

1 VIRGIN TOWN 4th AMENDED DRAFT ORDINANCE NO. 2025- [REDACTED]

2
3 AN ORDINANCE AMENDING VIRGIN MUNICIPAL CODE TITLE 16 CHAPTER 16 TO MAKE CERTAIN
4 CURRENTLY PERMITTED USES CONDITIONAL, PROVIDE STREAMLINED PROCESS FOR LOW IMPACT
5 CONDITIONAL USE PERMITS, CHANGE THE TITLES OF TWO SECTIONS TO INCLUDE PERMITTED USE
6 STANDARDS, AND AMEND THE CONDITIONAL USE APPROVAL PROCESS
7

8 WHEREAS, Virgin Town (“the Town”) is a Utah municipal corporation and political subdivision
9 of the State of Utah, and
10

11 WHEREAS, the Virgin Town Council (“Town Council”) is the legislative and governing body of
12 the Town, and
13

14 WHEREAS, the Town Council with advice of the Virgin Town Planning and Zoning Commission
15 (“Planning Commission”), in addition to being the legislative and governing body of the Town, is also
16 the Land Use Authority (“LUA”) vested with the power to enact all Land Use Regulations and make all
17 Land Use Decisions within the Town unless the latter administrative power is delegated to another
18 body or person, and
19

20 WHEREAS, the Virgin Town Planning Commission held a public hearings on this ordinance on
21 May 13, 2025 and September 12, 20 [REDACTED]; and
22

23 WHEREAS, the Virgin Town Planning and Zoning Commission recommended in a [REDACTED] to [REDACTED]
24 vote that the Town Council [approve / deny] these amendments on [REDACTED], 20 [REDACTED]; and
25

26 WHEREAS, the Town finds that its current treatment of conditional use permitting is overly
27 burdensome for those applying for activities which have little or no impact on the public health, safety
28 or welfare; and
29

30 WHEREAS, the Town’s land use regulations list many high impact uses as ‘permitted’, which
31 limits the ability to enforce standards; and
32

33 WHEREAS, the Town has new staff, including Code Enforcement, which did not exist when this
34 chapter was originally written, and must assign duties accordingly; and
35

36 WHEREAS, the current Chapter 16 applies primarily to conditional uses; and
37

38 WHEREAS, for ease of navigation and upcoming additions to specific standards, the Town
39 wishes to place standards for both permitted and conditional uses within Chapter 16; and
40

41 WHEREAS, Virgin’s LUA finds it to be in the best interests of the health, safety, and welfare of
42 residents and visitors to the Town to amend its regulations;
43

44 **NOW THEREFORE**, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VIRGIN,
45 UTAH, that:
46

47 **SECTION 1.** The following uses have the potential to create undue nuisance or
48 disruption of neighboring development, or require health or safety permits, including restaurants,
49 reception or event facilities, health care facilities, breweries and wineries, which are listed as
50 permitted in Commercial and Highway Resort zones, hereby require Conditional Use Permits and shall
51 be listed as Conditional until specific standards are amended or adopted for those uses. Chapter
52 Sections 40.08, 40.10, 44.08 and 44.10 shall be amended accordingly.
53
54

55 **SECTION 2.** The titles of VMC16 sections 16.22 and 16.28 are hereby amended as
56 follows:
57

58 *before:*
59

60 **16.22 GENERAL STANDARDS FOR CONDITIONAL USES**
61

62 *after:*
63

64 **16.22 GENERAL STANDARDS FOR ALL USES**
65

66 *before:*
67

68 **16.28 STANDARDS FOR CONDITIONS BY USE**
69

70 *after:*
71

72 **16.28 STANDARDS FOR SPECIFIC USES**
73

74 **SECTION 3.** Chapter 16 sections 16.04, 16.06, 16.16, 16.18, 16.20, and 16.24
75 (labeled 'before') shall be replaced in entirety with the following amended sections labeled 'after':
76

77 *before:*
78

79 **16.04 PERMIT REQUIRED**

80 1.REQUIRED. A Conditional Use Permit (CUP) IS required if:

81 1.The proposed use or similar type of use is listed as Conditional Use and not a
82 permitted or non-permitted use in the zone that the use is being requested in;

83 2.The proposed Conditional Use would require:

84 1.the new construction of a Building, Structure or improvements,

85 2.the expansion of a Conditional Use upon real property or an existing
86 Building, Structure or improvements; or

87 3.a substantial change in the type of Conditional Use.

