

VIRGIN TOWN, UTAH

PLANNING COMMISSION STAFF REPORT

TO: Virgin Town Planning Commission
FROM: Ryker Steglich, Town Planner, Sunrise Engineering
DATE: June 23, 2026
SUBJECT: Sign Permit Application — The Riv at Zion Monument Sign, 239 W SR-9
MEETING: Regular Planning Commission Meeting

At a Glance

Application	Sign Permit — Illuminated Monument Sign
Subject	Push-thru acrylic letter backlit sign cabinet, double-sided, installed on existing monument rock structure at 239 W SR-9, Virgin, UT 84779
Applicant	The Riv at Zion / Rainbow Sign & Banner
Prepared By	Ryker Steglich, Town Planner, Sunrise Engineering
Date	June 23, 2026
Next Step	Planning Commission action — approval, approval with conditions, or denial

I. Background and Description

An application for a sign permit has been submitted for an illuminated monument sign to be installed at 239 W SR-9, the location of The Riv at Zion. The sign is proposed to be installed on an existing monument rock structure on the subject property.

The proposed sign is a double-sided backlit cabinet sign, 84 inches wide by 48 inches tall, mounted on an existing monument rock structure with a 36-inch rock base, for a total sign height of 6 feet as shown on the submitted plans. The primary sign text — “The Riv at Zion” — consists of one-inch white acrylic push-thru letters with painted faces, illuminated from within the cabinet by 12-volt LED modules at 3,000K color temperature. The address line “239 W SR-9 Virgin, UT” is non-illuminated, painted directly on the metal cabinet face. The sign contractor’s night view rendering depicts the letter faces emitting a warm, diffuse glow against the dark cabinet background.

The sign is subject to review under VMC Chapter 52, Sign Regulations (Ordinance 2025-06, adopted February 18, 2025), and VMC Chapter 50, Lighting (Ordinance 2025-07, adopted April 15, 2025). The Planning Commission is the reviewing authority for sign permits under VMC §52.9.5.

II. Findings and Recommendation

Finding 1 — Applicable Code Framework

Two ordinances govern this application. VMC Chapter 52, Sign Regulations (Ord. 2025-06) establishes sign standards including illumination requirements. VMC Chapter 50, Lighting (Ord. 2025-07) establishes the Town's dark sky lighting standards. These two chapters operate together: VMC §52.6(D) expressly provides that "all sign lighting shall comply with the requirements in VULU Section 8.40, Outdoor Lighting" — the predecessor section that was repealed and replaced by Chapter 50. Accordingly, Chapter 50 is incorporated by reference into Chapter 52 as the governing technical lighting standard for signs. The two chapters must be read sequentially, with Chapter 52 establishing the categorical illumination rules and Chapter 50 establishing the specific technical standards.

Finding 2 — Chapter 52 Illumination Standards

VMC §52.6(D) provides that signs may be unlighted or lighted externally, and that no sign shall be internally lighted. The VULU 2.12 definition of "Internally Lighted Sign," adopted by Ordinance 2025-06, reads: "a sign that is illuminated by a concealed light source within the sign that projects light through the sign face."

The proposed sign uses LEDs concealed within the cabinet that illuminate push-thru acrylic letters. Light reaches the viewer by passing through the acrylic letter faces, which serve as a diffusing medium rather than a bare or direct light source. The acrylic faces soften and scatter the light before it exits the sign, such that the viewer does not see the lamp itself but rather a warm, diffuse glow through a translucent screen. On this basis, the sign's illumination is not direct in the sense contemplated by the prohibition — the acrylic material intervenes between the light source and the viewer in a functionally meaningful way. Staff finds this a close question under Chapter 52 standing alone; however, read together with Chapter 50 as required by §52.6(D), the analysis is informed by Chapter 50's express allowance for backlit signs, which resolves the question in the applicant's favor as set out in Finding 3.

Finding 3 — Chapter 50 Backlit Sign Allowance and Conflict Resolution

VMC §50.10(F) expressly permits backlit signs and establishes standards for them. VMC §50.20(F) separately prohibits the internal illumination of signs. Because "backlit sign" is not defined in Chapter 50, the line between a permitted backlit sign and a prohibited internally illuminated sign is not clearly established. The Chapter 50 definition of "internally illuminated" — a sign with a light source enclosed within the sign and not directly visible — is broad enough to describe many types of backlit signs, including the halo/reverse channel letter sign that Chapter 50 itself holds up as an example of permitted backlit signage.

This internal conflict creates genuine ambiguity within Chapter 50. Under standard rules of construction applicable to land use regulations in Utah, specific provisions control over general provisions, and ambiguity resolves in favor of the applicant. The specific backlit sign standards in

§50.10(F) therefore govern over the general prohibition in §50.20(F). Because §52.6(D) incorporates Chapter 50 by reference, Chapter 50's backlit sign allowance is part of the applicable standard for this application. The sign is evaluated against the backlit sign standards of §50.10(F)(2).

