

**ORDINANCE NO. 2022-1214-O**

**AN ORDINANCE AMENDING THE WASHINGTON COUNTY CODE MODIFYING  
THE TITLE 10 ZONING REGULATIONS BY ADDING THE  
PINE VALLEY OVERLAY ZONE (PVOZ)**

**RECITALS AND LEGISLATIVE FINDINGS**

WHEREAS, under Utah Code Annotated (1953, as amended) § 17-53-223, the county may pass all ordinances and make all regulations necessary and proper for the safety, peace and good order of the county and its inhabitants;

WHEREAS, the county desires to change its Title 10 Zoning Regulations by adding the Pine Valley Overlay Zone (PVOZ) for all land identified in the Washington County General Plan as located in Pine Valley, and as further defined in the new provisions;

WHEREAS, the Planning Commission conducted a duly notice public hearing on the proposed changes to Title 10, and many citizens attended and participated in the public hearing, and the Planning Commission recommends approval of the PVOZ;

WHEREAS, the county desires to add the PVOZ, as attached hereto and incorporated herein, to enable the present and future inhabitants of Pine Valley the sense of community desired by all of Washington County residents;

WHEREAS, the county also desires to improve its existing Title 10 regulations to preserve and enhance the unique community characteristics of Pine Valley by finding a balance between the needs of its inhabitants, citizens and visitors to the area;

WHEREAS, carefully managing the County's land use Code is of utmost importance to the community for the protection of present and future citizens;

WHEREAS, this proposed ordinance is necessary and proper for the safety, peace and good order of the County and its citizens, and for the preservation and longevity of these lands; and

WHEREAS, it is in the best interest of the citizens of Washington County that the amendments to Title 10, as attached, be adopted and incorporated into the Washington County Code.

NOW, THEREFORE, the County Legislative Body of Washington County ORDAINS as follows:

**The County Commission hereby adopts the attached Amendments to Washington County Code Title 10, adding Chapter 27 (all attached language is added to the Code).**

**Section 1. Repealer.** Current regulations are amended as set forth herein, Washington County Code Title 10, and any provision of the Code found in conflict with this Ordinance is hereby repealed.

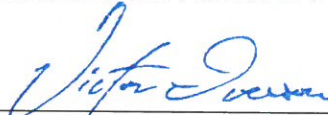
**Section 2. Enactment.** Title 10, Chapter 27, is attached hereto and incorporated herein as Exhibit A, and is hereby adopted (all attached language is added to the Code).

**Section 3. Severability.** If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

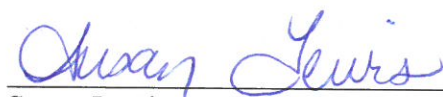
**Section 4. Effective Date.** This Ordinance shall take effect upon execution below, and upon posting in the manner required by law fifteen days after its passage. Following its passage, but prior to the effective date, a copy of the Ordinance shall be deposited with the County Clerk and a short summary of the Ordinance shall be published in a newspaper of general circulation within the County.

APPROVED AND ADOPTED this 19th day of July, 2022.

WASHINGTON COUNTY

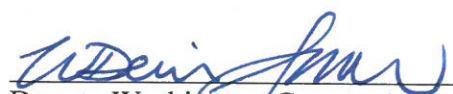
  
VICTOR IVERSON, Chair  
Washington County Commission

ATTEST:

  
Susan Lewis  
Washington County Clerk-Auditor

Commissioner Iverson voted aye  
Commissioner Snow voted aye  
Commissioner Almquist voted aye

Approved as to Form:

  
Deputy Washington County Attorney

Notice of Adoption of Washington County Ordinance No. 2022-1214-O

On July 19, 2022, the County Legislative Body of Washington County adopted Ordinance No. 2022-1214-O, 'An Ordinance Amending the Washington County Code Modifying the Title 10 Zoning Regulations by Adding the Pine Valley Overlay Zone (PVOZ).'

The purpose of this ordinance is to: add Pine Valley Overlay Zone for all land identified in the Washington County General Plan as located in Pine Valley.

A complete copy of the Ordinance is available at the County Clerk's Office.

