or private property. The Town and any town employee shall also have the authority to require removal of, or to abate and remove any sign found to be in disrepair to the extent that the sign becomes dilapidated or dangerous to the public. Illegal or dilapidated signs that are erected in a permanent manner, or require demolition, shall be removed by the owner, or by the Town after notice is given to the property owner where the sign is located. After notice is given by the Town to the property owner, if no action is taken to remove the illegal sign within five (5) days of the written notice, the Town shall have the right to remove the sign, and bill the property owner for any costs incurred during the removal of the sign. Illegal signs shall include all signs that have been erected after the adoption of chapter without the issuance of a sign permit from Virgin Town, or the written approval to erect the sign by the Planning and Zoning Commission as well as signs listed herein as "prohibited".

26.9. CONFLICT.

Wherever this Chapter conflicts with the Virgin Uniform Zoning Ordinance, this Chapter shall prevail.

26.10. DEFINITIONS.

26.10.1. A-FRAME / SANDWICH SIGN. Temporary and/or moveable sign constructed with two (2) sides attached at the top so as to allow a sign to stand in an upright position.

26.10.2. ABANDONED SIGN. A sign, including all structural, support elements or components, which is located on a property, premises or structure which becomes vacant and unoccupied for a period of one hundred eighty (180) days or more, any sign which pertains to a time, event or purpose which no longer applies, or a sign pertaining to an occupant or business different from the present occupant or business.

26.10.3. ALTER OR ALTERATION. Any change or rearrangement of the structural parts of a sign or a sign's design. Alterations shall not be interpreted to include changing outdoor bulletin or other similar signs which are designed to accommodate changeable copy.

26.10.4. AREA.

26.10.4.A. The number of square feet enclosed within the smallest rectangle within which the sign face can be enclosed. If the sign consists of more than one (1) section or module, all areas will be totaled. In determining the area of an individual sign which has more than one sign face, only one side of a back-to-back or double-face sign covering the same subject shall be computed when the signs are parallel or diverge from a common edge by an angle of not more than forty five degrees (45°); or

26.10.4.B. The property and buildings or structures adjacent to and within a five hundred foot (500') radius of the sign, building, property or item in question.

26.10.5. AWNING. A shelter, cover or roofed structure placed so as to extend outward from the building with supports extending back to the building, supported entirely by the building.

26.10.6. AWNING SIGN. Any sign or graphic attached to, painted on, or applied to an awning.

26.10.7. BACKGROUND. The entire area of a sign on which copy could be placed, as opposed to the copy area, where copy is in fact painted or otherwise attached.

26.10.8. BANNER. A flexible sign characteristically supported by two (2) or more points and hung on a building or otherwise suspended down or along its face, or across a public street. The banner may or may not include copy or graphic symbols. It is generally made of fabric or other non-rigid materials with no enclosing frame.

26.10.9. BILLBOARD OR SIGNBOARD. Any structure, building or portion thereof on which lettered, figured or pictorial matter is displayed for advertising purposes, other than the name and occupation of the user of the premises or the nature of the business conducted thereon, or the products primarily sold or manufactured thereon, or any structure or portion thereof, the area of which is devoted to any advertising purpose. This definition shall not be held to include any board, sign or surface used to display any official notices issued by any court or public office, or posted by a public officer in the performance of a public duty, or bulletin boards used to display announcement of meetings to be held on premises wherein such bulletin boards are permitted and located, nor shall it be held to include a real estate sign advertising "for sale" or "rent", the property upon which it stands, nor shall it include temporary "open house" real estate signs placed on private premises in compliance with this title.

26.10.10. BUILDING FACE OR WALL. A window or wall area of a building in one (1) plane or elevation.

26.10.11. BUILDING FRONTAGE OR FRONT FOOTAGE. The linear width of that side of a building which contains the main entrance for pedestrian ingress and egress. If more than one (1) main entrance exists, the one that more nearly faces or is oriented to the street of highest classification as portrayed on the comprehensive street plan shall be considered the building frontage. If all streets are of the same classification, the side of the building with the smallest lineal dimension shall be considered the building frontage for measurement purposes.

26.10.12. BULLETIN BOARD. A sign on a premise, which accommodates changeable copy and displays information on activities and events.

26.10.13. BUSINESS CENTER. A group of two (2) or more duly licensed businesses associated by a common agreement or common ownership with common parking facilities or housed in one (1) structure.

26.10.14. CANOPY. An awning which may or may not be totally supported by the building to which it is attached. A canopy shall be considered an awning for purposes of these sign regulations.

26.10.15. CHANGEABLE SIGN. A sign on which copy or side panels may be changed manually, electronically or automatically, such as boards with changeable letters or pictorial panels, reader boards, message centers or "time and temperature" signs.

26.10.16. COPY. The working text on a sign surface.

26.10.17. CLEAR VIEW TRIANGLE. The area of visibility required for the safe operation of vehicles, pedestrians and cyclists in proximity to intersecting streets and driveways. The clear view triangle shall be regulated by AASTHO standards for signs and landscaping.

26.10.18. DILAPIDATED. A sign where: (i) the lettering or background material or any part of the sign has flaked, broken off, changed color; (ii) structural supports or frame members are visibly corroded, stained, bent, broken, dented; or (iii) sign supports are twisted, leaning or at angles other than those at which the sign was originally erected.

26.10.19. DIRECTIONAL SIGN. A sign which facilitates traffic or pedestrian flow and safety, not erected by a governmental agency, containing generic information such as, but not limited to, entrance-exit, caution, parking, right or left turn only, stop or tow-away zone.

26.10.20. EAVES. That portion of the roof line extending beyond the building wall, a canopy attachment on the wall having the simulated appearance of eaves, or the lowest horizontal line of any roof.

26.10.21. EXPOSED LUMINARY SOURCE. An illumination source which is the signing element to be read directly, without diffusion or reflection, such as exposed bulbs or neon.

26.10.22. FLAG. A piece of cloth or other flexible material varying in size, shape, color and design, usually attached at one edge of a staff or cord.

26.10.23. FREESTANDING MONUMENT SIGN. A sign that is permanently installed, not attached to any building and having its own support structure.

26.10.24. FRONT FOOTAGE. See definition of Building Frontage.

26.10.25. HEIGHT OF A SIGN. The vertical distance from the average adjacent ground level to the top of the sign, including the support structure and all design elements. The average ground level shall be determined from within an eight foot (8') radius of the base of the sign. The adjacent ground shall not be elevated for purposes of increasing allowable sign height.

26.10.26. ILLUMINATED SIGN. Any sign which is lighted from within or without.

26.10.27. INDIRECT ILLUMINATED SIGNS. Any sign which reflects light from a source intentionally directed upon it such as by means of floodlights.

26.10.28. INTERNALLY LIGHTED SIGN. A sign that is illuminated by a concealed light source within the sign that projects light through the sign face.

26.10.29. LOGO. An identifying symbol used by three (3) or more businesses or institutions outside of Virgin

26.10.30. LOW PROFILE SIGN. A freestanding sign erected near ground level or a wall-mounted sign of small size and limited to identifying the name of a building, institution, subdivision or the like.

26.10.31. MAJORITY AREA. An area greater than fifty percent (50%) of the total sign area.

26.10.32. MARQUEE OR READER BOARD. A permanent structure with changeable letters that is used to advertise events.

26.10.33. MASTER SIGN PROGRAM. Identification of the location, type, height, size, illumination, materials and design of signs for an overall building center to include all present or proposed businesses within the center.

26.10.34. NAMEPLATE. A sign identifying only the name and occupation or profession of the occupant of the premises on which the sign is located.

26.10.35. NONCONFORMING SIGN OR SIGN STRUCTURE. A sign or sign structure or portion thereof lawfully existing at the time of its construction which does not conform to all height, area, yard spacing, animation, lighting or other regulations prescribed in the zone in which it is located.