Finding 4 — Compliance with Backlit Sign Standards

Applying the three backlit sign standards in VMC §50.10(F)(2):

- Standard (a) — Light source not visible: The LED modules are enclosed within the cabinet and not directly visible to the viewer. The standard is met.
- Standard (b) — No harsh, direct illumination: The illumination produced by the proposed sign is warm (3,000K), low-output (12V LED modules), and diffused through white acrylic letter faces. The ordinance's reference to a halo effect is illustrative only and does not limit the range of compliant backlit sign types. The acrylic faces serve as a diffusing medium that renders the illumination indirect in practical effect. The night view rendering shows a warm, restrained glow — not harsh or direct illumination. The standard is met.
- Standard (c) — Low lumen light sources: 12V LED modules are low-output light sources. Actual lumen output has not been provided in the application materials and should be confirmed as a condition of approval.

Finding 5 — Chapter 52 Dimensional Standards

Under VMC §52.8.1(A), a freestanding monument sign in commercial and resort zones shall not exceed 40 square feet in area nor 6 feet in height. The proposed sign face measures 84 inches wide by 48 inches tall, equaling 28 square feet — within the 40 square foot maximum. The plans show a sign height of 6 feet, meeting the height maximum precisely. The pre-existing rock monument base is a property structure on which the sign is mounted and is not counted as part of the sign height. Both dimensional standards are met.

Finding 6 — Additional Chapter 50 Lighting Standards

The following additional standards in VMC Chapter 50 apply to the proposed sign:

- Color temperature (§50.10(F)(3)): The proposed 3,000K color temperature meets the 3,000K maximum. The standard is met.
- Luminance level (§50.10(F)(4)): The ordinance establishes a maximum luminance of 100 nits (100 candelas per square meter). The application does not include a luminance certification. This should be confirmed as a condition of approval.
- Sign illumination curfew (§50.10(F)(5)): Sign illumination must be turned off one hour after sunset or close of business, whichever is later, and remain off until one hour prior to sunrise. Compliance should be required as a condition of approval.