Commissioner Victor Iverson voted Aye

Commissioner Adam Snow voted Aye

Commissioner Gil Almquist voted Aye

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## TITLE 10

### CHAPTER 27: PINE VALLEY OVERLAY ZONE

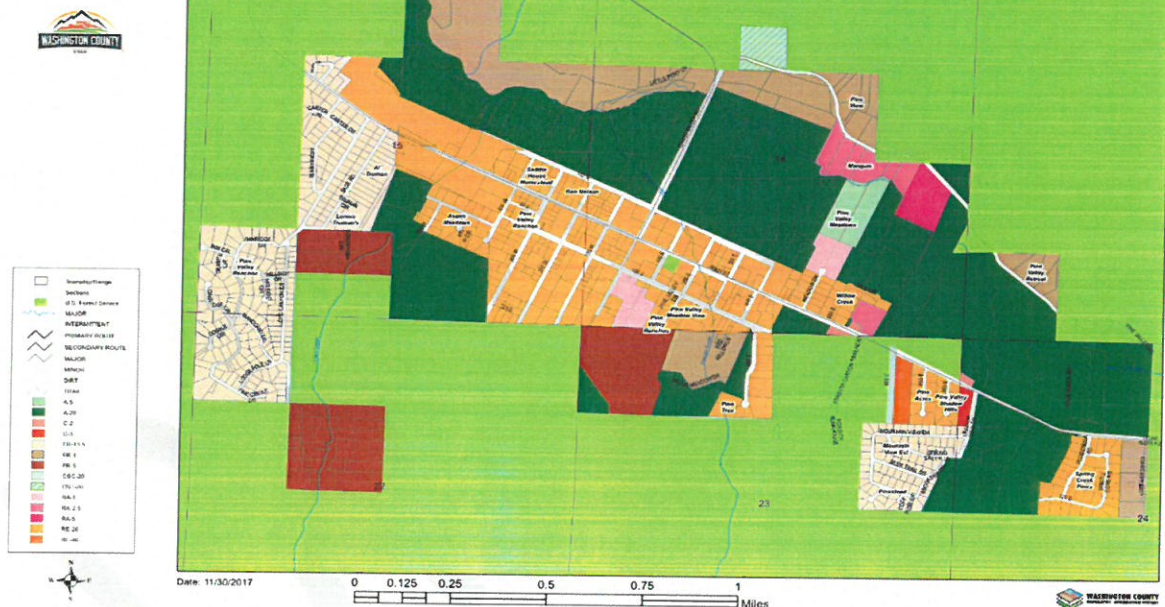
#### 10-27-1: PURPOSE:

To guide future development in a way that maintains the rural, historical and mountain village characteristics of Pine Valley and to preserve its open meadows, agricultural lands, and scenic vistas.

#### 10-27-2: AREA DEFINED:

The regulations for the Pine Valley Overlay Zoning (PVOZ) shall apply to the bounded area depicted on the official Washington County General Plan and Zoning maps for Pine Valley.

Zoning Map  
Pine Valley



#### 10-27-3: ZONING DISTRICTS WITHIN THE PINE VALLEY OVERLAY ZONE:

The following zoning districts are existing underlying districts for the Pine Valley Overlay Zone. The C-2 Highway Commercial Zone (C-2) and C-3 General Commercial Zone (C-3) are limited to the existing zoned parcels and will not be allowed for future zone changes. Any newly proposed commercial parcels, if rezoned, shall be Neighborhood Commercial. Manufacturing and Industrial zoning and uses are prohibited. Commercial campgrounds and commercial recreation including but not limited to lodges and dude ranches, fractionalized ownership, and Planned Developments for Short Term Rentals (STR) uses are prohibited in all zoning districts. Agricultural Tourism is only allowed in the RA Districts on lots that are 10 acres or greater. Other zoning districts allowed in Washington County may be considered though the zoning amendment process established in the Washington County Code, by seeking an amendment to



22 the PVOZ, so long as the proposed zoning meets the minimum lot size requirements and intent  
23 of this overlay zone.

24 **A-5 (AGRICULTURAL 5 ACRE MINIMUM LOT SIZE ZONE):**

25 The purpose of this zone is to preserve appropriate areas for permanent agricultural uses.  
26 Permitted and conditional uses for this district are found in Titles 10-27-2 and 10-7-3.

27 **A-20 (AGRICULTURAL 20 ACRE MINIMUM LOT SIZE ZONE):**

28 The purpose of this zone is to preserve appropriate areas for permanent agricultural uses.  
29 Permitted and conditional uses for this district are found in Titles 10-7-2 and 10-7-3.

30 **C-2 (HIGHWAY COMMERCIAL ZONE):**

31 Commercially zoned property currently existing and located within the Pine Valley Overlay Zone  
32 shall be oriented toward the community needs and for essential services to its residents, and for  
33 their health and safety. All future commercial uses shall be community focused. Tourist uses  
34 shall be ancillary to the community Neighborhood Commercial uses.

35 The scale and design of the commercial uses shall be in harmony with the surrounding uses.  
36 Permitted uses for this district are found in Title 10-10-2. Prohibited commercial uses within  
37 the Pine Valley Overlay Zone include the following:

38 Athletic Clubs

39 Automobile, new or used sales and service

40 Automobile rental

41 Automobile repair including paint, body, fender, brake, muffler, upholstery, or transmission  
42 (completely enclosed building)

43 Bank or financial institution

44 Boat sales and service

45 Car wash

46 Convenience markets in conjunction with gas stations, or stand alone, with the exception of a  
47 county store defined by this overlay code, which is permitted.