26.10.36. PARAPET. A low wall used to protect the edge of a roof from view or an extension of a false front or wall above the roof level.

26.10.37. POLITICAL SIGN. A sign intended to draw attention to or communicate a position on any issue, candidate or measure in any national, state or local election.

26.10.38. PORTABLE SIGN. Any sign not permanently affixed to the ground or a structure on the site it occupies.

26.10.39. PRICE SIGN (SERVICE STATION). A sign on the premises of a service station or other business selling automotive fuel, which contains information on the cost and type or grade of automotive fuel only.

26.10.40. PROFESSIONAL QUALITY. Of a quality comparable to that performed by a professional in the same field.

26.10.41. PROJECTING SIGN. A sign which extends out from a building face, wall or structure so that the sign face is perpendicular or at an angle to the building face, wall or structure.

26.10.42. REFLECTIVE SIGN. A sign whose surface material reflects light so as to generate a contrast between the sign and adjacent surfaces or surrounding area.

26.10.43. ROOF LINE. The highest point of a structure, including parapets, but not to include spires, chimneys or heating or cooling mechanical devices.

26.10.44. ROOF-MOUNTED SIGN. Any sign located on, attached to or extending from any portion of a roof, mansard, eaves or parapet wall of a building.

26.10.45. SIGN. Any identification, description, illustration, symbol, insignia, medium, statue or other physical or visual device or representation, which is visible from outside the premises on which such device is located, designed to advertise, identify or convey information or direct or attract attention to a product, place, activity, person, institution or business.

26.10.46. SIGN FACE. The entire area of a sign on which copy could be placed.

26.10.47. SIGN STRUCTURE. Any structure which supports, has supported or is designed to support a sign.

26.10.48. SIGN, TEMPORARY. A sign displayed for short periods of time, generally not longer than one (1) month, as specified within the required sign permit.

26.10.49. SUSPENDED SIGN. A sign attached to and located below any permanent eaves, roof, canopy or awning and not mounted to a wall in any way.

26.10.50. UNIFIED COMMUNITY BUSINESS SIGN. A temporary, movable sign sanctioned by the Town for local businesses to use that is the same for every business with the same copy type, color, material and size. Copy content is the only aspect of the sign that may be altered. The sign concept should be agreed on by participating business owners and is subject to Design Review by the Virgin Town Planning and Zoning Commission. Said sign concept may be changed upon the request of the business owners and approval of the Planning and Zoning Commission. If a new sign is approved, all old Unified Community Business signs shall be removed before the replacement signs are installed.

26.10.51. VIRGIN TOWN WELCOME SIGN. A sign owned by the Town that is located in a place of the Town's choosing and that serves the purpose of signifying entrance into the Town. Said sign would have space for community announcements and for advertising local businesses who choose to lease available sign space. The Town of Virgin shall retain control over the Virgin Town Welcome Sign(s)' design, color, size, material, content and location, but will work in consultation with local Virgin business owners in deciding such factors.

26.10.52. VISUALLY CONSISTENT. Giving a visual impression of continuity and harmony.

26.10.53. WALL OR WALL-MOUNTED SIGN. A sign attached to, or painted on, and parallel to, a building or wall.

26.10.54. WINDOW SIGN. Any sign printed, attached, glued or otherwise affixed to or behind a window or similar opening for purposes of viewing from outside the premises. This term does not include merchandise located in the window.

CHAPTER 27

ALTERNATIVE ENERGY SYSTEMS

27.1. SCOPE.

This chapter applies to alternative energy systems in all zoning districts.

27.2. PURPOSE AND INTENT.

It is the goal of the town council of the Town of Virgin to provide a sustainable quality of life for the residents of the town, making careful and effective use of available natural, human, and economic resources, and ensuring that resources exist to maintain and enhance the quality of life for future residents.

In accordance with that goal, the town council finds that it is in the public interest to encourage alternative energy systems that have a positive impact on energy production and conservation while not having an adverse impact on the community. Therefore, the purposes of this ordinance include:

27.2.A. To promote rather than restrict development of alternative energy sources by removing regulatory barriers and creating a clear regulatory path for approving alternative energy systems.

27.2.B. To create a livable community where development incorporates sustainable design elements such as resource and energy conservation and use of renewable energy.

27.2.C. To protect and enhance air quality and decrease use of fossil fuels.

27.2.D. To encourage alternative energy development in locations where the technology is viable and environmental, economic, and social impacts, including impacts to adjoining properties, can be mitigated.

27.3. DEFINITIONS.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section:

Accessory. A system designed as a secondary use to existing buildings or facilities, wherein the power generated is used primarily for on-site consumption.

Alternative Energy Systems. A ground source heat pump, wind or solar energy system.

Building, Height of. The vertical distance from the average grade surface to the highest point of any building roof or coping.

Building-Integrated Solar Energy System. A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building including, but not limited to, photovoltaic or hot water solar systems contained within roofing materials, windows, skylights and awnings.

Closed Loop Ground Source Heat Pump System. A system that circulates a heat transfer fluid, typically food-grade antifreeze, through pipes or coils buried beneath the land surface or anchored to the bottom in a body of water.

Flush-Mounted Solar Energy System. A roof-mounted system mounted directly abutting the roof. The pitch of the solar collector may exceed the pitch of the roof up to five percent (5%) but shall not be higher than ten inches (10") above the roof.

Grade, For Buildings or Structures Adjoining one (1) street only. The elevation of the sidewalk the elevation of the sidewalk at the center of the wall adjoining the street.

Grade, For Buildings or Structures Adjoining more than one (1) street. The average of the elevation of the sidewalk at the centers of all walls adjoining the streets.

Grade, For Buildings or Structures Having No Wall Adjoining a street. The average level of the finished natural surface of the ground adjacent to the centers of all exterior walls of the building.

Grade, For the Purposes of the Section. Natural surface level includes:

1. the level at time of lot purchase;
2. a previously excavated level, if substantially unchanged for ten (10) or more years; or
3. a new level resulting from expressly approved excavation of lot. Any wall or structure parallel or nearly parallel to and not more than five feet (5') from a street line is to be considered as adjoining the street.

Ground Source Heat Pump System. A system that uses the relatively constant temperature of the earth or a body of water to provide heating in the winter and cooling in the summer. System components include open or closed loops or pipe, coils or plates; a fluid that absorbs and transfers heat; and a heat pump unit that processes heat for use or disperses heat for cooling; and an air distribution system.

Horizontal Ground Source Heat Pump System. A closed loop ground source heat pump system where the loops or coils are installed horizontally in a trench or series of trenches no more than twenty feet (20') below the land surface.

Heat Transfer Fluid. A non-toxic and food grade fluid such as potable water, aqueous solutions of propylene glycol not to exceed twenty percent (20%) by weight or aqueous solutions of potassium acetate not to exceed twenty percent (20%) by weight.

Horizontal Axis Wind Turbine. A wind turbine design in which the rotor shaft is parallel to the ground and the blades are perpendicular to the ground.

Hub. The center of a wind generator rotor, which holds the blades in place and attaches to the shaft.

Hub Height. The distance measured from natural grade to the center of the turbine hub.

Open Loop Ground Source Heat Pump System. A system that uses groundwater as a heat transfer fluid by drawing groundwater from a well to a heat pump and then discharging the water over land, directly in a water body or into an injection well.

Monopole Tower. A tower constructed of tapered tubes that fit together symmetrically and are stacked one (1) section on top of another and bolted to a concrete foundation without support cables.

Passive Solar Energy System. A system that captures solar light or heat without transferring it to another form of energy or transferring the energy via a heat exchanger.

Photovoltaic System. A solar energy system that converts solar energy directly into electricity.

Residential Wind Turbine. A wind turbine of ten kilowatt (10 kw) name plate generating capacity or less.

Small Wind Turbine. A wind turbine of one hundred kilowatt (100 kw) nameplate generating capacity or less.

Solar Energy System. A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generation or water heating.