88 3.If likely problems or detrimental impacts to the surrounding area can be
89 identified in the Preliminary Reivew or the Final Review phases that require
90 mitigating conditions according to this Chapter.

91 2.NOT REQUIRED. A Conditional Use Permit IS NOT required if:

92 1.The Business or Structure the Conditional Use is being held in has already
93 obtained a CUP from the Town; and

94 2.The proposed Conditional Use is similar or compatible with the current use
95 identified in the CUP issued to the property without adding additional impact to
96 the surrounding area (as determined by the Zoning Administrator).

97 3.

98 **After:**

99 **16.04 PERMIT REQUIRED**

100 1. REQUIRED. A standard Conditional Use Permit (CUP) IS required if:

101 1. the proposed use is listed as a Conditional Use and not a permitted or non-permitted
102 use in the zone that the use is being requested in;

103 2. the proposed Conditional Use would require:

104 1. the expansion of a Conditional Use upon real property or an existing Building,
105 Structure or improvements; or

106 2. a substantial change in the type of Conditional Use which does not qualify for a
107 low impact CUP.

108 3. likely problems or detrimental impacts to the surrounding area can be identified in the
109 Preliminary Reivew or the Final Review phases that require mitigating conditions
110 according to this Chapter.

111
112 2. EXCEPTION FOR LOW-IMPACT CUP. A permit for a low-impact CUP (LICUP) may be allowed if
113 the Planning & Zoning Commission makes the findings described under section 16.06.1 below,
114 ensuring that the requested use does not significantly change the original impacts to town
115 resources nor create any potential for additional nuisance beyond that of permitted uses in the
116 zone. The Commission shall make every effort to determine that the application qualifies for
117 LICUP at its first regular meeting following the receipt of a complete application. If more
118 information is required, the Commission may postpone one meeting, or condition the decision
119 upon receipt of required documentation.

120 **Before:**

121 **16.06 CUP APPLICATION PROCESS**

122 1.APPLICATION. Application for a Conditional Use Permit for new construction,
123 substantial change of use, or expansion of use shall be filed with the Town Clerk by the
124 property owner/developer or a certified agent on a form authorized by the Town. The
125 Application shall include (but is not limited to):

- 126 1.Contact info of the applicant (and owner of the property if different);
- 127 2.A Development Plan (see subsection B below) with any applicable plats, plans,
128 or design drawings necessary for Town Staff review (hard and digital copies will
129 be required and at applicant's expense);
- 130 3.A written description or narrative of the proposed project and the use of the land;
- 131 4.If applicable, an estimate of the number of employees and a summary of the
132 type of equipment and buildings to be involved with the Conditional Use;
- 133 5.An estimate of the time required for construction of the project, including the
134 time required for construction of each phase, if construction is to be made in
135 phases;
- 136 6.A listing of all utilities which will be in place before, during and after construction
137 of the project; and
- 138 7.Such other pertinent information, including but not limited to proof of financial
139 responsibility, fiscal impact analysis, professional traffic, geotechnical, utility
140 capacity or other study, and detailed site analysis, as may be required by the DRC
141 and Zoning Administrator, in their sole discretion, for evaluation of the CUP
142 application.

143 2.DEVELOPMENT PLAN. A Development Plan shall include:

- 144 1.A map or satellite image of the existing site and surrounding area with key
145 structures, features, and existing utilities marked;
- 146 2.A Site Plan of the proposed buildings, fences, screening, landscaping, vehicle
147 circulation patterns, automobile parking and loading areas, setbacks, walkways,
148 open spaces, permanent signs, any amenities, and any other information deemed
149 necessary to evaluate the proposed Conditional Use;
- 150 3.As necessary, any plats, plans, or drawings drawn to scale showing the location
151 and dimensions of all existing buildings and structures, streets, parking, traffic flow,
152 landscape and open space areas, signs, or other information as appropriate to
153 the application;