48 Gas station

49 Laundry or dry cleaners, laundromat

50 Liquor store

51 Manufactured home sales lot and service

52 Mortuary

53 Pharmacy

- 54 Recreational vehicle parks
- 55 Shuttle service
- 56 Theatre
- 57 Tire sales and service
- 58 Trailer sales and service
- 59 Truck terminal
- 60 To maintain the rural nature of the Pine Valley community, additional commercially zoned
- 61 property and uses is strongly discouraged.
- 62 **C-3 (GENERAL COMMERCIAL ZONE):**
- 63 Commercially zoned property currently existing and located within the Pine Valley Overlay Zone
- 64 shall be oriented toward local community needs, for essential services to its residents, and for
- 65 their health and safety. All future commercial uses shall be community focused. Tourist uses
- 66 shall be ancillary to the community Neighborhood Commercial uses.
- 67 The scale and design of the commercial uses shall be in harmony with the surrounding uses. To
- 68 maintain the rural nature of the Pine Valley community, additional commercially zoned property
- 69 and uses is strongly discouraged. Permitted uses for this district are found in Title 10-10-2.
- 70 Prohibited commercial uses within the Pine Valley Overlay Zone include the following:
- 71 Athletic clubs
- 72 Automobile, new or used sales and service
- 73 Automobile rental
- 74 Automobile repair including paint, body, fender, brake, muffler, upholstery, or transmission
- 75 (completely enclosed building)
- 76 Bank or financial institution
- 77 Boat sales and service
- 78 Building materials sales
- 79 Car wash
- 80 Coal and fuel sales
- 81 Convenience markets in conjunction with gas stations, or stand alone, with the exception of a
- 82 country store defined by the overlay code, which is permitted
- 83 Department store
- 84 Employment agency
- 85 Gas station

- 86 Health club  
87 Laboratory, dental or medical  
88 Laundry  
89 Liquor store  
90 Lumberyard  
91 Manufactured home sales lot and service  
92 Mortuary  
93 Pawn shop  
94 Pharmacy  
95 Recreational vehicle parks  
96 Rental agency for home and garden equipment  
97 Shuttle service  
98 Sign sales  
99 Storage rental units  
100 Theatre  
101 Tire recapping or retreading  
102 Tire sales and service  
103 Trailer sales and service  
104 Truck terminal  
105 To maintain the rural nature of the Pine Valley community, any additional commercially zoned  
106 property and uses, including Neighborhood Commercial is strongly discouraged.
- 107 **FR-13.5 (FOREST RESIDENTIAL 13,500 SQUARE FOOT MINIMUM LOT SIZE ZONE):**  
108 The purpose of this zone is to permit the necessary development of identified mountain areas  
109 for non-commercial recreation, seasonal residential living, and other activities to the extent  
110 compatible with the protection of the natural and scenic resources of the areas for the benefit of  
111 present and future generations (Ord. 2018-1120-O, 8-21-2018). Permitted and conditional uses  
112 for this district are found in Title 10-8A-2 and 10-8A-3.
- 113 **FR-1 (FOREST RESIDENTIAL 1 ACRE MINIMUM LOT SIZE ZONE):**  
114 The purpose of this zone is to permit the necessary development of identified mountain areas  
115 for non-commercial recreation, seasonal residential living, and other activities to the extent  
116 compatible with the protection of the natural and scenic resources of the areas for the benefit of

present and future generations (Ord. 2018-1120-O, 8-21-2018). Permitted and conditional uses for this district are found in Title 10-8A-2 and 10-8A-3.

**FR-5 (FOREST RESIDENTIAL 5 ACRE MINIMUM LOT SIZE ZONE):**

The purpose of this zone is to permit the necessary development of identified mountain areas for non-commercial recreation, seasonal residential living, and other activities to the extent compatible with the protection of the natural and scenic resources of the areas for the benefit of present and future generations (Ord. 2018-1120-O, 8-21-2018). Permitted and conditional uses for this district are found in Title 10-8A-2 and 10-8A-3.

**OSC-20 (OPEN SPACE CONSERVATION 20 ACRE MINIMUM LOT SIZE ZONE):**

The purpose of this zone is to permit the use of open space land within the county for uses compatible with the protection of the natural and scenic resources of the county for the benefit of present and future generations (Ord. 2001-815-O, 12-17-2001. eff. 12-17-2001; and 2004 Code) This zoning designation with the Pine Valley Overlay is to allow for the preservation of the Pine Valley Meadows. No development is allowed within this zoning district. Permitted uses for this district are found in Title 10-6A-2. The conditional uses described in 10-6A-3 are not permitted in the Pine Valley Overlay Zone.

**OST-20 (OPEN SPACE TRANSITION 20 ACRE MINIMUM LOT SIZE ZONE):**

The purpose of this zone is to provide for the protection of primarily undeveloped private land. Permitted and conditional uses for this district are found in Title 10-6B-2. The conditional uses described in 10-6B-3 are not permitted in the Pine Valley Overlay Zone.

**RA-1 (RESIDENTIAL AGRICULTURAL 1 ACRE MINIMUM LOT SIZE ZONE):**

The purpose of this zone is to provide permanent areas for small farms, hobby farms and small agricultural developments (Ord. 2018-1120-O, 8-21-2018). Permitted and conditional uses for this district are found in Title 10-8C-2 and 10-8C-3.