Total Height. The highest point above natural grade reached by a rotor tip or any other part of a wind turbine.

Tower. A vertical structure that supports a wind turbine.

Utility Wind Turbine. A wind turbine of more than one hundred kilowatt (100 kw) name plate generating capacity.

Vertical Axis Wind Turbine. A type of wind turbine where the main rotor shaft runs vertically.

Vertical Ground Source Heat Pump. A closed loop ground source heat pump system where the loops or coils are installed vertically in one or more borings below the land surface.

Wind Turbine. Any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy through the use of airfoils or similar devices to capture the wind.

27.4. GROUND SOURCE HEAT PUMP SYSTEMS.

27.4.1. ZONING DISTRICTS. Ground source heat pump systems in accordance with the standards in this section are allowed as a permitted accessory use in all zoning districts.

27.4.2. STANDARDS.

27.4.2.A. System requirements.

Only closed loop ground source heat pump systems utilizing heat transfer fluids as defined in VULU Chapter 27.3. are permitted. Open loop ground source heat pump systems are not permitted.

27.4.2.B. Setbacks.

27.4.2.B.i. All components of ground source heat pump systems including pumps, borings and loops shall be set back at least five feet (5') from interior side lot lines and at least ten feet (10') from rear lot lines.

27.4.2.B.ii. Above-ground equipment associated with ground source heat pumps shall not be installed in the front yard of any lot or the side yard of a corner lot adjacent to a public right-of-way and shall meet all required setbacks for the applicable zoning district.

27.4.2.C. Easements. Ground source heat pumps systems shall not encroach on public drainage, utility roadway or trail easements.

27.4.2.D. Noise. Ground-source hat pumps shall be screened to reduce noise levels as measured on neighboring properties to fifty (50) decibels or less.

27.4.2.E. Screening. In addition to screening for noise control, ground source heat pumps are considered mechanical equipment and are subject to screening by landscaping, fencing or other methods to enhance the view.

27.4.2.F. Deviations. If any deviation from the required standard of this ordinance may be granted by the land use authority, a conditional use permit will be required.

27.4.2.G. Safety. Ground source heat pumps shall be certified by Underwriters Laboratories, Inc. and meet the requirements of the International Building Code as adopted by the Town of Virgin.

27.4.2.H. Abandonment. If a ground source heat pump system remains nonfunctional or inoperative for a continuous period of one (1) year, the system shall be deemed to be abandoned. In the event the abandoned system constitutes a safety threat or a public nuisance, the owner shall remove the abandoned system at his or her expense after a hearing by the Town Council of Virgin town, in accordance with the following:

27.4.2.H.i. The heat pump and any external mechanical equipment shall be removed.

27.4.2.H.ii. Pipes or coils below the land surface shall be filled with grout to displace the heat transfer fluid. The heat transfer fluid shall be captured and disposed of in accordance with applicable regulations. The top of the pipe, coil or boring shall be uncovered and grouted.

27.4.2.H.iii. Ground source heat pump systems shall be completely removed from the bottom of the body of water.

27.4.2.9. Permits. A building permit and conditional use permit, if required, shall be obtained for any ground source heat pump system prior to installation. Borings for vertical systems are subject to approval from the Utah Division of Water Quality and the Utah State Board of Health.

27.5. WIND ENERGY SYSTEMS.

27.5.1. ZONING DISTRICTS. Residential wind turbines in accordance with the standards in this section are permitted accessory uses on lots of at least one (1) acre in size in the Residential (R), Rural Residential (RR), Commercial (C), and Agricultural (AG) Zones. Wind turbines may be used in other zones if approved by the land use authority.

27.5.2. STANDARDS.

27.5.2.A. Number. No more than one (1) turbine may be installed on a parcel, and no more than one (1) wind energy system is permitted per parcel, unless an exception is made.

27.5.2.B. Height. The maximum standard height for all zones for all purposes shall be twenty-five feet (25').

27.5.2.C. Roof Mounting. Roof mounted wind turbines are not permitted at this time; however, they may be considered and formally added as a permitted use when technology improves.

27.5.2.D. Setbacks. The base of the wind turbine tower shall be set back from the property lines a distance of one and one-half (1-1/2) times to the total hub height. Wind energy systems shall not be installed in the front yard of any lot or in the side yard of a corner lot adjacent to a public right-of-way. Wind energy systems in residential zones may only be installed in rear yards.

27.5.2.E. Easements. Wind energy systems shall not encroach on public drainage, utility roadway or trail easements.

27.5.2.F. Noise. Wind energy systems shall be engineered and maintained as to comply with all local, state and federal noise ordinances. The current OSHA (Occupational Safety and Health Administration) limit is fifty decibels (50 dBA) as measured from an adjoining property.

27.5.2.G. Screening. Wind energy systems are exempt from the VULU Ordinance screening requirements.

27.5.2.H. Aesthetics. All portions of the wind energy system shall be a non-reflective, non-obtrusive color that blends with the color of the roof or other structure. Any other housings or brackets should use colors compatible with the surroundings. Only monopole towers are permitted. The appearance of the turbine, tower any other related components shall be maintained throughout the life of the wind energy system pursuant to industry standards. Systems may not be used for displaying any advertising. Systems shall not be illuminated, except as may be required by the FAA (Federal Aviation Administration).

Where system equipment is anticipated to unreasonably impact neighbors, the Land Use Authority may require modifications to the proposed location of a wind energy device to minimize impact.

27.5.2.I. Feeder Lines. The electrical collection system shall be placed underground within the interior of each parcel.

27.5.2.J. Deviations. If any deviation from the required standards of this ordinance is granted by the land use authority, a conditional use permit shall be required.

27.5.3. SAFETY.

27.5.3.A. Standards and Certification.

27.5.9.A.i. Standards. Wind energy systems shall meet minimum standards such as International Electro technical Commission (IEC) 61400-2 or the American Wind Energy Association's (AWEA Small Wind Turbine Performance and safety Standard or standards as

determined by the approved Virgin Town Building Inspector after consultation with manufacturer's representative or other authorized consultant, if any, to the Building Inspector.

27.5.9.A.ii. Certification. Wind energy systems shall be certified by Underwriters Laboratories, Inc, or the National Renewable Energy Laboratory, the small wind Certification Council or other body as determined by the Land Use Authority of The Town of Virgin. The Town of Virgin reserves the right to deny a building permit for proposed wind energy systems deemed to have inadequate certification or testing for operation in severe weather climates.

27.5.9.A.iii. Maintenance. Wind energy systems shall be maintained according to the manufactures recommendations along with Industry standards. The Town suggests that the Owner keep all maintenance schedules.

27.5.9.B. Utility Connection. All grid connected systems shall have an agreement with the local utility prior to the issuance of a building permit. A visible external disconnect, or transfer switch, must be provided if required by the utility.

27.5.4. ABANDONMENT.

If the wind energy system remains nonfunctional or inoperative for a continuous period of one (1) year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after receiving notice from the Virgin Town Council instructing them to do so. Removal includes the entire structure including foundations to below natural grade and transmission equipment. The removal will be completed within six (6) months from the time of notification.

27.5.5. PERMITS.

A building permit and a conditional use permit, if required, shall be obtained for any wind energy system prior to installation.

27.6. SOLAR ENERGY SYSTEMS (PHOTOVOLTAIC).

27.6.1. ZONING DISTRICTS.

Solar energy systems in accordance with the standards in this section are allowed as a permitted accessory use in all zoning districts.

27.6.2. STANDARDS.

27.6.2.A. Minimum Lot Size. In the Residential Zone (R) the minimum lot size is 12,000 square feet. In the Rural Residential (RR), Commercial (C), Resort Zone (RZ), Highway Resort Zone (HRZ) or other zones the minimum square feet is 12,000. In a clustered subdivision the

requirement would be not more than one (1) unit for every 12,000 square feet. This is the requirement for ground mounted solar energy systems.