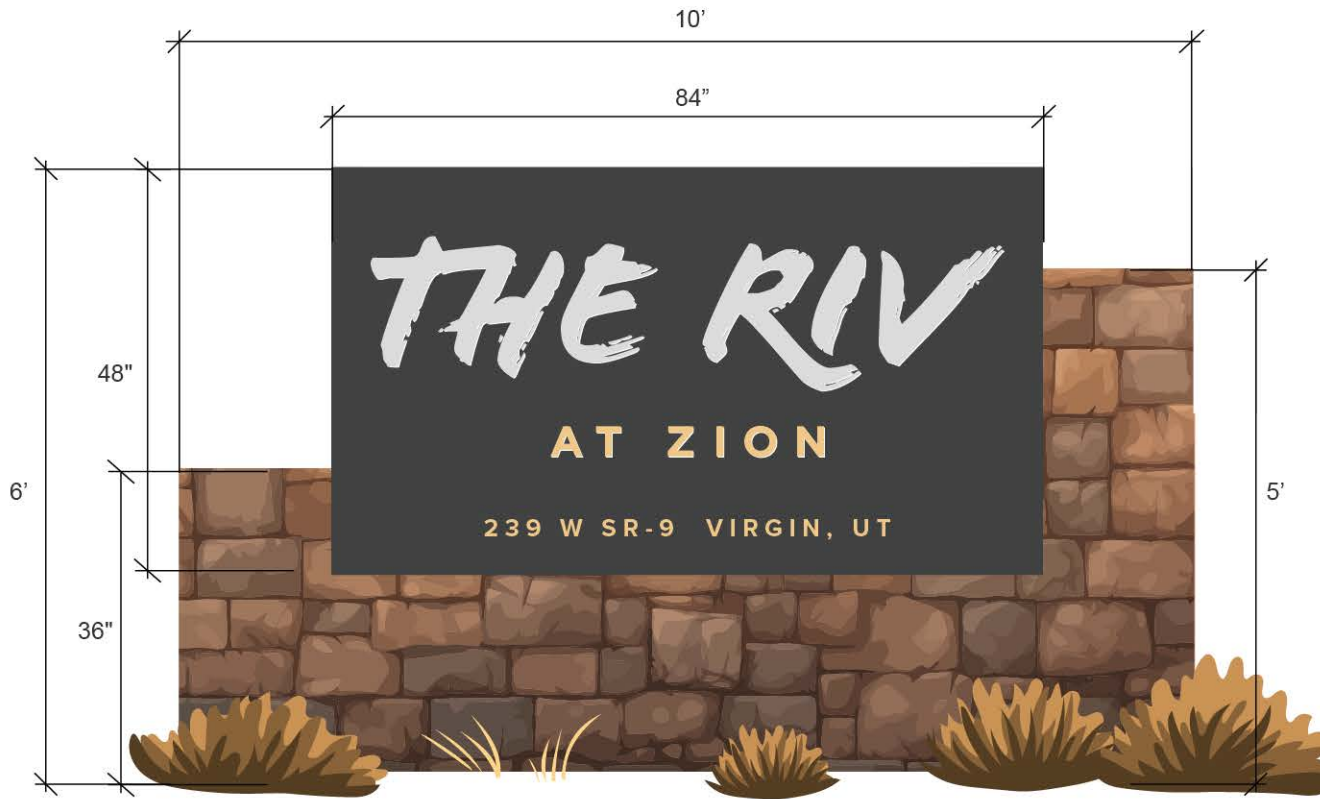
Finding 7 — Code Deficiency Note

The ambiguity identified in Findings 2 and 3 is a drafting gap that will recur with future sign applications. The absence of a definition for “backlit sign” in Chapter 50, and the tension between the backlit sign allowance and the internal illumination prohibition, creates interpretive uncertainty that staff must resolve on a case-by-case basis. Staff recommends the Planning Commission direct staff to prepare amendments to the sign and lighting ordinances to address this and other potential conflicts. These amendments should be brought forward as a separate agenda item at a subsequent meeting.

Recommendation

Staff recommends **approval with conditions** of the sign permit application for The Riv at Zion monument sign. The proposed sign meets the dimensional standards of VMC §52.8.1(A), and is consistent with the backlit sign standards of VMC §50.10(F)(2) as incorporated by reference through VMC §52.6(D). The following conditions shall apply:

- Prior to permit issuance, the applicant shall provide manufacturer’s documentation confirming the total lumen output of the LED modules used in the sign cabinet.
- Prior to permit issuance, the applicant shall provide a manufacturer’s luminance specification or third-party certification confirming the sign face luminance does not exceed 100 nits (100 candelas per square meter), as required by VMC §50.10(F)(4).
- The sign illumination shall be controlled by an automatic timer or smart controller programmed to turn off illumination no later than one hour after sunset or close of business, whichever is later, and to remain off until no earlier than one hour prior to sunrise, in conformance with VMC §50.10(F)(5). Evidence of timer installation shall be provided prior to final inspection.
- Any future modification to the sign’s illumination system, including substitution of LED modules with higher output fixtures, shall require a new sign permit and re-evaluation for compliance with VMC Chapter 50.



← STREET

DOUBLE-SIDED SIGN CABINET

"THE RIV AT ZION"

1" white acrylic push-thru letters with painted faces
Internally halo-illuminated with 3000K LED
Installed on customer's monument rock structure

"239 W SR-9 VIRGIN UT"

Painted letters (non-illuminated)
Painted directly on metal cabinet sign as shown

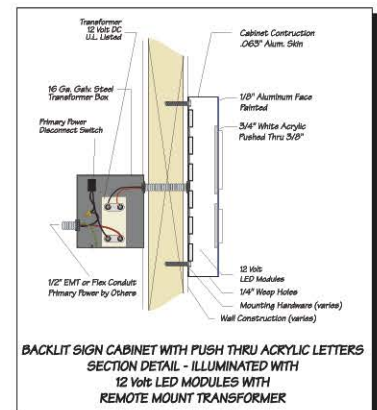
SIDE PROFILE



PAINT - SAND TEXTURE
DARK OXIDE
SATIN FINISH

PAINT - SMOOTH
SW 6388
SATIN FINISH

PAINT - SMOOTH
SW 9166
SATIN FINISH



BACKLIT SIGN CABINET WITH PUSH THRU ACRYLIC LETTERS
SECTION DETAIL - ILLUMINATED WITH
12 VOLT LED MODULES WITH
REMOTE MOUNT TRANSFORMER

COLORS RENDERED HERE MAY NOT REPRESENT THE ACTUAL FINISH - REFER TO COLOR CALL-OUTS FOR MORE ACCURATE COLOR SPECIFICATIONS



SALESPERSON: Malinda Sanders

PROJECT: Monument

ADDRESS: 239 W Hwy 91
Virgin, UT 84779

DESIGNER:

COMPANY: The Riv Zion

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CUSTOMER
APPROVAL

LANDLORD
APPROVAL

NIGHT VIEW



DOUBLE-SIDED SIGN CABINET

"THE RIV AT ZION"