**RA-2.5 (RESIDENTIAL AGRICULTURAL 2.5 ACRE MINIMUM LOT SIZE ZONE):**

The purpose of this zone is to provide permanent area for small farms, hobby farms and small agricultural developments (Ord. 2018-1120-O, 8-21-2018). Permitted and conditional uses for this district are found in Title 10-8C-2 and 10-8C-3.

**RA-5 (RESIDENTIAL AGRICULTURAL 5 ACRE MINIMUM LOT SIZE ZONE):**

The purpose of this zone is to provide permanent areas for small farms, hobby farms and small agricultural developments (Ord. 2018-1120-O, 8-21-2018). Permitted and conditional uses for this district are found in Title 10-8C-2 and 10-8C-3.

**RE-20 (RESIDENTIAL ESTATE 20,000 SQUARE FOOT MINIMUM LOT SIZE ZONE):**

The purpose of this zone is to provide permanent area for small farms, hobby farms and limited agricultural development for personal use (Ord. 2018-1120-O, 8-21-2018).



**RE-40 (RESIDENTIAL ESTATE 40,000 SQUARE FOOT MINIMUM LOT SIZE ZONE):**

The purpose of this zone is to provide permanent area for small farms, hobby farms and limited agricultural development for personal use (Ord. 2018-1120-O, 8-21-2018).

**10-27-4: GENERAL STANDARDS AND REQUIREMENTS:**

A. Neighborhood Commercial Standards: Neighborhood Commercial is a zoning designation unique to Pine Valley and regulates all commercial development within the Pine Valley Overlay Zone. All commercial zoning shall be Neighborhood Commercial, rural or historical in character and shall be in harmony with the surrounding development. Neighborhood Commercial development should be oriented to the community and the needs of the community. It shall provide areas where low impact commercial and service uses can be harmoniously integrated with rural and residential uses at a village scale. It shall have a lesser impact than normally associated with commercial development and shall be lower in density to preserve a feeling of open space and preservation of public views compatible with the area's natural and scenic beauty. Buildings shall be limited to a maximum size of 5,000 square feet and must be single story. The creation of additional commercially zoned property is strongly discouraged. Any zoning amendment to change the zoning to a Neighborhood Commercial zoning or use will require a community meeting noticed per section 10-2-3 of the Washington County Code prior to the application submittal to Washington County and be required to be Neighborhood Commercial with a minimum lot size of one (1) acre. Zoning requests to Neighborhood Commercial will need to meet the following standards:

It meets a fundamental need of the community.

It provides an essential service for the community.

It promotes safety for the residents, including among other things, the lessening of congestion in the streets and road, securing safety from fire and other dangers.

Single story in height.

All future commercial uses shall be community focused. Tourist uses shall be ancillary to the community Neighborhood Commercial uses.

Neighborhood Commercial uses are as follows:

Country store

Financial services

Medical, or professional office

Office, professional

Personal care service

Personal instruction

Religious facility

Restaurant, rural or historic architectural style

- B. Residential Standards: In order to preserve the rural nature and feel of Pine Valley, any new subdivided lots created for development shall be a minimum of 1 acre in size. To maintain the rural nature and feel of Pine Valley and to provide for appropriately sized homes on lots, lot coverage standards are included in the overlay zone.

The combined square footage of all detached accessory structures, with the exception of barns, shall not exceed 15% of the total lot area if the structure is entirely within the setbacks for the principal structure, or 10% of the total area if the structure is located elsewhere on the lot. Barns except in Agricultural districts may have a lot coverage up to 25% so long as the use is incidental to the primary residential use. In Agricultural districts where agricultural uses are operating, barns are permitted without a primary residential use.

Fractional home ownership is not permitted within the Pine Valley Overlay Zone.

Existing District	Acres	Front Setback	Side Setback	Rear Setback	Lot Width	Building Height	Lot Coverage	Acc. Structure Lot Coverage
A-5	5	25	25	25	300	35	50%	15% / 10%
A-20	20	25	25	25	400	35	50%	15% / 10%
C-2	NONE	25	10	10	NONE	35	50%	15% / 10%
C-3	NONE	25	10	10	NONE	35	50%	15% / 10%
FR-13.5	13,500 Sq. Ft.	25	10	10	80	35	50%	15% / 10%
FR-1	1	25	10	10	140	35	50%	15% / 10%
FR-5	5	25	25	25	300	35	50%	15% / 10%
OSC-20	20	25	25	25	400	35	50%	15% / 10%
OST-20	20	25	25	25	400	35	50%	15% / 10%
RA-1	1	25	10	10	140	35	50%	15% / 10%
RA-2.5	2.5	25	25	25	250	35	50%	15% / 10%
RA-5	5	25	25	25	300	35	50%	15% / 10%
RE-20	20,000 Sq. Ft.	25	10	10	80	35	50%	15% / 10%
RE-40	40,000 Sq. Ft.	25	10	10	100	35	50%	15% / 10%

217 New residential developments shall have a minimum lot size of one (1) acre. Parcels five (5)  
 218 acres or more may receive approval of a Planned Development Residential (PDR) allowing ¼  
 219 acre lots or larger to be clustered together with 75% of the lot remaining as open space, or ½  
 220 acre lots or larger if the open space land is not contiguous.

