

1 VIRGIN TOWN

2 ORDINANCE NO. 202X-XX

3
4 AN ORDINANCE AMENDING AND RESTATING SECTION 16.2.18 OF THE VIRGIN
5 MUNICIPAL CODE TO ESTABLISH PROCEDURES FOR PRELIMINARY AND FINAL SITE PLAN
6 REVIEW; PROVIDING FOR TECHNICAL UTILITY REVIEW BY THE JOINT UTILITY COMMITTEE
7 (JUC); DELEGATING APPROVAL AUTHORITY TO THE COMMUNITY DEVELOPMENT
8 DIRECTOR; AND PROVIDING FOR AN ORDERLY, SAFE, AND COMPLIANT DEVELOPMENT
9 REVIEW PROCESS.

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11 RECITALS

12 WHEREAS, Virgin Town is a municipal corporation and political subdivision of the
13 State of Utah, organized and existing under the provisions of Utah Code Title 10; and

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15 WHEREAS, pursuant to Utah Code Title 10, Chapter 20, the Town Council of Virgin
16 Town is authorized to adopt ordinances establishing land use application procedures,
17 design standards, and requirements governing the review and approval of development
18 plans; and

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20 WHEREAS, the Town Council finds that clear, updated procedures for Preliminary
21 and Final Site Plans are necessary to ensure orderly, harmonious, safe, and functionally
22 efficient development within the Town; and

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24 WHEREAS, the Town Council further finds that establishing a consistent
25 administrative review and approval structure for Site Plans will promote efficiency,
26 accountability, and coordination among town departments and reviewing agencies; and

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28 WHEREAS, the Town Council desires to assign approval authority for Preliminary
29 and Final Site Plans to the Community Development Director, or Town Designee, in order
30 to provide clarity and consistency within the Town's development review procedures; and

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32 WHEREAS, the Town Council finds that the adoption of this Ordinance is in the best
33 interest of the Town and its residents and will further the effective implementation of the
34 Virgin Municipal Code;

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36 NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF VIRGIN TOWN,
37 UTAH, AS FOLLOWS:
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39 **SECTION 1. AMENDMENT AND RESTATEMENT OF SECTION 16.2.18.** Section 16.2.18
40 of the Virgin Municipal Code (VMC) is hereby amended and restated in its entirety as
41 follows:
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44 **16.2.18 – Preliminary and Final Site Plans**
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- 46 A. **PURPOSE:** This section outlines the procedures for evaluating and approving
47 Preliminary and Final Site Plans. These procedures aim to promote thorough planning
48 and ensure a high-quality environment for the Town. This process seeks to facilitate
49 orderly, harmonious, safe, and functionally efficient development that aligns with the
50 priorities, values, and guidelines established in this Title, as well as the overall welfare
51 of the community.
- 52 B. **AUTHORITY:**
53 1. The Community Development Director, or Town Designee, is authorized to
54 review and approve all Preliminary and Final Site Plans in accordance with the
55 procedures set forth in this section.
- 56 C. **DEFINITIONS:** Terms used in this section shall have the meanings assigned to them in
57 Virgin Municipal Code Chapter 2 (Definitions) unless otherwise defined herein. Where
58 a term is not defined by this Title, its meaning shall be determined by common usage,
59 professional planning and engineering standards, or applicable state law.
- 60 D. **INITIATION:** A property owner or the owner’s agent may request approval of a site
61 plan as provided in this section. Site plan review shall occur in two stages: Preliminary
62 Site Plan and Final Site Plan
63 1. **Requirement:** A Preliminary and Final Site Plan shall be required for any of the
64 following uses unless expressly exempted from such requirement by another
65 provision of this title:
66 a. Any multiple-family residential use.
67 b. Any public or civic use.
68 c. Any commercial use.
69 d. Any industrial use.
- 70 2. **Timing:**
71 a. Preliminary Site Plan approval by the Community Development
72 Director, or Town Designee, shall be obtained prior to preparation and
73 submittal of a Final Site Plan.
74 b. Final Site Plan approval by the Community Development Director, or
75 Town Designee, following technical review and coordination by the Joint
76 Utility Committee (JUC), shall be obtained prior to issuance of any
77 building permit or commencement of site improvements.

- 78 3. Prohibition on Early Work: No building permit shall be issued, and no site work
79 such as clearing, grubbing, drainage improvements, parking lot construction,
80 or other grading or construction activity shall occur, until a Final Site Plan has
81 been approved.