1" white acrylic push-thru letters with painted faces
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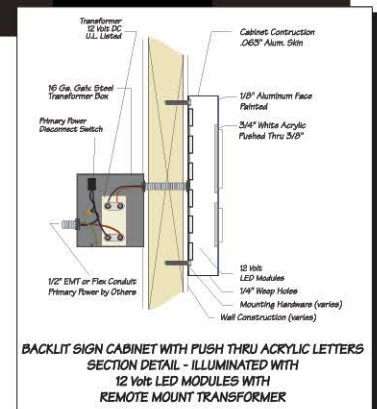
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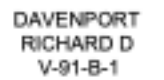
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LANDLORD
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VIRGIN TOWN

Staff Report — Proposed Ordinance No. 2026-XX – Shuttle Stop Removal

To: Virgin Town Planning Commission

From: Ryker Steglich, Town Planner, Sunrise Engineering

Date: June 9, 2026

Subject: Proposed Ordinance No. 2026-XX — Removal of Shuttle Stop as a Conditional Use from the Commercial Zone (VMC § 16.40) and the Highway Resort Zone (VMC § 16.44)

Meeting: Regular Planning Commission Meeting

AT A GLANCE

Application	Legislative — Town Council-Initiated Ordinance
Subject	Amendment to VMC § 16.40.10 and § 16.44.10 — Removal of Shuttle Stop as a Conditional Use
Prepared By	Ryker Steglich, Town Planner, Sunrise Engineering
Date	June 9, 2026
Meeting	Regular Planning Commission Meeting
Next Step	Planning Commission Recommendation to Town Council

I. BACKGROUND

Virgin Town currently has two shuttle stop facilities serving the area, and the Virgin Municipal Code (VMC) lists “Shuttle Stop” as a conditional use in both the Commercial Zone (VMC § 16.40.10) and the Highway Resort Zone (VMC § 16.44.10). Under the current framework, a property owner may apply for a conditional use permit (CUP) to establish a shuttle stop on private property in either of these zones.

The Town Council has determined that this approach is not the best fit for how shuttle stops actually function. Because shuttle facilities typically operate within or adjacent to public rights-of-way rather than as a traditional private land use, the Town Council believes they are more appropriately established and governed through formal agreements between the Town and transportation entities. This gives the Town direct oversight of any shuttle stop in Virgin rather than routing that decision through the private land use permit process. The Town Council has referred Ordinance No. 2026-XX to the Planning Commission for a duly noticed public hearing and recommendation. Any shuttle stop currently operating under a validly issued CUP is not affected by this ordinance.

II. DESCRIPTION OF PROPOSED ORDINANCE

Proposed Ordinance No. 2026-XX makes targeted amendments to two zoning districts in the VMC. Key provisions include:

- Amendment to VMC § 16.40.10 (Commercial Zone — Conditional Uses): Removes “Shuttle Stop” from the list of conditional uses. All other conditional uses in the Commercial Zone are unaffected.
- Amendment to VMC § 16.44.10 (Highway Resort Zone — Conditional Uses): Removes “Shuttle Stop” from the list of conditional uses. All other conditional uses in the Highway Resort Zone are unaffected.
- Savings Clause (Section 3): Any CUP for a shuttle stop validly issued prior to the effective date of this ordinance remains valid and enforceable in accordance with its terms and conditions. Existing permit holders are not required to obtain a new permit or cease operations conducted in compliance with a validly issued CUP.
- Standard Provisions: The ordinance includes a repealer, severability clause, and effective date upon adoption and posting as required by law.

III. FINDINGS AND RECOMMENDATION

The proposed ordinance is consistent with the Town’s land use authority under Utah Code Ann. §§ 10-20-502 and 10-20-503 and serves the public interest by aligning the Town’s regulatory tools with the practical nature of shuttle stop operations. Shuttle stop facilities that function within or adjacent to public rights-of-way are more appropriately managed through intergovernmental or transportation service agreements than through the CUP process, which is designed for private land use decisions. The savings clause ensures that existing permit holders are not impaired by the amendment.

Staff recommends that the Planning Commission forward Ordinance No. 2026-XX to the Town Council with a recommendation of approval.

VIRGIN TOWN

ORDINANCE NO. 2026-XX

AN ORDINANCE OF VIRGIN TOWN, UTAH, AMENDING THE VIRGIN MUNICIPAL CODE TO REMOVE SHUTTLE STOP AS A CONDITIONAL USE FROM THE COMMERCIAL ZONE (VMC § 16.40) AND THE HIGHWAY RESORT ZONE (VMC § 16.44); AND PROVIDING FOR RELATED MATTERS.

RECITALS

WHEREAS Virgin Town (“Town”) is a Utah municipal corporation and political subdivision of the State of Utah, organized and existing under the provisions of Utah Code Annotated Title 10.