Planned Development Residential Cluster Requirements		
Acres	Max number of ¼ acre lots	Required open space in acres
5	4	4
10	8	8
15	12	12
20	16	16

221  
 222 1. Buildings: Recommended and mandatory building standards are found in the table below:

Mandatory	Recommended	Standard
	X	Buildings shall be designed to follow natural contours rather than modifying the land to accept a building design not tailored to the site.
X		Slopes that are greater than thirty percent (30%) shall require building designs where all corners of the building on the ground surface. Hillside Development Standards in the code also apply.
	X	The massing or grouping of buildings shall be scaled to harmonize and achieve balance with natural features of the specific site.
	X	Roof lines and building mass shall echo the angles and shapes repeated in the natural landscape. Flat roofs are strongly discouraged due to snow loads.
	X	Building mass and wall lines shall be broken up to complement natural settings and slopes.
	X	The use of building materials in colors that blend harmoniously with the surrounding natural settings is recommended. Brash, contrasting color combinations are strongly discouraged.
X		Flammable wood roofing shingles are prohibited.

223  
 224 2. Mobile and Manufactured Housing: Mobile homes are not permitted within the Pine  
 225 Valley Overlay Zone. Manufactured housing is discouraged in order to preserve the rural  
 226 character of Pine Valley. Manufactured housing may be allowed with the following  
 227 standards:

Mandatory	Recommended	Standard
X		Built to HUD Standards
	X	Be manufactured within the five (5) years immediately preceding the date which it is affixed to the residential lot.
	X	Shall be new construction and not a home relocated from another property.
	X	Consist of more than one section.
	X	Includes at least 1,400 square feet of living area.

	X	Consist of at least five (5) sides or corners with the smallest side or corner measuring a minimum of five (5) feet; and
	X	Have a minimum width and depth of 20 ft.
	X	The exterior finish shall be architecturally integrated with the homes in the immediate vicinity, including roofing and building design.
X		Attached to a permanent foundation, and any elevated foundation must be masked with the same exterior finish used on the home or decorative masonry. All masking must be extended to within six (6) inches of grade.
	X	Roofing material shall be asphalt shingles, tile, or metal roofing panels.
	X	Roofing material must be different in color and material than that of the exterior finish of the house to create contrast.
X		Flammable wood roofing shingles are prohibited.
X		Roofs shall maintain a minimum pitch of 3:12.

228  
229 3. Accessory Dwelling Units: Accessory Dwelling Units (ADU) are allowed within the Pine  
230 Valley Overlay Zone under Section 10-13-18. Setbacks for ADUs will correspond with  
231 the underlying zoning district, in which the ADU is located and be compliant with Title  
232 10 Chapter 8.

233  
234 4. Short Term Rentals: Short Term Rentals (STR) are allowed when compliant with Section  
235 10-13-23, with the exception of any Planned Development Short Term Rental (PD-STR)  
236 zoning. Short Term Rental housing will be limited to a maximum of 5% of the existing  
237 housing supply. If the home is not owner occupied, then a property manager must live  
238 within one (1) hour of Pine Valley to be able to promptly resolve matters that may arise.  
239

240 Those with existing licenses when the Overlay Zone becomes effective, will be included  
241 in the ratio number. Any applicants, who are compliant with Section 10-13-23, and  
242 granted a license by the County, will be included until the ratio for the licenses is met.  
243 Any subsequent applicants will be placed on a wait list in order of the date of receipt.  
244 Licenses can also be revoked by the County for non-compliance. When a license becomes  
245 available, the first applicant on the waiting list shall be notified of the license availability,  
246 and the applicant shall have sixty (60) days from the date to complete the licensing  
247 process, if eligible. If they fail to obtain a license within that timeframe, the application  
248 shall be deemed rejected, and the next applicant will be notified of the license availability,  
249 and the same procedure shall apply. The Pine Valley Local Administrative District  
250 (PVLAD) will review the number of homes each year and provide an updated ratio  
251 number to the Community Development Department by January 31 of each year.  
252

253 5. Home Occupations: Home occupations are allowed within the Pine Valley Overlay Zone  
254 pursuant to Section 10-4-1.  
255

256 C. General Standards:

257 1. Streets:  
258



259 a. Rural Street Section: In order to preserve the rural character of Pine Valley, as  
260 defined with the community general plan maps, street improvements shall be  
261 exempt from curb, gutter, and sidewalk requirements pursuant to Washington  
262 County Code Section 11-5-3(C)(2)(a).  
263

264 b. All-Terrain Vehicles (ATVs) / Off Highway Vehicles (OHV): All-Terrain Vehicles  
265 / Off Highway Vehicles are permitted within the Pine Valley Overlay Zone  
266 pursuant to Washington County Code Section 6-1-3.  
267

268 2. Trees / Landscaping / Fencing:

269 a. Fencing: All perimeter fencing, including the front yard, within the Pine Valley  
270 Overlay Zone, of a parcel or lot, as well as along roadways, shall be non-sight  
271 obscuring fencing and have a maximum height of six (6) feet. Fencing on corner  
272 lots shall comply with the Washington County Code Section 10-15-3. Sight  
273 obscuring fencing is allowed within a building setback and yard for privacy but  
274 may not be used along the perimeter of the parcel.  
275

276 b. Landscaping: In order to preserve the rural nature of Pine Valley, it is  
277 recommended that landscaping incorporates local Utah native plants. Due to the  
278 proximity of the Dixie National Forest, plants listed from the website plant  
279 database are encouraged. <https://www.fs.usda.gov/main/dixie/learning/>  
280

281 Borrow ditches are to be maintained with natural materials and remain open.  
282

283 It is encouraged to create a defensible space around residential buildings by keeping  
284 twigs, leaves, shrubs, dead grasses and brush away from the perimeter of the  
285 structures.  
286

287 Washington County Community Fire Planning recognizes that many communities  
288 are at risk for wildland fires and provides the following link to reduce the risk  
289 around your home. <https://www.nfpa.org/Public-Education/Fire-causes-and-risks/Wildfire/Firewise-USA>.  
290  
291

292 3. Signs: Signs should be in harmony with the rural character of Pine Valley and are subject  
293 to Title 10 Section 19, unless otherwise stated in this overlay zone.  
294

295 Commercial signs are only permitted on parcels that the commercial use is located. Off  
296 premise signs are prohibited. Pole signs are not permitted within the Pine Valley Overlay  
297 Zone. One monument or low-profile sign per commercial lot is allowed with the  
298 following standards:

299 a. Shall be limited to a maximum of six (6) feet in height from finished grade.  
300

301 b. Shall be limited to thirty-two (32) square feet in area.



- 302
- 303 c. Shall be limited to only one sign per business constructed in lieu of, and not in
- 304 addition to, any freestanding sign.
- 305
- 306 d. Shall contain no animation or lighting, except for one spotlight directed at the
- 307 face of the sign, not into the air, into the face of oncoming traffic or onto adjacent
- 308 property. A double faced sign may be lighted in this manner from both sides or
- 309 from indirect lighting located inside the sign in lieu of spotlights.
- 310
- 311 e. Shall contain no animation, video, reader boards, sound, odor, flashing message
- 312 lighting, or components of any kind that move, shimmer, reflect or are electronic.
- 313 No lighting of any kind shall be approved unless compliant with subsection d. of
- 314 this section.
- 315
- 316 f. Wall signs are allowed per Section 10-19-3-B.8.
- 317

318 4. Outdoor Lighting and Glare:

319 Purpose: It is the intent of this Subsection to establish lighting practices and systems to

320 minimize light pollution, glare, and light trespass; conserve energy and resources while

321 maintaining nighttime safety, utility, and security; and curtail the degradation of the

322 nighttime visual environment.

323

324 It is recognized that the rural nature of Pine Valley is unique and valuable to the

325 community. The enjoyment of a starry night is an experience the community desires to

326 preserve. The Pine Valley Overlay Zone promotes the reduction of light pollution that

327 interferes with enjoyment of the night sky.

328

329 If public lighting fixtures are required for safety, rural or historical style fixtures shall be

330 used.

331

332 The functional objectives in providing outdoor lighting are to illuminate areas necessary

333 for safe, comfortable, and energy efficient use. Outdoor lighting shall be shielded and

334 limited to provide for safe ingress and egress.

335

336 The following standards shall apply to new lighting:

- 337 a. Shielding: All non-exempt outdoor lighting shall be fully shielded.
- 338
- 339 b. Building canopy, soffit, and wall mounted lighting: Lighting fixtures mounted on
- 340 a canopy or soffit shall be recessed so that the lighting is flush with the bottom
- 341 surface and fully shielded by the fixture or the edge of the canopy or soffit. Wall-
- 342 mounted fixtures shall not be mounted above eighteen (18) feet as measured from
- 343 the top of the fixture to the adjacent grade or horizontal plane being lit by the
- 344 fixture.
- 345

c. Construction Lighting: All commercial construction sites shall shield lighting to minimize glare on adjacent parcels.

d. Pathway Lighting: The intent of pathway lighting is to provide pools of light to help direct pedestrians along the path, not to fully illuminate the path. Pathway intersections should be illuminated for safety. Pathway lighting and public trails, when required, shall not be mounted more than ten (10) feet above finished grade. Residential pathways must be shielded to minimize the glare on adjacent properties.

e. Seasonal Lighting: Winter seasonal lights that do not cause light trespass or interfere with the reasonable use and enjoyment of property are permitted from the first of November to the first of February. Seasonal lights are exempt from the fully shielded requirement and any color of lights may be used; however, seasonal lights shall not be used to create advertising messages or signs. Digital displays are prohibited. Spelling out the name of a business with seasonal lights is prohibited.

i. Residential seasonal lights shall comply with zone-required setbacks and be turned off by midnight. Flashing, blinking, intermittent lights, or other lights that move or give the impression of movement are prohibited except during holidays, including permanent year-round programmable lighting.

