

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  
6 PLAN REVIEW; PROVIDING FOR TECHNICAL UTILITY REVIEW BY THE JOINT UTILITY  
7 COMMITTEE (JUC); DELEGATING APPROVAL AUTHORITY TO THE COMMUNITY  
8 DEVELOPMENT DIRECTOR; AND PROVIDING FOR AN ORDERLY, SAFE, AND  
9 COMPLIANT DEVELOPMENT 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  
40 16.2.18 of the Virgin Municipal Code (VMC) is hereby amended and restated in its entirety  
41 as 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 meeting the requirements of VMC 16.8.62 (Grading Ordinance).

(4) A utility plan showing the following:

(A) North arrow, scale, and site plan underlay.

(B) All existing and proposed utilities, including, but not limited to, sewer, culinary water, fire hydrants, storm drains, subsurface drains, gas lines, power lines, communication lines, cable television lines, and streetlights.

(C) Minimum fire flow required by the International Fire Code for the proposed structures, and fire flow calculations at all hydrant locations.

(D) The locations and dimensions of all utility easements.

(E) A letter from sewer and water providers addressing the feasibility and their requirements to serve the project.

- 158 (5) A landscaping plan consistent with this Title.
- 159 (6) Building elevations for all buildings showing the following:
- 160 (A) Accurate front, rear, and side elevations drawn to scale.
- 161 (B) Exterior surfacing materials and colors, including roofing
- 162 material and color.
- 163 (C) Outdoor lighting, furnishings, and architectural accents.
- 164 (D) The location and dimensions of signs proposed to be
- 165 attached to the building or structure.
- 166 (7) The information required by this subsection shall be shown on
- 167 separate sheets. Plans shall be drawn at a scale no smaller than
- 168 one inch equals one hundred feet (1" = 100'). Except for the
- 169 landscaping plan, the plans shall be prepared, stamped, and
- 170 signed by a professional engineer licensed in the State of Utah.
- 171 Plans shall be submitted in an electronic format acceptable to
- 172 the Town with at least one physical set of plans. Town staff shall
- 173 reasonably determine if additional physical copies are required
- 174 to undertake the review required by this section.
- 175 (8) Any necessary agreements with adjacent property owners
- 176 regarding storm drainage or other pertinent matters.
- 177 (9) Evidence of compliance with applicable federal, state, and local
- 178 laws and regulations, if requested by Town staff.
- 179 (10) A Traffic Impact Analysis, if requested by the Town Engineer.
- 180 (11) Warranty deed, preliminary title report, or other document
- 181 showing the applicant has control of the property.

182 F. APPROVAL PROCESS:

183 1. Preliminary Site Plan

- 184 a. Upon submission, Town staff shall review the Preliminary Site Plan
- 185 application for completeness. An application shall not be considered
- 186 complete until all required submittal materials have been provided and
- 187 all applicable fees have been paid in accordance with the Town's
- 188 adopted fee schedule. No review shall commence until the application
- 189 is deemed complete.
- 190 b. After Town staff determines that the application is complete, it shall be
- 191 forwarded to the Community Development Director, or Town Designee,
- 192 for review and possible approval.
- 193 c. The Community Development Director, or Town Designee, shall review
- 194 the Preliminary Site Plan for compliance with the standards set forth in
- 195 Subsection G.1 of this Section.
- 196 d. The Community Development Director, or Town Designee, may
- 197 approve, approve with conditions, or deny the Preliminary Site Plan.

198 e. Approval of a Preliminary Site Plan is required prior to submittal of a  
199 Final Site Plan application.

200 2. Final Site Plan

201 a. Following Preliminary Site Plan Approval, the applicant may submit a  
202 Final Site Plan application. An application shall not be considered  
203 complete until all required submittal materials have been provided and  
204 all applicable fees have been paid in accordance with the Town's  
205 adopted fee schedule. No review shall commence until the application  
206 is deemed complete.

207 b. Upon submission, Town staff shall review the Final Site Plan application  
208 for completeness.

209 c. Once determined complete by Town staff, the application shall be  
210 forwarded to the Joint Utility Committee (JUC) for technical review and  
211 utility coordination input as defined in Chapter 20 of this Title.

212 d. Upon completion of the review process, the Community Development  
213 Director, or Town Designee, shall approve, approve with conditions, or  
214 deny the application based on the standards set forth in Subsection F.2  
215 and any conditions of Preliminary Site Plan approval.

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

219 1. Preliminary Site Plan – Community Development Director Approval: The  
220 Community Development Director, or Town Designee, shall approve a  
221 Preliminary Site Plan if it finds that the application demonstrates compliance  
222 with the following standards:

223 a. Conformance with applicable zoning requirements of this Title.

224 b. Consistency with the Town's adopted General Plan.