WHEREAS Pursuant to Utah Code Ann. §§ 10-20-502 and 10-20-503, the Virgin Town Council (“Town Council”), acting in its capacity as the governing and legislative body of the Town, has enacted land use regulations found in Title 16 (Land Uses) of the VMC and an official zoning map which set forth zoning districts and the types of land uses and densities that are allowed within each zoning district.

WHEREAS The Virgin Municipal Code currently lists “Shuttle Stop” as a conditional use in both the Commercial Zone (VMC § 16.40) and the Highway Resort Zone (VMC § 16.44).

WHEREAS The Town Council has determined that shuttle stop facilities, by their nature, are located within or adjacent to public rights-of-way and are more appropriately governed through agreements between the Town and transportation entities rather than through the conditional use permit process.

WHEREAS The Virgin Town Planning Commission (“Planning Commission”) has reviewed this proposed ordinance, and after conducting a properly noticed public hearing on the same on _____, 2026, forwarded the same to the Town Council with a recommendation that it be adopted as a formal land use regulation of the Town.

WHEREAS The Town Council finds that adoption of this Ordinance is in the best interest of the public health, safety, and welfare of the residents and visitors of Virgin Town.

ORDINANCE

NOW THEREFORE, BE IT ORDAINED by the Town Council of Virgin Town, Utah, as follows:

1. Amendment to Virgin Municipal Code 16.40.10. Section 16.40.10 (Conditional Uses) of the VMC is hereby amended to remove “Shuttle Stop” from the list of conditional uses permitted in the Commercial Zone. All other conditional uses listed in VMC § 16.40 remain in full force and effect.
2. Amendment to Virgin Municipal Code 16.44.10. Section 16.44.10 (Conditional Uses) of the VMC is hereby amended to remove “Shuttle Stop” from the list of conditional uses permitted in the Highway Resort Zone. All other conditional uses listed in VMC § 16.44 remain in full force and effect.

3. Effect on Existing Conditional Use Permits. Any conditional use permit (CUP) issued prior to the effective date of this Ordinance authorizing a shuttle stop in the Commercial Zone or Highway Resort Zone shall remain valid and enforceable in accordance with its terms and conditions. Nothing in this Ordinance shall be construed to require the holder of such a CUP to obtain a new permit or to cease operations conducted in compliance with a validly issued CUP.
4. Repealer. All Virgin Town ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.
5. Severability. Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.
6. Effective Date. This Ordinance shall take effect immediately upon adoption and posting as required by law.

PASSED AND ADOPTED by the Town Council of Virgin Town, State of Utah, on the ____ day of _____, 2026 by the following vote:

Council Person:

Valerie Wenz	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
April McKeon	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Paul Luwe	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
James Kietzman	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Jean Krause <i>Mayor</i>	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____

VIRGIN TOWN
a Utah municipal corporation

Attest:

Jean Krause, Mayor

Krystal Percival, Town Recorder

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

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

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

Krystal Percival, Town Recorder

VIRGIN TOWN

Staff Report — Proposed Ordinance No. 2026-XX – New and Unlisted Business Uses

To: Planning Commission

From: Ryker Steglich, Town Planner, Sunrise Engineering

Date: July 1, 2026

Subject: Proposed Ordinance No. 2026-XX — New and Unlisted Business Uses (VMC Chapter 16.46)

Meeting: Planning Commission Regular Meeting

AT A GLANCE

Application	Legislative — Town-Initiated Ordinance
Subject	New VMC Chapter 16.46 — New and Unlisted Business Uses
Prepared By	Ryker Steglich, Town Planner, Sunrise Engineering
Date	April 28, 2026
Meeting	Planning Commission Regular Meeting
Next Step	Planning Commission recommendation to Town Council

I. BACKGROUND

The Utah State Legislature recently enacted Utah Code §10-20-507 as part of Senate Bill 1008 (2025 First Special Session) – the Municipal Land Use, Development, and Management Act Recodification, which took effect in November 2025. Among other changes, SB1008 requires each municipality to establish a formal process for reviewing and classifying proposed business uses that are not expressly designated as permitted, conditional, or prohibited within a zoning district. Virgin Town’s current land use regulations do not include such a process, creating a gap in the code that this ordinance is designed to fill.

Without a defined procedure, unlisted business uses have no clear pathway for evaluation, creating uncertainty for applicants and potential inconsistency in how the Town responds to novel or emerging business types. This ordinance was prepared by the Town Planner to bring the VMC into compliance with state law and to establish a transparent, predictable review framework. The Town Council reviewed the ordinance at its April 7, 2026, work meeting and authorized it to proceed to the Planning Commission for a public hearing and formal recommendation. Prior to this hearing, the ordinance was reviewed by the Town Attorney.