ii. Commercial seasonal lights shall be turned off by midnight.

iii. Exceptions:

1) String lights are exempt from the fully shielded requirement and may be used year-round to illuminate decks, porches, patios, gazebos, and pergolas, but are prohibited from wrapping the entire roofline of the house and illuminating landscaping or outlining structures.

f. Lighting that is discouraged:

i. Architectural lighting

ii. Landscaping lighting

g. Prohibited Lighting: Unless otherwise exempted, the following are prohibited:

i. Up-lighting

ii. Unshielded floodlights

iii. Unshielded spotlights

iv. Search lighting, laser source lights, or high intensity lighting except by police and fire personnel or at their discretion.

v. Flashing, blinking, intermittent, or other lights that move or give the impression of movement, except for seasonal lighting; this includes permanent year-round programmable lighting.

vi. Neon or luminous tube lighting

vii. Lighting fixtures affixed to commercial buildings for the purpose of lighting parking areas or sales display lot areas. Fully shielded fixtures may be attached to building to light walkways and parking spaces adjacent to buildings.

h. Light Trespass: Light trespass is artificial light that falls beyond the legal boundaries of the property it is intended to illuminate. Outdoor lighting shall be aimed and fully shielded so that the direct illumination shall be confined to the property boundaries of the source.

i. Exemptions: The following are exempt from this Subsection:

i. Gas Lights: All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from the requirements of this Code.

ii. Up-lighting: Up-lighting is permitted in limited circumstances: for government funded or owned statues, public monuments, ground-mounted public art, or flags of the United States of America.

1) All up-lighting shall be shielded and/or have beam-angle control and shall be aimed to limit the directed light to the illuminated object only.

2) Up-lighting is permitted thirty (30) minutes before sunset and until 11:00 p.m.; or, one hour after the close of location based on normal hours of operations, whichever is later.

iii. Temporary lighting for outdoor filming and outdoor performance venues.

iv. Underwater lighting in swimming pools, hot tubs, and other water features.

v. Traffic control signals and devices.

vi. Streetlights: See rural street section.

j. Fire Protection: Due to the proximity of the National Forest land that surrounds the community, fire protection is a high priority for the Pine Valley Overlay Zone.

i. Fire Hydrants: The Pine Valley Fire Department is responsible for fire hydrants. Newly developed area will require additional fire hydrants that meet Washington County Standards. Additional hydrants in already developed areas will be located as necessary. The Washington County Code is responsible for fire hydrant locations and will determine acceptable distance of hydrant from home.

ii. Fire Pits: Pine Valley Overlay Zone is a high risk area for fire. Small recreational fire pits are allowed in residential zones and shall be allowed per the adopted Wildland Urban Interface Code. Permanently installed firepits are recommended for increased fire safety. It is recommended that firepits be located at least fifteen (15) feet away from any structure, plants, trees or anything flammable. Burning is limited to dry, clean, natural materials. No garbage, plastics, rubber, oils, or construction waste.



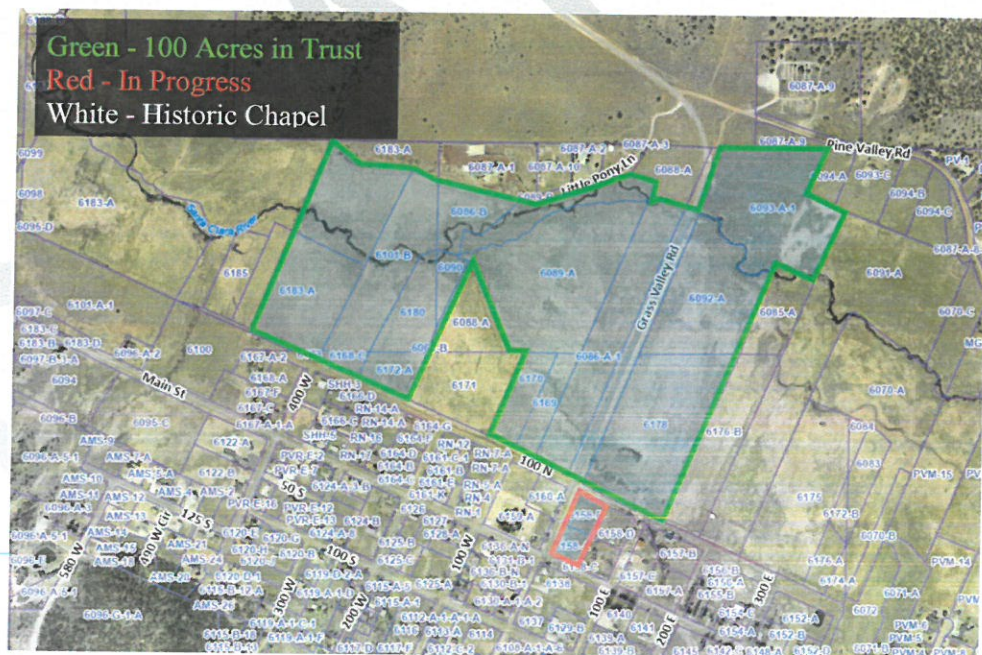
iii. Defensible Space: It is encouraged to create a defensible space around residential buildings by keeping twigs, leaves, shrubs, dead grasses and brushes away from the perimeter of the structures. Trim trees and remove branches away from any structure.

k. Meadow Protection: Preserving the meadows in Pine Valley has been a long-term goal. Working with the Virgin River Land Preservation Association, Pine Valley property owners have protected 100 acres of historic meadowlands (as of March 2022), using conservation easements that allow them to either sell or donate their development rights. These easements protect agricultural uses and minimize development; they are crafted individually with each landowner.