154 3.STAFF APPLICATION COMPLETENESS REVIEW. Upon the filing of the CUP
155 application with the Town Clerk and payment received for CUP application filing fees, the
156 CUP application will be reviewed by the Town Staff (including the Zoning Administrator)
157 for completeness. After the Town Staff has determined the application to comply with
158 filing requirements of subsection A above, the CUP Application will proceed to the CUP
159 review and approval process

160 **After:**

161 **16.06 CUP APPLICATION PROCESS**

162 1. LOW-IMPACT CUP

163 1. A permit for a low-impact CUP (LICUP) may be allowed if the Planning & Zoning
164 Commission finds, in writing, that the following circumstances apply:

165 1. Except in the case of a use which will be subject to the scrutiny of a new
166 commercial building permit, no excavation of land, construction of buildings, or
167 improvements to plumbing or electrical systems is intended;

168 2. As compared to permitted uses in the zone,

169 A. the use requested is determined not to produce any additional nuisance for
170 existing or potential neighboring areas;

171 B. the use will not create additional traffic, on street parking, occupancy, or
172 outdoor storage of materials, tools or equipment;

173 C. the use will not create additional noise, require additional outdoor lighting,
174 or create offsite disruption of viewshed; and

175 D. implementation of the use, in combination with all other uses on the subject
176 property, will not cause a greater septic or water supply impact than one ERC
177 per acre.

178 2. A LICUP application does not require a public hearing or DRC review, and need only
179 include:

180 1. contact info for applicant and property owner;

181 2. a written narrative of the proposed use (to be attached to the CUP);

182 3. a description of the current use of subject property;

183 4. If applicable, number of employees, frequency of deliveries and/or customer visits
184 expected, list of any hazardous materials involved; and

185 5. Such other pertinent information requested by the Zoning Administrator or the
186 Planning and Zoning Commission for evaluation of the CUP application.

187 3. The Planning and Zoning Commission may:

188 1. approve;

189 2. deny (with appropriate written findings);

190 3. approve with conditions in consideration of specific concerns or General Review
191 Criteria (16.22 below);

192 or

193 4. find that the application does not qualify as Low Impact, and suggest application
194 for standard CUP.

195 2. STANDARD CUP APPLICATION. Application for a Conditional Use Permit for new, changed, or
196 expanded conditional use which has not been officially deemed a Low-impact Conditional Use by the
197 Planning and Zoning Commission shall be filed with the Town Clerk by the property owner/developer
198 or a certified agent on a form authorized by the Town. The Application shall include (but is not limited
199 to):

- 200 1. Contact info of the applicant (and owner of the property if different);
- 201 2. A Development Plan (see subsection 8 below) with any applicable plats, plans, or design
202 drawings necessary for Town Staff review (hard and digital copies will be required and
203 at applicant's expense);
- 204 3. A written description or narrative of the proposed project and the use of the land;
- 205 4. If applicable, an estimate of the number of employees and a summary of the type of
206 equipment and buildings to be involved with the Conditional Use;
- 207 5. An estimate of the time required for construction of the project, including the time
208 required for construction of each phase, if construction is to be made in phases;
- 209 6. A listing of all utilities which will be in place before, during and after construction of the
210 project; and
- 211 7. Such other pertinent information, including but not limited to proof of financial
212 responsibility, fiscal impact analysis, professional traffic, geotechnical, utility capacity or
213 other study, and detailed site analysis, as may be required by the DRC and Zoning
214 Administrator, in their sole discretion, for evaluation of the CUP application.
- 215 8. A Development Plan with any applicable plats, plans, or design drawings necessary for
216 Town Staff review (hard and digital copies will be required and at applicant's expense).
217 A Development Plan shall include:
 - 218 1. A map or satellite image of the existing site and surrounding area with key
219 structures, features, and existing utilities marked;
 - 220 2. A Site Plan of the proposed buildings, fences, screening, landscaping, vehicle
221 circulation patterns, automobile parking and loading areas, setbacks, walkways,
222 open spaces, permanent signs, any amenities, and any other information
223 deemed necessary to evaluate the proposed Conditional Use;
 - 224 3. As necessary, any plats, plans, or drawings drawn to scale showing the location
225 and dimensions of all existing buildings and structures, streets, parking, traffic

226 flow, landscape and open space areas, signs, or other information as appropriate
227 to the application;

228 3. STAFF APPLICATION COMPLETENESS REVIEW. Applicants shall file the CUP application with the Town
229 Clerk. Prior to official acceptance of application fees, the CUP application will be reviewed by the Town
230 Staff (including the Permit Clerk and Zoning Administrator) for completeness. After Town Staff has
231 determined the application to comply with filing requirements of subsections above, the fees shall be
232 accepted and the CUP Application will proceed to the CUP review and approval process.