II. DESCRIPTION OF PROPOSED ORDINANCE

Proposed Ordinance No. 2026-XX adopts a new Chapter 16.46 within Title 16 (Land Uses) of the VMC, establishing a two-track review process for business uses not currently listed in the Town's use tables. Key provisions include:

- **Classification Request:** Any person proposing an unlisted business use submits a Classification Request to the Community Development Director, designated as the Administrative Land Use Authority. The Director determines whether the proposed use aligns with an existing use category or constitutes a New or Unlisted Business Use.
- **Administrative Determination:** If the proposed use aligns with an existing category, it proceeds under the regulations applicable to that category. If it does not align, it is classified as a New or Unlisted Business Use and the applicant may request legislative consideration.
- **Legislative Review Track:** A New or Unlisted Business Use is processed as a text amendment to the VMC. The applicant submits a New Use Application including a proposed text amendment. The Planning Commission holds a public hearing and forwards a recommendation to the Town Council, which approves, modifies, or denies the amendment within 75 days of a complete application.
- **Cross-References:** Companion amendments are added to VMC Chapters 16.32, 16.34, 16.38, 16.40, 16.42, and 16.44 to direct unlisted uses to the new Chapter 16.46 process.
- **Appeals:** Classification Request determinations by the Community Development Director may be appealed to the Appeal Authority under VMC Chapter 16.6.

III. FINDINGS AND RECOMMENDATION

The proposed ordinance is required by Utah Code §10-20-507 and is consistent with the broader framework of MLUDMA, Title 10, Chapter 20. It serves the public interest by providing a fair, structured process for evaluating emerging business types while preserving the integrity of the Town's zoning districts and ensuring that any new use category is subject to proper public notice, Planning Commission review, and Town Council action before being added to the land use ordinance.

Staff recommends that the Planning Commission recommend approval of Ordinance No. 2026-XX to the Town Council.

VIRGIN TOWN
ORDINANCE NO. 2026-XX



AN ORDINANCE ADOPTING AND ENACTING A NEW CHAPTER 46 IN TITLE 16 OF THE VIRGIN MUNICIPAL CODE (“VMC”), ESTABLISHING A REVIEW PROCESS FOR NEW OR UNLISTED BUSINESS USES AS REQUIRED BY UTAH CODE 10-20-507; PROVIDING FOR CLASSIFICATION REQUESTS, ADMINISTRATIVE REVIEW, LEGISLATIVE ACTION, AND APPEALS; AND MAKING RELATED AMENDMENTS.

RECITALS

WHEREAS Virgin Town (“Town”) is a Utah municipal corporation and political subdivision of the State of Utah, organized and existing under the provisions of Utah Code Annotated Title 10.

WHEREAS Pursuant to Utah Code Ann. §§ 10-20-502 and 10-20-503 the Virgin Town Council (“Town Council”), acting in its capacity as the governing and legislative body of the Town, has enacted land use regulations found in Title 16 (Land Uses) of the VMC and an official zoning map which set forth zoning districts and the types of land uses and densities that are allowed within each zoning district.

WHEREAS the Utah State Legislature has recently adopted new regulations codified in Utah Code Ann. § 10-20-507 that requires each municipality to provide a process for administrative classification and, if necessary, legislative consideration of a proposed business use that are not expressly designated as a permitted, conditional or prohibited use within a zoning district.

WHEREAS the Town Council finds that establishing such a process will ensure that unlisted business uses are evaluated for compatibility with existing zoning, potential impacts to public services and infrastructure, and alignment with the Virgin General Plan.

WHEREAS the Town Council further finds that legislative consideration of new unlisted business uses should occur only after review by the Planning Commission and only through formal amendment to the land use ordinance.

WHEREAS the Town Council desires to implement Utah Code 10-20-507 by adopting a new chapter to Title 16 (Land Uses) of the VMC to be known as Chapter 46 which establishes clear procedures for Classification Requests, administrative determinations, legislative review, and appeal rights.

WHEREAS the Planning Commission held a public hearing on this ordinance on _____, 20__.

WHEREAS the Virgin Town Planning and Zoning Commission recommended in a ____ to ____ vote that the Town Council [*approve / deny*] these amendments on _____, 20__.

ORDINANCE

NOW THEREFORE, BE IT ORDAINED by the Town Council of Virgin Town, Utah, as follows:

1. Amendment to Virgin Municipal Code 16.02.12. Section 16.02.12 (Definitions) of the VMC is hereby amended to include the following defined terms:

16.02.12 – Definitions

....

Classification Request. *A Classification Request means a written request submitted to the Town for a determination of whether a proposed business use aligns with an existing land use category listed in the Virgin Municipal Code.*

....