Future policy should accommodate this voluntary effort between the individual landowners and the land trust.

It is recommended that no development take place in the meadows beyond a depth of one (1) block north of the main east-west road through the community.

To further the meadow protection, seeking out financial opportunities is encouraged through local, state, or federal grants.



l. Dumping or Disposal: Dumping or disposal of construction materials or other materials shall be subject to Section 10-13-20 of the Washington County Code and is prohibited in any public right-of-way.

m. Cell Towers: To preserve the rural nature of Pine Valley, co-location of wireless communication antennas is encouraged to minimize the number of tower structures. A conditional use permit will be required for all wireless facilities.

Facilities located on buildings is encouraged. Wireless communication facilities with lattice are prohibited. All wireless facilities shall be fully enclosed. Equipment required to support the wireless communication facility shall be fully enclosed. Height shall be limited to no more than ten (10) feet higher than the permitted height for structures in the zoning district it is located within.

Alternative tower structures / stealth facilities are also encouraged to camouflage or conceal a wireless communications tower. Alternative tower structures may be designed to appear as trees, chimneys on a structure, or similar projections that blend in with the rural nature of the community.

Locational and additional standards for wireless facilities are found in Title 10 Chapter 21 of the Washington County Municipal Code.

#### **10-27-5: DEFINITIONS:**

The following terms are defined as follows. Terms used in the present tense include the future tense. Terms defined in the singular number include the plural and the singular. Terms that have not been defined herein but are separately defined in the building code and / or other sections of the zoning code shall be construed as defined therein:

**ACCESSORY USE:** An allowed land use that is subordinate and incidental to the main use on the lot or parcel.

**COUNTRY STORE:** A store that is community oriented and sells staple food items such as bread and milk, where 75% of the gross sale is dedicated to food items. Building size is limited to 5,000 square feet. Hours of operation are limited to 18 hours per day. The character of the building shall be rural or historic architectural style.

**DARK SKY:** A nighttime sky that is substantially free of interference from artificial light.

**FENCE, NON-OBSURING:** A fence which does not obstruct views or sight lines.

**FINANCIAL SERVICES:** Professional services involving the investment, lending and management of money and assets. This includes tax preparation, insurance coverage, and investment portfolios. It does not include banks or credit unions.

**PERSONAL CARE SERVICE:** An establishment primarily engaged in the provision of frequently recurring needed services of a personal nature. Typical uses include but are not limited to beauty and barber shops, massage therapy, custom tailoring and seamstress shops, esthetician, portrait studios, shoe repair shops, and tanning and nail salons.

**PERSONAL INSTRUCTION SERVICE:** An establishment primarily engaged in the provision of informational, instructional, personal improvement and similar services of a nonprofessional



nature. Typical uses include but are not limited to art and music schools, driving and computer instruction, handicraft or hobby instruction, health and fitness studios.

#### **10-27-6: APPLICATION PROCEDURES AND PROCESS:**

Prior to an application for development to Washington County Community Development, a Pine Valley community meeting shall be held to review the development proposal. The notice of the meeting shall be held to review the development proposal. The notice of the meeting shall be in conformance with Section 10-2-3 of the Washington County Code.

The Pine Valley community will provide feedback to the applicant to help ensure the proposal complies with the Pine Valley Overlay Zone regulations prior to the applicant submitting a complete land use application to the County.

- A. Review Recommendation Committee: After an applicant submits a complete land use application to the County, the Pine Valley Local Administrative District (PVLAD) shall function as the overlay zone review recommendation committee.
- B. Recommendation of Committee: The PVLAD shall review complete applications submitted to the Community Development Department pertaining to the Pine Valley Overlay Zone and provide a written narrative and recommendation to the Community Development Department for each application. The designated land use authority may consider the PVLAD's failure to make a recommendation as a negative recommendation. The recommendation of the PVLAD is non-binding, and the County land use authority is responsible for applying and enforcing Title 10, including the provisions in the Pine Valley Overlay Zone.
- C. Approval Required: The site plan and exterior design of all buildings and development proposed for the Pine Valley Overlay Zone shall be reviewed by the PVLAD, prior to submission to the Community Development Department. The County makes all final site plan, design and development approval decisions.
- D. Denial / Further Consideration / Appeals: An applicant who has been denied a permit or approval by the Community Development Department may seek further consideration by following the process outlined in Title 10 Chapter 2 of the Washington County Code.