82 E. APPLICATION PROCESS: An application for site plan approval shall be considered and
83 processed as provided in this section. Site plan review occurs in two stages:
84 Preliminary Site Plan and Final Site Plan. Preliminary Site Plan application and approval
85 is required prior to submittal of a Final Site Plan application. Preliminary and Final Site
86 Plans are separate applications, each requiring complete submittals and separate
87 approvals.

88 1. Preliminary Site Plan

89 a. Purpose: The Preliminary Site Plan establishes general compliance with
90 zoning, the General Plan, and site design objectives prior to preparation
91 of final engineered plans.

92 b. Application Requirements: A complete application for Preliminary Site
93 Plan shall include the following:

94 (1) The name, address, and telephone number of the applicant and
95 the applicant's agent, if any.

96 (2) A written narrative describing the proposed use and explaining
97 compliance with zoning and the General Plan.

98 (3) The tax ID or parcel number.

99 (4) A conceptual site plan showing:

100 (A) The project name and North arrow.

101 (B) Proposed building footprints and uses.

102 (C) Parcel boundaries and adjacent land uses within two
103 hundred fifty feet (250').

104 (D) Access points, internal circulation, and parking layout.

105 (E) General locations of landscaping areas and buffering.

106 (F) Proposed phasing, if applicable.

107 (5) General building elevations identifying scale, massing, height,
108 and orientation.

109 (6) A conceptual grading and drainage plan identifying slopes,
110 drainage direction, and areas of cut and fill.

111 (7) Any additional information reasonably required by Town staff to
112 evaluate compliance with applicable zoning and design
113 standards.

114 2. Final Site Plan

115 a. Purpose: The Final Site Plan ensures compliance with all Town
116 engineering, utility, fire, and construction standards, and with conditions
117 imposed during Preliminary Site Plan approval.

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- b. Application Requirements: A complete application for Final Site Plan approval shall include the following:
 - (1) All items required under Subsection E1(b), updated to reflect conditions of Preliminary Site Plan approval.
 - (2) A detailed site plan showing:
 - (A) All facilities related to the project and located within two hundred fifty feet (250') of the site boundary.
 - (B) Layout, dimensions, and names of existing and future road rights-of-way.
 - (C) Boundary lines of the project site with bearings and distances.
 - (D) Layout and dimensions of proposed streets, buildings, parking areas, and landscaping areas.
 - (E) Location, dimensions, and labeling of other features, such as bicycle racks, dumpsters, trash cans, fences, signage, mechanical equipment, etc.
 - (F) A tabulation table showing total gross acreage, the number of parking spaces, the number and type of dwellings, the percentage devoted to each dwelling type, overall dwelling unit density, and square footage of the following:
 - i. Street rights-of-way
 - ii. Building footprint
 - iii. Total building floor area
 - iv. Landscaping
 - (3) A grading and drainage plan showing the following:
 - (A) North arrow, scale, and site plan underlay.
 - (B) Topography contours at intervals of two feet (2').
 - (C) Areas of substantial earth moving with an erosion control plan.
 - (D) The location of existing watercourses, canals, ditches, springs, wells, culverts, and storm drains, as well as the proposed method of dealing with all irrigation wastewater.
 - (E) The location of any designated floodplain and/or wetland boundaries.
 - (F) Direction of stormwater flows, catch basins, inlets, outlets, waterways, culverts, detention basins, orifice plates, outlets to off-site facilities, and off-site drainage facilities when necessary, based on adopted Town requirements.

- 158 (4) A utility plan showing the following:
- 159 (A) North arrow, scale, and site plan underlay.
- 160 (B) All existing and proposed utilities, including, but not
- 161 limited to, sewer, culinary water, fire hydrants, storm
- 162 drains, subsurface drains, gas lines, power lines,
- 163 communication lines, cable television lines, and
- 164 streetlights.
- 165 (C) Minimum fire flow required by the International Fire Code
- 166 for the proposed structures, and fire flow calculations at
- 167 all hydrant locations.
- 168 (D) The locations and dimensions of all utility easements.
- 169 (E) A letter from sewer and water providers addressing the
- 170 feasibility and their requirements to serve the project.
- 171 (5) A landscaping plan consistent with this Title.
- 172 (6) Building elevations for all buildings showing the following:
- 173 (A) Accurate front, rear, and side elevations drawn to scale.
- 174 (B) Exterior surfacing materials and colors, including roofing
- 175 material and color.
- 176 (C) Outdoor lighting, furnishings, and architectural accents.
- 177 (D) The location and dimensions of signs proposed to be
- 178 attached to the building or structure.
- 179 (7) The information required by this subsection shall be shown on
- 180 separate sheets. Plans shall be drawn at a scale no smaller than
- 181 one inch equals one hundred feet (1" = 100'). Except for the
- 182 landscaping plan, the plans shall be prepared, stamped, and
- 183 signed by a professional engineer licensed in the State of Utah.
- 184 Plans shall be submitted in an electronic format acceptable to
- 185 the Town with at least one physical set of plans. Town staff shall
- 186 reasonably determine if additional physical copies are required
- 187 to undertake the review required by this section.
- 188 (8) Any necessary agreements with adjacent property owners
- 189 regarding storm drainage or other pertinent matters.
- 190 (9) Evidence of compliance with applicable federal, state, and local
- 191 laws and regulations, if requested by Town staff.
- 192 (10) A Traffic Impact Analysis, if requested by the Town Engineer.
- 193 (11) Warranty deed, preliminary title report, or other document
- 194 showing the applicant has control of the property.