233 ***Before:***

234 **16.16 USE ESTABLISHMENT EXTENSION OF AN ISSUED CUP**

235 *The Zoning Administrator may grant an extension of the Establishment Deadline for an issued*
236 *CUP if shown good cause and upon the following conditions:*

237 *1.SINGULAR EXTENSION. Only one extension may be granted, and the maximum*
238 *extension must not exceed twelve (12) months.*

239 *2.TIMING OF EXTENSION REQUEST. In order to obtain an extension, the CUP holder*
240 *must apply in writing before the expiration of the original permit. The application for an*
241 *extension shall describe the cause for requesting the extension must be submitted to the*
242 *Town Clerk.*

243 ***After:***

244 **16.16 USE ESTABLISHMENT EXTENSION OF AN ISSUED CUP**

245 The Planning and Zoning Commission may grant an extension of the Establishment Deadline for an
246 issued CUP if shown good cause and upon the following conditions:

247 1. SINGULAR EXTENSION. Only one extension may be granted, and the maximum extension must
248 not exceed twelve (12) months.

249 2. TIMING OF EXTENSION REQUEST. In order to obtain an extension, the CUP holder must apply in
250 writing before the expiration of the original permit. The application for an extension describing
251 the cause for requesting the extension must be submitted to the Town Clerk.

252 3. In the event the use has changed its status in the ordinance from a low-impact CU to a
253 standard CU, permit holder shall follow the procedure for a standard CU before any extension
254 may be granted.

255 4. In the event any aspect of the use has become non-conforming, extension shall not be granted.

256 ***Before:***

257

258 **16.18 INSPECTIONS/INVESTIGATIONS**

259 *During construction, the building inspector and Zoning Administrator inspects the property on*
260 *which a CUP is issued to ensure that all Buildings, Structures and improvements comply with*

261 *the conditions of the CUP and building permit. The Zoning Administrator or delegate, shall also*
262 *conduct investigations in response to citizen complaints or at the direction of the Planning &*
263 *Zoning Commission or Town Council to ensure all conditions of a CUP are being met.*

264 *after:*

265 **16.18 INSPECTIONS/INVESTIGATIONS**

266 During construction, the building inspector and Zoning Administrator inspects the property on which a
267 CUP is issued to ensure that all Buildings, Structures and improvements comply with the conditions of
268 the Municipal Code, CUP and building permit. The Code Compliance Officer, Zoning Administrator or
269 delegate, shall also conduct investigations in response to citizen complaints or at the direction of the
270 Planning & Zoning Commission or Town Council to ensure all conditions of a CUP are being met.

271

272

273 *Before:*

274 **16.20 GENERAL CUP REVIEW CRITERIA**

275 *An applicant for a CUP must demonstrate:*

- 276 *1.The CUP application complies with all applicable Town, State and Federal laws;*
277 *2.The Structures, Buildings and Improvements associated with the use are generally*
278 *compatible with surrounding structures of the zone in terms of use, scale, mass, and*
279 *circulation;*
280 *3.The proposed Conditional Use is not detrimental to the public health, safety, and*
281 *welfare of the Town and its residents;*
282 *4.The proposed Conditional Use is consistent with the Town's General Plan as amended;*
283 *5.Traffic conditions are not adversely affected by the proposed Conditional Use,*
284 *including the existence or need for dedicated turn lanes, pedestrian access, and capacity*
285 *of the existing streets;*
286 *6.There is sufficient emergency vehicle access;*
287 *7.The location and design of parking and off-street parking complies with Town*
288 *standards for the zone;*
289 *8.A plan for fencing, screening, and landscaping to separate and mitigate the potential*
290 *for conflict with adjoining uses;*
291 *9.The site has or is planned to have sufficient utility capacity;*
292 *10.Exterior lighting complies with the lighting standards of the zone;*
293 *11.Possible impacts from the proposed Conditional Use on groundwater have or can be*
294 *mitigated;*

295 12.Slope retention and flood potential, within and adjoining the site, have been fully
296 mitigated and is appropriate to the topography of the site;

297 13.Any possible issues regarding noise have been identified and will comply with Town
298 standards;

299 14.Times of operation are consistent with underlying zone.