27.6.2.B. Height. Roof-mounted solar energy systems shall comply with the maximum height requirements in the applicable zoning district. Ground-mounted solar energy systems shall not exceed eighteen feet (18') in height.

27.6.2.D. Location. In residential zoning districts, ground-mounted solar energy systems are limited to the rear yard. In non-residential zoning districts, ground-mounted solar energy systems may be permitted in the front yard of any lot or the side yard on corner lots but shall not encroach in the minimum twenty foot (20') landscaped area adjacent to public right-of-ways or screening between properties.

27.6.2.E. Setbacks. Ground-mounted solar energy systems including any appurtenant equipment shall be set back a minimum of fifteen feet (15') from all property lines and a minimum of thirty feet (30') from all dwellings located on adjacent lots. Roof-mounted systems shall comply with all building setbacks in the applicable zoning district and shall not extend beyond the exterior perimeter of the building on which the system is mounted.

27.6.2.F. Roof Mounting. Roof-mounted solar collectors shall be flush mounted on pitched roofs with a pitch of 4/12 or greater. Solar collectors may be bracket mounted on flat roofs.

27.6.2.G. Easements. Solar energy systems shall not encroach on public drainage, utility roadways or trail easements.

27.6.2.H. Screening. Solar energy systems shall be screened from view to the extent possible without reducing their efficiency. Screening may include walls, fences or landscaping.

27.6.2.I. Maximum Area. In the Residential (R) Zone the ground mounted solar energy system shall be limited to 200 square feet. In other districts of one (1) acre, ground-mounted solar energy systems shall be limited to a maximum of no more than twenty-five percent (25%) of the rear yard. Owners of installations on three (3) or more acres may apply for larger array installations by conditional use permit.

27.6.2.J. Aesthetics. All solar energy systems shall use colors that blend with the color of the roof or other structure. The collector itself can be any color that is most beneficial for adequate collection. Any other housings or brackets should use colors compatible with the surroundings. Reflective angles from collector surfaces shall be oriented away from neighboring windows in as far as possible. Where necessary, screening may be required to address glare.

27.6.2.K. Feeder Lines. The electrical collection system shall be placed underground within the interior of each parcel.

27.6.2.L. Deviations. If any deviation from the required standard of this ordinance is granted by the land use authority, a conditional use permit shall be required.

27.6.3. SAFETY.

27.6.3.A. Standards and Certification.

27.6.3.A.i. Standards. Solar energy systems (photovoltaic) shall meet the minimum standards outlined by the International Electrotechnical Commission (IEC), the American Society of Heating, Refrigerating, and Air-conditioning Engineers (ASHRAE), ASTM International, British Standards Institution (BSI) International Organization for Standardization (ISO), Underwriters Laboratory UL, The Solar Rating and Certification Corporation (SRCC) or other standards as determined by the Town of Virgin Council.

27.6.3.A.ii. Certification. Solar energy systems shall be certified by; Underwriters Laboratories, Inc., or the National Renewable Energy Laboratory, the Solar Rating and Certification Corporation or other body as determined by the Town of Virgin Council. The Town reserves the right to deny a building permit for proposed solar energy systems deemed to have inadequate certification.

27.6.3.B. Utility Connection. All grid connected systems shall have an agreement with the local utility prior and a copy will be provided to the town. A visible external disconnect must be provided if required by the utility.

27.6.3.C. Abandonment. If the solar energy system remains nonfunctional or inoperative for a continuous period of one (1) year, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after being instructed by the Virgin Town Council to do so. Removal includes the entire structure including transmission equipment. Removal shall be completed within six (6) months after being instructed to do so.

27.6.3.D. Permits. A building permit and a conditional use permit, if required shall be obtained for any solar energy system prior to installation.

27.7. CONDITIONAL USE PERMIT.

Deviations. If any deviation from the required standard of this ordinance is granted by the land use authority, a conditional use permit shall be required.

27.7.1. That the deviation is required to allow for the improved operation of the alternative energy system;

27.7.2. That the alternative energy system has a net energy gain;

27.7.3. That the alternative energy system does not adversely affect solar access to adjacent properties;

27.7.4. That the alternative energy system complies with all other engineering, building, safety and fire regulations; and

27.7.5. That the alternative energy system is found to not have any adverse impacts on the area, including the health, safety and general welfare. This ordinance shall be construed broadly to promote the purposes for which it was adopted.

27.8. INTERPRETATION.

In interpreting this ordinance and its application, the provisions of these regulations shall be held to be the minimum requirements for the protection of public health, safety and general welfare. This ordinance shall be construed broadly to promote the purposes for which it was adopted.

27.9. CONFLICT.

This ordinance is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or provision of law except as provided herein. If any provision of this ordinance imposes restrictions different from any other ordinance, rule or regulation, statute or provision of law, the provision that is more restrictive or imposes high standards shall control.

27.10. SEPARABILITY.

If any part or provision of this ordinance or its application to any developer or circumstance is judged invalid by any competent jurisdiction, the judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which the judgment shall be rendered and shall not affect or impair the validity of the remainder of these regulations or the application of them to other developers or circumstances.

CHAPTER 28

MASTER PLAN OVERLAY DISTRICT

28.1. PURPOSE.

The purpose of this Chapter is to describe the process and set forth criteria for the applicability of the Master Plan Overlay. It is the intention of the Master Plan Overlay to provide greater flexibility of use on lands which have an extraordinarily high potential to offer dedications considered by the Land Use Authority to be of great benefit to the Town, including easements, roads, trails, parks, open space, or land parcels designated for future public use in Town planning documents. Establishment of the Master Plan Overlay Zone requires that the land owner enter into a Master Plan Agreement with the Town of Virgin which governs all of the properties considered.

28.1.1. APPLICABILITY.

Master Plan Overlay Zone designation is only available for:

28.1.1.A. Tracts of land, under one (1) legal ownership, of twenty (20) acres or more.

28.1.1.B. Where multiple parcels are considered, a single discontinuity is allowed for every twenty (20) acres under consideration [one-hundred (100) acres would allow up to five (5) discontinuities.

28.1.1.C. Tracts that fulfill the potential of providing: easements, roads, trails, contiguous open space, publicly accessible parks and parcels designated for future public use in Town planning documents.

28.1.2. RESTRICTIONS.

28.1.2.A. Except as otherwise provided in this chapter, standards for each proposed use will be those applying to that use in the zoning district where it is usually found, or elsewhere in the VULU.

28.1.2.B. No use which is not permitted in at least one zoning district of the Town may be permitted.

28.1.2.C. Density may be transferred or re-distributed, however, total density shall not exceed the combined underlying zoning density of the aggregated parcels.

28.1.2.D. Densities appropriate to the current underlying zone or the zoning designation shown on the Future Land Use Map may not be exceeded unless an approved independent sewer system is constructed.

28.1.2.E. Master Plan Overlay determinations may set forth general use, density, height, design and site planning criteria; more specific standards are addressed under Master Plan Review. Any applied criteria shall result in projects which:

28.1.2.E.i. complement the natural features of the site;

28.1.2.E.ii. ensure neighborhood compatibility;

28.1.2.E.iii. complement the rural character of Virgin;

28.1.2.E.iv. are tax-base contributory;

28.1.2.E.v. result in a net positive contribution of amenities to the community;

28.1.2.E.vi. provide or contribute to a diversity of interactive, community-serving uses;

28.1.2.E.vii. provide permanent protection for open space or critical lands on the site;

28.1.2.E.viii. fulfill or maintain the specific development patterns described in Town planning documents; and

28.1.2.E.ix. efficiently and cost effectively extend and provide infrastructure.

28.2. PRE-APPLICATION PROCEDURE.

28.2.1. PRE-APPLICATION CONFERENCE.

[At the discretion of Planning & Zoning Chair, this step may be combined with VULU Chapter 9.3., Division of Land.]