195 F. APPROVAL PROCESS:

- 196 1. Preliminary Site Plan

- 197 a. Upon submission, Town staff shall review the Preliminary Site Plan
198 application for completeness. An application shall not be considered
199 complete until all required submittal materials have been provided and
200 all applicable fees have been paid in accordance with the Town's
201 adopted fee schedule. No review shall commence until the application
202 is deemed complete.
- 203 b. After Town staff determines that the application is complete, it shall be
204 forwarded to the Community Development Director, or Town Designee,
205 for review and possible approval.
- 206 c. The Community Development Director, or Town Designee, shall review
207 the Preliminary Site Plan for compliance with the standards set forth in
208 Subsection G.1 of this Section.
- 209 d. The Community Development Director, or Town Designee, may
210 approve, approve with conditions, or deny the Preliminary Site Plan.
- 211 e. Approval of a Preliminary Site Plan is required prior to submittal of a
212 Final Site Plan application.

213 2. Final Site Plan

- 214 a. Following Preliminary Site Plan Approval, the applicant may submit a
215 Final Site Plan application. An application shall not be considered
216 complete until all required submittal materials have been provided and
217 all applicable fees have been paid in accordance with the Town's
218 adopted fee schedule. No review shall commence until the application
219 is deemed complete.
- 220 b. Upon submission, Town staff shall review the Final Site Plan application
221 for completeness.
- 222 c. Once determined complete by Town staff, the application shall be
223 forwarded to the Joint Utility Committee (JUC) for technical review and
224 utility coordination input as defined in Chapter 20 of this Title.
- 225 d. Upon completion of the review process, the Community Development
226 Director, or Town Designee, shall approve, approve with conditions, or
227 deny the application based on the standards set forth in Subsection F.2
228 and any conditions of Preliminary Site Plan approval.

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230 G. STANDARDS FOR APPROVAL: The following standards shall apply to the approval of
231 Preliminary and Final Site Plans:

- 232 1. Preliminary Site Plan – Community Development Director Approval: The
233 Community Development Director, or Town Designee, shall approve a
234 Preliminary Site Plan if it finds that the application demonstrates compliance
235 with the following standards:
- 236 a. Conformance with applicable zoning requirements of this Title.

- 237 b. Consistency with the Town's adopted General Plan.
- 238 c. Adequacy of site layout, including vehicular and pedestrian access and
- 239 parking configuration.
- 240 d. Compatibility with adopted design standards.
- 241 e. Adequacy of proposed landscaping, buffering, and screening to protect
- 242 adjacent properties and public rights-of-way.
- 243 f. Adequacy of any proposed phasing plan to ensure that infrastructure
- 244 and improvements are provided concurrently with the needs of each
- 245 phase.
- 246 2. Final Site Plan – Community Development Director Approval: The Community
- 247 Development Director, or Town Designee, shall approve a Final Site Plan –
- 248 following technical review and utility coordination by the Joint Utility
- 249 Committee (JUC) – if the application demonstrates compliance with the
- 250 following standards:
- 251 a. Safe and adequate vehicular and pedestrian circulation, parking, and
- 252 loading facilities.
- 253 b. Adequate provision of water, sewer, storm drainage, power, fire
- 254 protection, and other required utilities.
- 255 c. Effective mitigation of grading, drainage, floodplain, slope, or erosion
- 256 hazards.
- 257 d. Compliance with the detailed landscaping, lighting, signage, and
- 258 architectural requirements of this Title.
- 259 e. Conformance with conditions imposed as part of the Preliminary Site
- 260 Plan approval.
- 261 f. Compliance with adopted Town construction and engineering
- 262 specifications.
- 263 3. Improvement Agreements and Financial Assurances: To ensure that the
- 264 development will be constructed to completion in an acceptable manner, the
- 265 Town may require the applicant to enter into an agreement and provide a
- 266 satisfactory letter of credit, bond, or escrow deposit.
- 267 a. The agreement and letter of credit or escrow deposit shall ensure the
- 268 timely construction and installation of improvements required as part of
- 269 a Final Site Plan approval.
- 270 b. No building permit or certificate of occupancy shall be issued unless:
- 271 (1) All improvements required to satisfy applicable state building or
- 272 fire code requirements have been completed, or adequate
- 273 improvement completion assurance has been provided in
- 274 accordance with Utah Code § 10-20-1001; and
- 275 (2) All other required improvements have either been completed or
- 276 secured by a financial guarantee acceptable to the Town.