New or Unlisted Business Use. *A New or Unlisted Business Use means a business activity that does not align with or is not substantially similar to any existing land use category listed in the Virgin Municipal Code.*

2. Adoption of Title 16, New Chapter 46. Chapter 46 (New and Unlisted Business Uses) of Title 16 (Land Uses) of the VMC is hereby adopted and enacted as follows:

16.46. - New and Unlisted Business Uses

16.46.02 - Purpose

The purpose of this Chapter is to establish a formal, consistent, and transparent procedure for reviewing, classifying, and acting upon New and Unlisted Business Uses that are not identified within the Virgin Municipal Code, as required by Utah Code 10-20-507. This Chapter ensures that proposed Business Uses that are not expressly listed in the Town's land use regulations are subject to an orderly review. The Town recognizes that new business types and commercial activities may arise that were not contemplated at the time of adoption of the current land use tables. Accordingly, this Chapter provides a structured administrative process for determining whether a proposed Business Use aligns with an existing land use or must be forwarded for legislative consideration as a New or Unlisted Business Use. The processes established herein are intended to:

- A. Provide a fair and objective method for classifying Business Uses that are not expressly listed in the land use ordinance;*
- B. Maintain the integrity and intent of the Town's zoning districts by ensuring that business activities are appropriately evaluated for consistency with established use categories;*

C. Ensure that proposed New or Unlisted Business Uses are reviewed for compatibility with the Virgin Town General Plan and with surrounding land uses;

D. Protect the public health, safety, and welfare by requiring that potential impacts associated with new business activities are fully considered; and

E. Clarify the administrative and legislative roles in reviewing Business Uses that are not specifically addressed in the land use ordinance.

16.46.04 – Definitions/Interpretation

For the purposes of this Chapter, where terms are not defined herein, they shall be interpreted according to the definitions contained in Section 16.02.12 or elsewhere in the Virgin Municipal Code, or Utah Code Title 10, Chapter 20, as applicable, or their ordinary meaning.

16.62.06- Classification Request Procedure

The Classification Request provides a formal process for determining whether a proposed business use aligns with an existing land use category identified in the Virgin Municipal Code or must instead be processed as a New or Unlisted Business Use.

A. Filing a Classification Request. Any person proposing to establish a business use that is not clearly identified in the Town's permitted or conditional use tables shall submit a Classification Request to the Land Use Authority.

1. The request shall be submitted on a form provided by the Town and shall include all information reasonably necessary to evaluate the proposed business activity, including but not limited to:

a. A description of the proposed activity or operation;

b. The proposed location and zoning district;

c. The scale or intensity of the activity; and

d. A summary of anticipated external impacts, such as noise, light, traffic, or customer activity.

2. The Classification Request must be accompanied by payment of the requisite application fee as designated in the Town's Uniform Fee Schedule, as amended from time to time.

B. Delegated Administrative Land Use Authority for Classification Requests. The Town Council hereby delegates the Town Manager, or Town Designee, as the Administrative Land Use Authority to review and act upon all Classification Requests.

C. Review by Administrative Land Use Authority. The Administrative Land Use Authority shall review the Classification Request to determine whether the proposed business use:

- 1. Aligns with an existing land use category listed in the Virgin Municipal Code; or*
- 2. Does not align with an existing land use category and therefore constitutes a New or Unlisted Business Use.*
- 3. In making this determination required in Subsections C.1 and C.2, above, the Administrative Land Use Authority may consider:*
 - a. Similarity in character, scale, and intensity;*
 - b. Operational characteristics;*
 - c. The use's potential effects on surrounding properties;*
 - d. Anticipated traffic or parking demand;*
 - e. Compatibility with the Virgin Town General Plan;*
 - f. Environmental or nuisance-related impacts; and*
 - g. Any functional attributes relevant to land use classification.*

D. Requests for Additional Information. The Administrative Land Use Authority may request additional information or documentation reasonably necessary to determine whether the proposed use aligns with an existing land use category. Such requests shall be made in writing and shall specify the information required. The applicant shall provide the requested information within a reasonable timeframe established by the Administrative Land Use Authority, which in no instance shall be less than ten (10) business days. Failure to provide the requested information may result in the Classification Request being deemed incomplete or withdrawn.

16.46.08 – Classification Request Determination Types and Notification

Upon receipt of a complete Classification Request, the Administrative Land Use Authority shall make one of the following determinations:

A. Alignment with an existing use category. If the Land Use Authority determines that the proposed business use aligns with an existing land use category listed in the Virgin Municipal Code, the Land Use Authority shall notify the applicant of that determination, and the proposed use shall be processed under the regulations applicable to that existing use category.

B. New or Unlisted Business Use. If the Land Use Authority determines that the proposed business use does not align with a listed use, the Land Use Authority shall notify the applicant that the proposed use is classified as a New or Unlisted Business Use, and the application shall be reviewed under Section 16.46.10.