300 15.Adequate General Liability insurance coverage as necessary

301 ***After:***

302 **16.20 GENERAL CUP REVIEW CRITERIA**

303 An applicant for a CUP must demonstrate:

- 304 1. The CUP application complies with all applicable Town, State and Federal laws;
- 305 2. The Structures, Buildings and Improvements associated with the use are generally compatible
306 with surrounding structures of the zone in terms of use, scale, mass, and circulation;
- 307 3. The proposed Conditional Use is not detrimental to the public health, safety, and welfare of
308 the Town or its residents;
- 309 4. The proposed Conditional Use is consistent with the Town's General Plan as amended;
- 310 5. Traffic conditions are not adversely affected by the proposed Conditional Use, including the
311 existence or need for dedicated turn lanes, pedestrian access, and capacity of the existing
312 streets;
- 313 6. There is sufficient emergency vehicle access;
- 314 7. The location and design of parking and off-street parking complies with Town standards for the
315 zone;
- 316 8. That a plan shall be implemented for fencing, screening, and landscaping to separate and
317 mitigate the potential for conflict with adjoining uses;
- 318 9. The site has or is planned to have sufficient utility capacity;
- 319 10. **Exterior** Lighting complies with the lighting standards of the **Municipal Code zone**;
- 320 11. Possible impacts from the proposed Conditional Use on groundwater shall be mitigated;
- 321 12. Slope retention and flood potential, within and adjoining the site, have been fully mitigated
322 and are appropriate to the topography of the site and in compliance with town code;
- 323 13. Any possible issues regarding noise have been identified and will comply with Town standards;
- 324 14. Times of operation are consistent with underlying zone.
- 325 15. Adequate General Liability insurance coverage shall be held in continuous effect, as necessary.

326 ***Before:***

327 **16.22 GENERAL STANDARDS FOR CONDITIONAL USES**

328 *As potential concerns are identified during the Review process for a Level 1 CUPs and Level 2*
329 *CUPs, the following standards must be used to establish conditions to possibly mitigate those*
330 *concerns.*

331 *All conditional use permits should identify and enumerate the conditions to be imposed*
332 *following the standard of S.M.A.R.T. as found in 2.12 definitions. In order to help the reviewing*
333 *person(s) during the review process of conditional use permits, the following standards should*
334 *be considered. These standards are general, and specific standards can be found in the use*
335 *itself.*

336 **1.STANDARD: THE SAFETY OF PEOPLE AND/OR PROPERTY. Conditions:**

337 **1.Traffic control:**

338 **1.minimizing the traffic flow**

339 **2.directing the traffic flow**

340 **3.limiting the types of vehicles**

341 **2.Requiring fencing or other types of protection**

342 **3.Requiring additional setbacks or land area**

343 **4.lighting for safety**

344 **5.General Liability Insurance coverage**

345 **2.STANDARD: HEALTH AND SANITATION. Conditions:**

346 **1.Controlling outdoor storage**

347 **2.Requiring proper sewer connections or treatments**

348 **3.Demanding proper disposal of solid waste, abandoned or discarded property,**
349 **and safety hazards**

350 **4.Controlling dust or other types of air pollution**

351 **3.STANDARD: ENVIRONMENTAL CONCERNS. Conditions:**

352 **1.Enforcing well-head protections standards, when applicable.**

353 **2.Requiring planting or ground cover to control dust, runoff and erosion.**

354 **3.Enforcing necessary standards for the protection of watershed.**

355 **4.Controlling the disposal of hazardous materials.**

356 **5.Requiring no special uses of resources.**

357 **4.STANDARD: THE GENERAL PLAN. Conditions:**

358 **1.Protecting the quality of the underlying zone.**

359 **1.traffic**

360 **2.lighting**

361 **3.esthetics**

362 **4.noise**

363 **5.landscaping**

364 **6.open space areas**

365 **7.general use and design**

- 2. *Encourage diversity of business;*
- 3. *Promote small, locally owned businesses;*
- 4. *Encourage agricultural activities such as ranching and equestrian use.*

after:

16.22 GENERAL STANDARDS FOR CONDITIONAL USES

As potential concerns are identified during the Review process for a Level 1 CUPs and Level 2 CUPs, the following standards must be used to establish conditions to possibly mitigate those concerns.