A Pre-Application Conference shall be held with a representative of the Town as determined by the chairman of the Planning & Zoning Commission in order for the Applicant to become acquainted with Town requirements, procedures, and schedules. The Town may give preliminary feedback to the potential Applicant based on information available at the Pre-Application Conference and will inform the Applicant of issues or special requirements which may result from the proposal. This feedback is for the Applicant's convenience only; binding decisions and determinations are made only by vote of the Land Use Authority.

28.2.2. PRE-APPLICATION PUBLIC MEETING.

[At the discretion of Planning & Zoning Chair, this step may be combined with VULU Chapter 9.3., Division of Land.]

In order to provide an opportunity for the public and the Planning & Zoning Commission to give preliminary input on a general concept for a Master Plan Overlay, all Master Plan projects will be required to go through a Pre-Application Public Meeting at a regularly scheduled meeting of the Planning & Zoning Commission. Completion of the Pre-Application Conference qualifies Applicant to submit a Pre-Application Public Meeting request with the Virgin Town Clerk. The request shall include proof of ownership (and, if applicable, authorization of agency), a rough Site Plan identifying adjacent properties, streets, landmarks, trails, utilities, structures and known significant historical or archaeological features; topographic and plat maps of all properties proposed for inclusion marked with current zoning for each parcel, a schedule and total of parcel acreages, a development yield estimate (a professional analysis of development yield will be required in subsequent steps: see VULU Chapter 28.5.1.C., Land Suitability, and Endnote A) and an overlay showing the location and description of proposed uses, along with any applicable fee. If applicant is pursuing concurrent division of land with Master Plan Overlay application, consult VULU Chapter 9 for additional required submissions and fees. The public will be notified and invited to attend, and will be given an opportunity to comment on the preliminary concepts so that the Applicant can address neighborhood concerns in preparation of an Master Plan Agreement. At the Pre-Application Public Meeting, the Applicant will have an opportunity to present the preliminary concepts for the proposed Master Plan Overlay. This preliminary review will focus on site resources, the General Plan, and zoning compliance for the proposed Master Plan Overlay.

28.2.3. PRE-APPLICATION PUBLIC MEETING, MASTER PLAN AGREEMENT QUALIFICATION.

Because mixing uses requires a limited suspension of the approved requirements of underlying zoning, a rigorous test must be applied to ensure that the project is compatible with Town Goals and the General Plan, that any relaxation requested will not undermine the purpose of the rule being relaxed, and that the amenities offered are of great public value. A scheduled public site visit by the Planning and Zoning Commission is a prerequisite to Agreement Qualification. In order for a project to qualify for a Master Plan Agreement, the Planning Commission must make each of the following findings:

28.2.3.A. The project site includes locations or connections of great importance to the public as expressed in town planning documents or maps (for such things as trails or streets, contiguous open space, infrastructure needs, etc.), which are substantial in value and unique to the property;

28.2.3.B. Similar alternatives to those locations or connections would be difficult or impractical for the Town to secure;

28.2.3.C. The proposed uses, with appropriate conditions, will comply with all the requirements of the VULU otherwise applicable to each proposed use and uphold the Town standards in VULU Chapter 8.1.;

28.2.3.D. The mix of land uses is appropriate and compatible for the subject property and its surroundings;

28.2.3.E. Any density incentives included will reduce or maintain impacts on town water supply and septic saturation, and support town goals of centralized growth and protection of open space; and

28.2.3.F. With appropriate conditions, no proposed use will create an impact to surrounding uses due to traffic, noise, dust, light, or public safety greater than would be reasonably anticipated under the maximum allowed usage in the underlying current or approved future zoning.

28.2.3.G. If the project meets all of the above criteria, the project shall be deemed Qualified for a Master Plan Agreement with the Town. Although Applicants must receive findings from the Planning & Zoning Commission to be eligible for this Agreement, the details of the Agreement will be identified after formal public hearing and an extensive Master Plan Review, and no Final Master Plan Agreement shall be made until all of the criteria for Master Plan Review are met. At this point, applicant may proceed to Zone Change, or opt to suspend the Master Plan process and preserve Master Plan Qualification under an Interim Agreement.

28.3. MASTER PLAN OVERLAY INTERIM AGREEMENT.

28.3.1. If the Planning Commission has deemed a project area qualified for Master Plan Agreement, and applicant wishes to document and preserve this qualification for subsequent owners of the area, applicant may request approval from Town Council of an Interim Master Plan Agreement. This agreement certifies that the applicant's project area has received Master Plan Agreement Qualification. The Interim Agreement will allow the property owner to:

28.3.1.A. List the property for sale;

28.3.1.B. advertise for investors or development partners;

28.3.1.C. hire engineers to begin assessment of project viability; and

28.3.1.D. choose either to delay, or to continue, progress toward a final Master Plan Agreement approval.

28.3.2. Council may approve a draft Interim Agreement subject to Town Attorney approval, or require an Interim Agreement to be drafted by the Town Attorney. All associated attorney fees shall be paid by the applicant. Council must specify an expiration date, and may name circumstances under which the qualification may be nullified, each of which shall have a rational connection to the public benefits of the plan upon which qualification was based. Plans and documentation upon which Qualification was based shall be attached to the Interim Agreement, which shall, at a minimum, contain:

28.3.2.A. A specific expiration date, three (3) years or less from the date of Council approval;

28.3.2.B. a statement that Qualification attaches to the land in the event of ownership change;

28.3.2.C. a reasonably specific list of public benefits upon which project is deemed Qualified for a Master Plan Agreement;

28.3.2.D. a condition that any subdivision of land or changes to plans upon which Qualification was based shall void Qualification; and

28.3.2.E. any other conditions under which the Interim Agreement becomes void prior to the named expiration date.

28.4. ZONE CHANGE PROCEDURE.

28.4.1. After a project qualifies for a Master Plan Agreement, Applicant may apply for the zone change to a Master Plan Overlay. If applicant intends to subdivide, the Planning & Zoning Chair may allow or require preliminary Concept Plan submissions (see VULU Chapter 9) to be presented at the same meeting. Applicant must provide the following:

28.4.1.A. A Site Plan in measurable scale indicating: project boundaries, property lines, any roadways and access, any dedications, easements, or contiguous open space, any publicly accessible parks, disposition of uses, disposition of density, any existing and proposed setbacks, major flow lines, any lands deemed unsuitable for development under this ordinance or other laws.

28.4.1.B. A phasing plan or schedule.

28.4.1.C. An analysis of Development Yield (see Endnote A) based on the underlying zoning, prepared by a licensed engineer.

28.4.1.D. A summary of any modifications made based on preliminary input from the Pre-Application Public Meeting.

28.4.1.E. A summary of specific ways the project furthers the General Plan of the Town of Virgin.

28.4.2. The Planning Commission may request at its sole discretion (i) a preliminary Grading Plan; (ii) Review by the Fire Marshal; and (iii) additional information appropriate to determining the suitability and feasibility of the project.

28.4.3. The Planning Commission will schedule and hold a formal public hearing following at least ten (10) days advertised notice. Applicant shall provide formal written notice of the application and hearing date, including a brief description of the proposal, to all owners of

property within 200 feet of the parcel in question. Within a reasonable time following the public hearing, the Planning Commission shall make its recommendation for the Town Council.

28.4.4. After receiving a recommendation on the rezone from the Planning & Zoning Commission, Applicant may request placement on the agenda of a regularly scheduled Town Council meeting. After reviewing the proposal, the Town Council shall approve or deny the rezone.

28.4.5. The Town Council shall establish: (i) that the applicant has met all requirements to be Qualified for the Master Plan Agreement, and (ii) that the project substantially furthers the goals of the General Plan; (iii) there is substantial benefit to the town in the form of easements, roads, trails, publicly accessible parks, contiguous open space, or land parcels designated for future public use in Town planning documents, and (iv) that the application has the potential to successfully meet the Master Plan Review Criteria.