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- H. APPEAL OF DECISION:
 - 1. Preliminary Site Plan Appeals: Any person adversely affected by a decision of the Community Development Director, or Town Designee, regarding a Preliminary Site Plan may appeal the decision to the Appeal Authority in accordance with the provisions of Chapter 6 of this Title.
 - 2. Final Site Plan Appeals: Any person adversely affected by a decision of the Community Development Director, or Town Designee, regarding a Final Site Plan may appeal the decision to the Appeal Authority in accordance with the provisions of Chapter 6 of this Title.
- I. EFFECT OF APPROVAL:
 - 1. Preliminary Site Plan:
 - a. Approval of a Preliminary Site Plan authorizes the applicant to prepare and submit a Final Site Plan application consistent with the approved Preliminary Site Plan and any conditions imposed by the Community Development Director, or Town Designee.
 - b. Preliminary Site Plan approval does not authorize issuance of building permits, site grading, or construction activity.
 - c. Preliminary Site Plan approval shall expire twelve (12) months after the date of approval unless a complete Final Site Plan application has been submitted.
 - d. The Community Development Director, or Town Designee, may grant one or more extensions, not to exceed six (6) months each, for good cause shown, provided the request is submitted prior to expiration.
 - 2. Final Site Plan:
 - a. Approval of a Final Site Plan authorizes the issuance of building permits, subject to compliance with applicable state building, fire, and development codes as well as any other applicable Town ordinances.
 - b. All structures, improvements, and uses shall be constructed, installed, and operated in accordance with the approved Final Site Plan and any conditions of approval.
 - c. Final Site Plan approval shall expire twelve (12) months after the date of approval unless a building permit has been issued and substantial construction has commenced.
 - d. The Community Development Director, or Town Designee, may grant one or more extensions, not to exceed six (6) months each, for good cause shown, provided the request is submitted prior to expiration.
- J. AMENDMENTS: Except as may be provided elsewhere in this title, no element of an approved Preliminary or Final Site Plan shall be changed or modified without first obtaining approval of an amended Preliminary or Final Site Plan. The procedure for approval of an amended Preliminary or Final Site Plan shall be the same as the

317 procedure for approval of an original Preliminary or Final Site Plan as set forth in this
318 section.
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320 **SECTION 2. REPEALER.** All Virgin Town ordinances or resolutions or parts thereof,
321 which are in conflict herewith, are hereby repealed.

322 **SECTION 3. SEVERABILITY.** Should any part or provision of this Ordinance be
323 declared by the courts to be unconstitutional or invalid, such decision shall not affect the
324 validity of the Ordinance as a whole or any part thereof other than the part so declared
325 to be unconstitutional or invalid.

326 **SECTION 4. EFFECTIVE DATE.** This ordinance shall take effect immediately upon
327 adoption and posting as required by law.

328 PASSED AND ADOPTED BY THE TOWN COUNCIL OF VIRGIN TOWN, STATE OF UTAH,
329 ON THE ___ DAY OF _____, 20__.

330 Attest:
331 _____
332 Jean Krause, Mayor, Virgin Town Krystal Percival, Recorder, Virgin Town

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334 VIRGIN TOWN COUNCIL

335 Vote as recorded:	AYE	NAY	ABSENT	
336 Councilmember Luwe	___	___	___	
337 Councilmember Kietzman	___	___	___	
338 Councilmember Wenz	___	___	___	SEAL
339 Councilmember McKeon	___	___	___	
340 Mayor Krause	___	___	___	

341 RECORDED this ___ day of _____, 20__.

342 PUBLISHED OR POSTED this ___ day of _____, 20__.

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

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

- 347 1) *Utah Public Notice website*
348 2) *Virgin Town website, www.virgin.utah.gov*
349 3) *Virgin Town Hall*

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351 _____

352 Krystal Percival, Town Clerk/Recorder

353 Virgin Town, Utah

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