All conditional use permits should identify and enumerate the conditions to be imposed following the standard of S.M.A.R.T. as found in 2.12 definitions. In order to help the reviewing person(s) during the review process of conditional use permits, the following standards should be considered. These standards are general, and specific standards can be found in the use itself.

1. STANDARD: THE SAFETY OF PEOPLE AND/OR PROPERTY. Conditions:

1. Traffic control:

- 1. minimizing the **any traffic flows which are disruptive to neighboring uses**
- 2. directing the traffic flow
- 3. limiting the types of vehicles

2. Requiring fencing or other types of protection

3. Requiring additional setbacks or land area

4. lighting for safety

5. General Liability Insurance coverage

2. STANDARD: HEALTH AND SANITATION. Conditions:

1. Controlling outdoor storage

2. Requiring proper sewer connections or treatments

3. Demanding proper disposal of solid waste, abandoned or discarded property, and safety hazards

4. Controlling dust or other types of air pollution

3. STANDARD: ENVIRONMENTAL CONCERNS. Conditions:

1. Enforcing well-head protections standards, when applicable.

2. Requiring planting or ground cover to control dust, runoff and erosion.

3. Requiring sufficient permeable surfaces for groundwater and flood protection.

4. Enforcing any other necessary standards for the protection of watershed.

5. Controlling the disposal of hazardous materials.

6. Requiring no special uses of resources.

4. STANDARD: ~~NEIGHBORHOODS AND THE~~ GENERAL PLAN. Conditions:

1. Protecting the character and quality of the underlying zone.

1. traffic

- 402 2. lighting
403 3. esthetics
404 4. noise
405 5. landscaping
406 6. open space areas
407 7. general use and design
408 2. Encourage diversity of business;
409 3. Promote small, locally owned businesses;
410 4. Encourage agricultural activities such as ranching and equestrian use.

411 5. STANDARD: TOWN GOALS

- 412 1. Encourage addition of long-term rentals and affordable homes
413 2. Grow from the inside out
414 3. Ensure new development pays for itself
415 4. Promote walkability of neighborhoods and commerce areas
416 5. Avoid redundancy of use, adjusting as Town grows
417 6. Assure future connectivity of utilities, streets, roads, and trails;
418 7. Protect citizen access to public lands and the river

419 **SECTION 4.** **Severability.** If any section, clause or portion of this Ordinance is
420 declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and
421 shall remain in full force and effect.
422

423 **SECTION 5.** **Conflicts/Repealer.** This Ordinance repeals and supersedes the
424 provisions of any prior ordinance in conflict herewith.
425

426 **SECTION 6.** **Effective Date.** This Ordinance shall become effective immediately upon
427 adoption by the Virgin Town Council and execution by the Virgin Town Mayor.
428
429

430 PASSED AND ADOPTED BY THE TOWN COUNCIL OF VIRGIN TOWN, STATE
431 OF UTAH, ON THE ____ DAY OF ____, 2025
432

433 ATTEST:

434 VOTE TAKEN: yes no

435
436 Councilmember Luwe ____

437
438
439
440
441
442
443
444
445

Councilmember Baird _____
Councilmember Wenz _____
Councilmember McKeon _____
Mayor Krause _____

446 VIRGIN TOWN a Utah municipal corporation Attest:
447

448

449 _____

450 Jean Krause, Mayor Krystal Percival, Town Recorder

451

452 **CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

453 In accordance with Utah Code Annotated §63G-30-102 as amended, I, the Town Clerk/Recorder of
454 Virgin, Utah, hereby certifies that the foregoing Ordinance was duly passed and published or posted
455 via Class A Notice at:

- 456 1) *Utah Public Notice website*
457 2) *Virgin Town website, www.virgin.utah.gov*
458 3) *Virgin Town Hall*

459

460

461 _____
Krystal Percival, Town Clerk/Recorder Virgin Town, Utah