28.4.6. Approval shall carry the condition that, should any substantial change be made to the project plan, including any change in the specific uses granted, the project shall revert to the original underlying zoning. Approval may carry other conditions, including conditions which set forth general use, density, height, design and site planning criteria. In making its decision, the Council shall weigh the benefits of the project overall and in light of the findings of the planning commission, shall consider public input, and shall make its own findings for the record. The Zone Change shall be contingent on a successful Master Plan Review.

28.5. MASTER PLAN REVIEW.

28.5.1. If the zone change is approved, applicant may then apply for Master Plan Review, along with any Conditional Use or Division of Land applications required (see VULU Chapters 8, 9, & 10). If applicant is pursuing subdivision, the Planning & Zoning Commission Chair may allow consideration of the Concept Plan recommendation at the same meeting. In performing a Plan Review of a Master Plan Development, the Planning & Zoning Commission or Town Council may require conditions to be included in the Master Plan Agreement to mitigate any negative impacts of the proposal, and to maintain compliance with the Agreement Qualification Findings.

28.5.1.A. Findings.

In addition to findings made during the Agreement Qualification, the Planning Commission must arrive at the following findings during the Master Plan Review:

28.5.1.A.i. The Master Plan Development, with appropriate conditions, will be compatible in scale and mass with adjacent properties, and promote neighborhood compatibility.

28.5.1.A.ii. Development, with appropriate conditions, will not create a greater visual impact due to structure height, building mass, off-site visibility due to siting of development, area of site disturbance, or other measurable characteristic.

28.5.1.A.iii. If the rule being relaxed governs density, the density of the project will not have a greater impact on our overall septic potential than would development of the allowed density in the underlying zone.

28.5.1.A.iv. If the proposal is for uses that would have a greater water supply requirement than one ERU per developable acre, developer agrees to purchase or otherwise provide the necessary water from a Town-approved source other than the Town (i.e., through agreement with the WCWCD).

28.5.1.A.v. The Master Plan Development is consistent with the General Plan.

28.5.1.A.vi. The project is consistent with Town Goals (VULU Chapter 8), and will not create a financial burden on the Town that listed uses would not.

28.5.1.A.vii. The project siting, with appropriate conditions, will provide the highest possible value of permanent protection for important flood plain, habitat, open space, agricultural, historic, and/or view-shed areas, as determined by the Land Use Authority.

28.5.1.A.viii. The project siting, with appropriate conditions, will complement the natural features on the site and preserve \significant features or vegetation to the extent possible.

28.5.1.A.ix. The Master Plan Development, with appropriate conditions, will not detract from the rural character of Virgin.

28.5.1.B. Density Transfer Incentive.

If all of the findings in the above Section are made, the applicant may seek qualification for additional acreage credit in density transfer. Applicant must provide a detailed development yield analysis (previously submitted under Zone Change), including total acreage of the MPO area under application and a breakdown of acreage for any and each type of unsuitable land as described in VULU Chapter 28.5.1.C., Land Suitability. This additional density may only be transferred in a direction that brings it closer or more accessible to existing infrastructure than the land from which it is being transferred. Density transferred under this incentive may not be used to construct single-family dwellings. The Land Use Authority may grant bonus acreage in density transfers to a maximum of the un-developable acreage which was subtracted from total land acreage to determine development yield.

28.5.1.C. Land Suitability.

No land shall be developed which is held to be unsuitable for any proposed use if identified as being environmentally sensitive. Areas identified as being environmentally sensitive include, but are not limited to:

28.5.1.C.i. All areas mapped as floodplain by the Federal Emergency Management Agency (FEMA), Utah Department of Natural Resources, or other public or private entity, and deemed unsuitable for the proposed development under the Flood Damage Prevention sections of Virgin Town ordinances.

28.5.1.C.ii. All wetlands as defined in federal and Utah State code, including a fifty-foot (50') buffer.

28.5.1.C.iii. All areas having slopes greater than thirty percent (30%).

28.5.1.C.iv. Areas that are proven to provide habitat for rare, threatened or endangered species, unless species have been removed by certified experts under procedures approved by all authorized entities.

28.5.1.C.v. Known burial sites and Indian mounds.

28.5.1.C.vi. Drainage ways that contain running water during spring runoff, during storm events or when it rains, as well as twenty-five foot (25') buffers from the edges of the drainage way.

Areas determined to be environmentally sensitive may be included as common open space but shall not be included in the development yield determined in VULU Chapter 28.5.1.B., Density Transfer Incentive, above. These lands shall be identified as an out-lot or other designation that indicates the land is not available for development.

28.5.1.D. Master Plan Review Approval.

Plan recommendation or approval may carry other conditions, including conditions which set forth general use, density, height, design and site planning criteria, which may vary from normal standards to mitigate anticipated impacts of combining different uses. Standards applied may be stricter, but not less strict, than standards applying to uses in zones where they are normally permitted. All separate parcels to host commercial uses or uses of greater impact than one ERU shall require the drafting, LUA approval, and recordation of a development agreement with the Town, separate from the Master Plan Agreement, as well as any other approval processes required under the VULU, before construction or development of these uses may begin. These and any other findings made during Qualification and Plan Review will become conditions of ratification of the Master Plan Agreement.

28.6. FINAL MASTER PLAN AGREEMENT.

28.6.1. Once the Land Use Authority has completed Master Plan Review and approved a zone change, the approval shall be put in the form of a Master Plan Agreement. The Town Council shall assign the drafting of the agreement either to the applicant or to town staff. In the event Council assigns the task to town staff, the applicant shall pay the actual cost of drafting the agreement. The Agreement shall be in a form approved by the Town Attorney, and shall contain, at a minimum, the following:

28.6.1.A. A legal description of the land including identification of the zoning designations of all parcels at the time of application;

28.6.1.B. all relevant zoning parameters including all findings, conclusions and conditions of approval;

28.6.1.C. an express reservation of the future legislative power and zoning authority of the Town;

28.6.1.D. a copy of the approved Site Plan, architectural plans, landscape plans, grading plan, trails and open space plans, and other plans which are a part of the Land Use Authority approval;

28.6.1.E. a description of all Developer exactions or agreed upon public dedications;

28.6.1.F. management plans for open space and public areas;

28.6.1.G. the Developer's agreement to pay all specified impact fees;

28.6.1.H. the form of ownership anticipated for the project;

28.6.1.I. if applicable, a specific project phasing plan, addressing public improvements, approval processes for individual uses, and all other elements of the plan; and

28.6.1.J. agreement that no individual project may be approved prior to finalization of associated public dedications. If applicable, a Subdivision Concept Plan (see VULU Chapter 9) shall be submitted.

28.6.2. The Master Plan Agreement shall contain language which allows for minor, administrative modifications to occur to the approval without revision of the agreement.

28.6.3. The Master Plan Agreement and any required bonds must be submitted to the Town within six (6) months of the date the project was approved by the Land Use Authority, or the approval shall expire. After preliminary review and recommendation by the Town Attorney, Applicant may request placement on the agenda of a regularly scheduled Town Council meeting for a vote to ratify the Agreement. If it is found that the Agreement fulfills the conditions created during the processes of Qualification for Master Plan Agreement, Zone Change, and Master Plan Review, as well as all other applicable conditions, laws and standards, the

Agreement shall be ratified by the Land Use Authority, and signed by the Town Council and the Applicant.

28.6.4. Following Council ratification of the Master Plan Agreement, applicant may deliver any required bond to the Town. The town must be in receipt of all required plans, documents, and bonds before the Town Attorney may begin his final review. The Town Attorney shall review the bond, the Master Plan Agreement, and other elements of the plan to ensure compliance with agreements made, conditions of approval, Town ordinances and all other applicable laws. The final signature of the Town Attorney on the Master Plan Agreement signifies the attorney's satisfactory review of all items, that the document is ready for recordation with the County. Construction on those agreed upon improvements which require no further approvals may now begin construction. If applicant intends to subdivide and has included an approved subdivision concept plan with his Master Plan Agreement, he may now proceed to apply for preliminary plat approval.