225 c. Adequacy of site layout, including vehicular and pedestrian access and  
226 parking configuration.

227 d. Compatibility with adopted design standards.

228 e. Adequacy of proposed landscaping, buffering, and screening to protect  
229 adjacent properties and public rights-of-way.

230 f. Adequacy of any proposed phasing plan to ensure that infrastructure  
231 and improvements are provided concurrently with the needs of each  
232 phase.

233 2. Final Site Plan – Community Development Director Approval: The Community  
234 Development Director, or Town Designee, shall approve a Final Site Plan –  
235 following technical review and utility coordination by the Joint Utility  
236 Committee (JUC) – if the application demonstrates compliance with the  
237 following standards:

- 238 a. Safe and adequate vehicular and pedestrian circulation, parking, and
- 239 loading facilities.
- 240 b. Adequate provision of water, sewer, storm drainage, power, fire
- 241 protection, and other required utilities.
- 242 c. Effective mitigation of grading, drainage, floodplain, slope, or erosion
- 243 hazards.
- 244 d. Compliance with the detailed landscaping, lighting, signage, and
- 245 architectural requirements of this Title.
- 246 e. Conformance with conditions imposed as part of the Preliminary Site
- 247 Plan approval.
- 248 f. Compliance with adopted Town construction and engineering
- 249 specifications.
- 250 3. Improvement Agreements and Financial Assurances: To ensure that the
- 251 development will be constructed to completion in an acceptable manner, the
- 252 Town may require the applicant to enter into an agreement and provide a
- 253 satisfactory letter of credit, bond, or escrow deposit.
- 254 a. The agreement and letter of credit or escrow deposit shall ensure the
- 255 timely construction and installation of improvements required as part of
- 256 a Final Site Plan approval.
- 257 b. No building permit or certificate of occupancy shall be issued unless:
- 258 (1) All improvements required to satisfy applicable state building or
- 259 fire code requirements have been completed, or adequate
- 260 improvement completion assurance has been provided in
- 261 accordance with Utah Code § 10-20-1001; and
- 262 (2) All other required improvements have either been completed or
- 263 secured by a financial guarantee acceptable to the Town.

264 H. APPEAL OF DECISION:

- 265 1. Preliminary Site Plan Appeals: Any person adversely affected by a decision of
- 266 the Community Development Director, or Town Designee, regarding a
- 267 Preliminary Site Plan may appeal the decision to the Appeal Authority in
- 268 accordance with the provisions of Chapter 6 of this Title.
- 269 2. Final Site Plan Appeals: Any person adversely affected by a decision of the
- 270 Community Development Director, or Town Designee, regarding a Final Site
- 271 Plan may appeal the decision to the Appeal Authority in accordance with the
- 272 provisions of Chapter 6 of this Title.

273 I. EFFECT OF APPROVAL:

- 274 1. Preliminary Site Plan:
- 275 a. Approval of a Preliminary Site Plan authorizes the applicant to prepare
- 276 and submit a Final Site Plan application consistent with the approved

- 277 Preliminary Site Plan and any conditions imposed by the Community  
278 Development Director, or Town Designee.  
279 b. Preliminary Site Plan approval does not authorize issuance of building  
280 permits, site grading, or construction activity.  
281 c. Preliminary Site Plan approval shall expire twelve (12) months after the  
282 date of approval unless a complete Final Site Plan application has been  
283 submitted.  
284 d. The Community Development Director, or Town Designee, may grant  
285 one or more extensions, not to exceed six (6) months each, for good  
286 cause shown, provided the request is submitted prior to expiration.

287 2. Final Site Plan:

- 288 a. Approval of a Final Site Plan authorizes the issuance of building permits,  
289 subject to compliance with applicable state building, fire, and  
290 development codes as well as any other applicable Town ordinances.  
291 b. All structures, improvements, and uses shall be constructed, installed,  
292 and operated in accordance with the approved Final Site Plan and any  
293 conditions of approval.  
294 c. Final Site Plan approval shall expire twelve (12) months after the date of  
295 approval unless a building permit has been issued and substantial  
296 construction has commenced.  
297 d. The Community Development Director, or Town Designee, may grant  
298 one or more extensions, not to exceed six (6) months each, for good  
299 cause shown, provided the request is submitted prior to expiration.

300 J. AMENDMENTS: Except as may be provided elsewhere in this title, no element of an  
301 approved Preliminary or Final Site Plan shall be changed or modified without first  
302 obtaining approval of an amended Preliminary or Final Site Plan. The procedure for  
303 approval of an amended Preliminary or Final Site Plan shall be the same as the  
304 procedure for approval of an original Preliminary or Final Site Plan as set forth in this  
305 section.  
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307 **SECTION 2. REPEALER.** All Virgin Town ordinances or resolutions or parts thereof,  
308 which are in conflict herewith, are hereby repealed.

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



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