28.7. LIMITATIONS.

28.7.1. Approval of a Master Plan Agreement does not constitute final approval of any individual concept plans, plats, use permits, other development agreements or other applications which may be required for specific projects within the approved Master Plan Overlay Zone.

28.7.2. No Division of Land or use application may be approved, conditionally or otherwise, without written confirmation from the County Recorder that the Master Plan Agreement has been successfully recorded.

ENDNOTES.

A. Development Yield Analysis.

See VULU Chapter 9 and include total acreage of the MPO area under application and a breakdown of acreage for any and each type of unsuitable land, including those described in VULU Chapter 28.5.1.C., Land Suitability.

B. VULU Chapter 9.15., Development Yield Analysis.

Applicant shall submit a table showing the maximum number of dwelling units (or Equivalent Residential Units) that would be permitted under the Virgin Town ordinances, consistent with the minimum lot size, lot widths, set backs, and other provisions of the Town ordinances. Land that is un-developable because of 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.

C. VULU Chapter 9.15.3., General Performance Standards.

C.1. Development envelopes shall not be located on ridges, hilltops, along peripheral public roads or in other visually prominent areas.

C.2. Storm water management: Roof down spouts shall drain to porous surfaces.

C.2.1. Peak discharges during the two (2) and ten (10) year storm events shall be no more than pre-developed conditions.

C.2.2. The development shall capture eighty percent (80%) of the sediments/pollutants from the one (1) year storm event. Landscape plantings shall be used to increase infiltration and decrease runoff.

C.2.3. Natural open drainage systems (i.e., washes and dry river beds) shall be preserved.

VIRGIN UNIFORM LAND USE ORDINANCE

APPENDIX

SUBDIVIDER ESCROW AGREEMENT

AGREEMENT

The undersigned hereby promises and warrants that it has in deposit in an escrow account for the benefit of Virgin Town the sum of \$_____, which represents at least 125% of the estimated costs of the improvements not accepted by the Town and not constructed or installed by the developer of _____ subdivision. The undersigned hereby agrees that the foregoing sum of money shall be use exclusively for the purpose of paying for the costs of materials, and construction and installation of the improvements required by the municipality's subdivision ordinances. The undersigned further agrees that the money held in an escrow account shall be paid out to the contractors installing and constructing the required improvements only upon an order executed by the subdivider and by an authorized officer of the Town.

The subdivider shall not withdraw from the escrow account any amount in excess of one-hundred percent (100%) of the estimated cost of improvements, but shall pay from other sources any costs for such improvements which exceed one-hundred percent (100%) of the costs estimated by the engineer.

A sum equal to twenty-five percent (25%) of the estimated costs of improvements shall remain with the escrow holder for a period of two (2) years after all improvements are completed and conditionally accepted.

If after two (2) years, all or any part of the required improvements are not installed, constructed, and maintained according to the standards required in the Town's Subdivision Ordinance, the Town shall notify, in writing, the subdivider and the escrow holder of the defects and shall make demand on the subdivider that the defects be corrected. If the defects are not corrected within thirty (30) calendar days, the Town may correct the defects and charge the costs to the escrow holder. The escrow holder shall, on receiving reasonable proof from the Town of the defect, and that the Town had incurred the cost of correcting the defect pay to the Town from the escrow account the cost of correcting the defect, and the escrow holder shall be held harmless by the parties by reason of the payment to the Town.

If, after two (2) years the Town Board has conditionally accepted the improvements required by its subdivision ordinance, the required improvements remain substantially free from latent defects, the Town shall certify such fact to the escrow holder and the escrow holder shall

release to the subdivider any money still held in the escrow account, and the escrow holder shall be discharged of its obligations to the Town.

AUTHORIZED SIGNATURE _____ DATE _____

PAYMENT OF ENGINEERING AND ATTORNEY'S FEES

The Town of Virgin requires that all subdividers agree to pay the out-of-pocket attorney and engineering costs or fees incurred by the Town. These fees are the actual cost for legal and engineering review to ensure that all plats and plans are in compliance with Town standards. These fees shall be paid prior to release of the final plat for recordation. Failure to pay these fees shall cause the approval process to be suspended until such time the fees are paid.

AGREED TO BY:

_____ DATE _____
OWNER/AGENT FOR SUBDIVIDER

_____ DATE _____
NOTARY

VIRGIN TOWN
P.O. BOX 790008, 114 S. MILL STREET
VIRGIN, UTAH 84779-0008
(435) 635-4695 FAX (435) 635-0265

RV PERMIT -
EXPIRES THIRTY (30) DAYS FROM DATE OF ISSUANCE

No permit shall be issued without documented approval by Zoning Administrator (ZA). Site visit required unless deemed unnecessary by ZA. No permit will be approved if condition and location of RV, and delivery of electrical and water/sewer service, are deemed to be unsuitable, unsafe, or unhealthy by the ZA. Extension of stay beyond thirty (30) days requires a new permit application, including fees, and approval by the ZA. No permit will be issued, if ZA determines an RV is being used for short or long term rental purposes, or as a permanent residence. Additional conditions may be applied, as determined by the ZA. In no event, shall any RV stay exceed 180 days, unless an exception has been approved by the land use authority.

HOST

RESIDENT NAME, STREET ADDRESS, AND PHONE _____

APPLICATION FEE		\$	_____ 25.00 _____
SITE VISIT FEE (if applicable)		\$	_____
CHECK # _____	TOTAL OF FEES	\$	_____

GUEST

NAME _____ PH# _____

HOME ADDRESS _____

REASON FOR VISIT/EXTENSION _____

DATE YOUR VISIT ON THIS PROPERTY **FIRST** BEGAN ____/____/____

DATE PROPOSED STAY WILL **END** ____/____/____

MAKE, MODEL, YEAR, AND CONDITION OF RV _____

DESCRIBE LOCATION OF RV ON SITE _____

DESCRIBE ELECTRICAL & WATER SUPPLY CONNECTIONS

METHOD OF SEWAGE DISPOSAL

ZONING ADMINISTRATOR notes and conditions of approval, or reasons for denial:

() APPROVED

() DENIED

DATE _____

Virgin Town Zoning Administrator

PAYMENT RECEIVED BY TOWN CLERK \$ _____

DATE _____

Virgin Town Clerk

VIRGIN TOWN
114 S. Mill Street, P O Box 790008
Virgin, UT 84779
(435) 635-4695, fax 635-0265

NON-RESIDENT VENDOR PERMIT APPLICATION
(Expires six (6) months from date of issuance)

The Town of Virgin reserves the right to accept or reject all applications for a vendor permit within the town limits of Virgin, Utah.

Check one:

New application: \$25.00 fee pd. (must be renewed with-in six (6) months) ___ ck# _____

Renewal (have had a permit in Virgin Town before)

Business Name _____ Business Phone _____

Business Address _____ Mailing _____

Type of Business _____

Owners Name _____ Home Phone _____

Owners Address _____ Mailing _____

Owner Signature _____ Date _____

Address where you are planning to set up business _____

Conditional Use Permit: (to be filled out by city office)

Recommended by Planning Commission (date) _____ Approved by Town Council _____

Conditions: _____

You MUST provide a Utah Sales Tax ID number.

You MUST have proof of a valid Sales Tax account listing the Virgin location before beginning operation.

You MUST show proof of a Health Dept. Certification (if you will be handling food).

You MUST maintain a log of sales made at Virgin location for inspection by Town Official upon request.

You MUST display current Virgin Non-resident Vendor Permit at business location when operating in Virgin.

Vendor Permit fee paid \$ _____ by check # _____ date _____

Town Clerk _____ date _____

Attachment A

REASONABLE ACCOMMODATION INFORMATION SUBMISSION

(CLF applicants: Each accommodation shall be decided within not more than thirty (30) days of receipt of form by Town Council; please use reverse side or extra sheets if necessary.)

1. What proportion of disabled persons will the home or CLF house? (how many total occupants; how many disabled; details)

2. Is the proposed facility licensed by the state Division of Services to People with Disabilities?

3. Is the proposed facility designed (as defined by state law and administrative rules) and advertised as a residential facility for the disabled?

4. Will the proposed facility fill a demonstrated community need? If yes, please explain how:

5. What accommodation do you propose (explain the rule or limit you would like to see relaxed)?

6. Please explain how the accommodation is related to the disability or disabilities and how it will affirmatively enhance the quality of life of the disabled by ameliorating the effects of their disabilities:

7. Will the proposed accommodation impose an undue financial or administrative hardship on the Town? Why, or why not?

8. Please explain how/why the proposed accommodation is necessary to provide an **equal** opportunity for housing to the disabled:

9. If the requested accommodation requires placement of a CLF in a zone where VULU would not ordinarily permit it, is the proposed facility similar to other dwellings in this zone? Which one(s), and how?

10. Do you think the proposed accommodation will adversely impact the harmony or intended character of the zone? Why or why not?

VIRGIN TOWN
114 S. Mill Street, P O Box 790008
Virgin, UT 84779
(435) 635-4695, fax 635-0265

TEMPORARY BUSINESS LICENSE APPLICATION

NAME OF BUSINESS _____

BUSINESS LOCATION _____

PROPERTY OWNER _____

MAILING ADDRESS _____

PHONE _____ TYPE OF BUSINESS _____

COMPANY SUPPLYING GOODS TO BE SOLD

CONTRACTOR LICENSE # _____ SALES TAX # _____

DATES TO BEGIN BUSINESS _____

NAMES AND ADDRESSES OF OWNERS, PARTNERS OR CORPORATE OFFICERS:

	Full Name	Home Address	Phone	Date of Birth
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____

LIST OF MUNICIPALITIES WHERE BUSINESS WAS CONDUCTED DURING THE LAST SIX (6) MONTHS:

	Full Name	Home Address	Phone	Date of Birth
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____

If More Space is Needed, Attach Separate Sheet.

License Fee Due Twenty-five Dollars (\$25.00) up to thirty (30) days.

I hereby certify that the statements contained herein are true and correct to the best of my knowledge and that the falsification of any information contained herein constitutes sufficient cause for rejection of this application or revocation of any license previously granted. I Also understand that the Town may require additional information as permitted by Virgin Town policies, and I agree to supply this same upon request as part of this application. I also state that I have never been convicted of any misdemeanor or any municipal offense. (If so attach a statement of offense and punishment.)

Applicant Signature

Date

Zoning Administrator

Date

Town Clerk

Date

Must be accompanied by a photo (passport type) taken within the past six (6) months.

If business involves the sale of fruits or vegetables or food product, a statement from the State Health Office must also be filed with the application. Any business being operated on a property other than that owned by the business owner, must also have a statement from the property owner that permission has been given for said business to operate.

VIRGIN TOWN
114 S. Mill Street, P O Box 790008
Virgin, UT 84779
(435) 635-4695, fax 635-0265

PROPERTY OWNER PERMISSION FOR TEMPORARY LICENSE

NAME OF BUSINESS REQUESTING TEMPORARY LICENSE

PROPOSED ACTIVITY OF TEMPORARY BUSINESS

DATES OF BUSINESS OPERATION IN VIRGIN TOWN

NAME OF PROPERTY OWNER (PLEASE PRINT)

PROPERTY
ADDRESS

PROPERTY OWNER PHONE

PROPERTY OWNER'S STATEMENT OF
PERMISSION

PROPERTY OWNER'S NOTARIZED SIGNATURE

On this _____ day of _____, 20____, personally appeared before me
_____, the owner of the property at _____,
who proved their identity using satisfactory evidence, and acknowledged to me that he/she
signed the above document for its stated purpose.

Notary Public

-Stamp Here-

VIRGIN TOWN
114 S. Mill Street, P O Box 790008
Virgin, UT 84779
(435) 635-4695, fax 635-0265

APPLICATION FOR TEMPORARY USE

APPLICANT INFORMATION

NAME

ORGANIZATIONAL AFFILIATION

PHYSICAL ADDRESS

MAILING ADDRESS

E-MAIL ADDRESS

HOME NUMBER: _____ CELL: _____ FAX: _____

APPLICATION FEE AND DEPOSIT

In order to offset a portion of the costs incurred by the town in processing temporary use permits, a non-refundable fee of fifty dollars (\$50.00) shall be charged as established by resolution of the town council.

For events that utilize public property, a returnable deposit, not to exceed five dollars (\$5.00) per person likely to attend (as estimated by the official granting the temporary use permit), may be required, from which shall be subtracted the town's cost of repair, maintenance work, or emergency services necessitated by activities connected to the event.

SITE INFORMATION

LOCATION OF PROPOSED TEMPORARY USE

STREET ADDRESS

TAX CODE NUMBER

ZONE

PROJECT OR EVENT DESCRIPTION

BRIEFLY DESCRIBE THE PROPOSED USE:

ADDITIONAL INFORMATION

Please attach the following information to this application:

- a. Cover letter describing the event or project.
- b. Statement of ownership or letter of authorization from the owner(s) of the property on which the use is proposed to be located.
- c. Plans and drawings showing the location, dimensions, materials and uses of all temporary structures, parking, signs, and/or other information appropriate to the application.
- d. A copy of the organization's liability insurance policy.
- e. Anticipated date(s) of the event or installation of temporary structures: _____
- f. Anticipated date the event shall cease or temporary structures be removed: _____
- g. Anticipated number of attendees: _____

TEMPORARY USE STANDARDS

A temporary use permit may only be issued if the Town Clerk or Zoning Administrator finds:

- 1. That the use is temporary and impermanent;
- 2. That the use will not create a nuisance, hazard, or interfere with neighboring properties, and enjoyment thereof;
- 3. Blockage or closure of streets for events shall be avoided if possible. Street closure, if deemed necessary, is subject to the specific approval of the Mayor or designated official. Traffic control, if necessary, shall be provided at the expense of the applicant.
- 4. If any street or road within the town is to be utilized in an athletic or other event, or is to be closed, applicant is required to provide noticing materials to the town for public display in all ordinary posting places, including the town website. These advertising materials shall give estimated start and end times of event and, if applicable, street closure.

5. That the location will not create a traffic hazard or parking problem in the right of way, and that parking is available on-site, or at satellite locations by separate permit. Traffic control, if necessary, shall be provided at the expense of the applicant.
6. That all associated signs conform to the Towns sign regulations and will be temporary and impermanent.
7. Copies of health department approval where food items or products are handled or sold, and in any other situation where health department standards apply.
8. Copies of UDOT approval shall be obtained if the event or activity will utilize the SR-9 right of way.
9. That the lot will be kept clean from litter and debris at all times.
10. That landscape and natural vegetation areas will not be injured or trampled and the liability for replacement of any damage which may occur shall be assumed by the applicant.
11. That adequate on-site sanitary facilities are available or shall be provided by the applicant.
12. That the applicant shall have sufficient liability insurance for the requested use or event.

REVOCATION OF PERMIT

A temporary use permit shall be revoked and the said use immediately ceased in the event of a violation of any of the provisions of this section or the conditions set forth in the temporary use permit.

BUSINESS LICENSE REQUIRED

A temporary use permit is not a business license and the granting of said permit shall not relieve the permittee of any other license requirement of the town or any other public agency.

APPLICANT CERTIFICATION

I certify that the information contained in this application is true and correct.

Printed Name: _____ Signature: _____
 Date: _____

OFFICIAL USE ONLY	
APPROVAL SIGNATURE: _____	
DATE: _____	DEPOSIT AMOUNT: _____
CONDITIONS/REQUIREMENTS: _____	