16.62.10 - Review of New or Unlisted Business Uses

When the Administrative Land Use Authority determines under this Chapter that a proposed business use constitutes a New or Unlisted Business Use, the applicant may apply for, and request that their proposed New or Unlisted Business Use, be referred into the legislative land use amendment process as provided in this Section. Such a referral does not create an entitlement to approval or establish that the proposed use is appropriate for inclusion in the land use ordinance.

A. New Use Application Requirements. The applicant shall submit a New or Unlisted Business Use Application (“New Use Application”) on a form provided by the Town. The New Use Application shall include information reasonably necessary for the Planning Commission and the Town Council to evaluate the proposed new use, including but not limited to:

- 1. A description of the proposed business activity;*
- 2. Its anticipated operational characteristics, intensity, and potential impacts;*
- 3. The proposed location and zoning district(s) in which the use may operate;*
- 4. Expected impacts on public services, infrastructure, and surrounding properties; and*
- 5. Any studies, analyses, or supporting documentation requested by Town staff or reviewing bodies.*

B. The New Use Application must be accompanied by payment of the requisite application fee as designated in the Town's Uniform Fee Schedule, as amended from time to time.

C. Proposed Text Amendment. Because approval of a New or Unlisted Business Use requires an amendment to Title 16 (Land Uses) of the Virgin Municipal Code, the New Use Application shall submit a proposed text amendment, including:

- 1. Draft language defining or describing the new use category;*
- 2. A proposed list of the zoning district(s) in which the use should be permitted, conditional, or prohibited;*
- 3. Any proposed development standards or regulatory requirements for the use; and*
- 4. Draft revisions to any affected sections, tables, or definitions within the Virgin Municipal Code.*

D. Applicant's Proposed Text Not Binding. The applicant's text amendment is advisory only and shall not bind Town staff, the Planning Commission, or the Town Council. The Town Council may modify, replace, expand, reject, or otherwise revise the proposed amendment in any manner they deem appropriate to ensure consistency with the Virgin Municipal Code, the General Plan, and Utah law.

E. Planning Commission Review and Recommendation

The New Use Application and the proposed text amendment shall be reviewed by the Planning Commission as a proposed amendment to the Town's land use regulations in accordance with Utah Code Title 10, Chapter 20, Article 5 and the Virgin Municipal Code.

- 1. The Planning Commission shall hold a public hearing, as required by law, and shall consider:*
 - a. The use's consistency with the General Plan;*
 - b. Compatibility with the purposes and intent of zoning districts;*
 - c. Impacts on surrounding land uses and neighborhoods;*
 - d. Impacts on public health, safety, and welfare; and*

e. Any additional factors the Planning Commission considers relevant.

2. The Planning Commission shall forward to the Town Council a written recommendation of either, Approval, Approval with modifications, or Denial.

F. Legislative Review and Potential Approval

After receiving the Planning Commission recommendation and conducting a public hearing, the Town Council shall approve, approve with modifications, or deny the proposed New or Unlisted Business Use.

1. Approval. If the Town Council approves the New or Unlisted Business Use, the Town Council shall adopt an ordinance amending the Title 16 (Land Use) of the Virgin Municipal Code to:

a. Create, describe, or define the new use category;

b. Designate zoning district(s) where the use is permitted, conditional, or prohibited;

c. Establish any applicable development standards or regulations; and

d. Revise any use tables, charts, or related sections as necessary.

2. Timeline for Action. The Town Council shall approve or deny the proposed New or Unlisted Business Use within seventy-five (75) days after determining the application is complete, provided the applicant responds to requests for additional information and appears at required hearings.

3. No Entitlement Created. Approval, conditional approval, or compliance with application requirements for a New Use Application does not create a vested right or entitlement to approval.

G. Written Notification of Final Action. The Town shall provide written notice to the applicant of the Legislative Body's final action, including approval, conditional approval, or denial of their New Use Application, and shall include each reason for denial and information regarding the right to appeal pursuant to Section 16.46.12.

16.62.12 – Appeals

A. Right to Appeal. An applicant may appeal the Administrative Land Use Authority's determination under this Chapter regarding a Classification Request – specifically whether a proposed business use aligns with an existing land use category or constitutes a New or Unlisted Business Use. Such appeals shall be filed and processed in accordance with the Town's established land use appeal procedures set forth in Chapter 16.6 of the Virgin Municipal Code.

B. Notice of Appeal Rights. Written notice of the Administrative Land Use Authority's Classification Request determination shall include information regarding the applicant's right to appeal under this Section.

3. Amendments To Title 16 Zoning Districts. The VMC is further amended as follows:

A. Title 16, Chapter 32, to add Section 24 as follows:

16.32.24 – Unlisted Business Uses

Business Uses not expressly listed in this Chapter shall be processed and reviewed in accordance with the New or Unlisted Business Use procedures set forth in Chapter 46 of this Title.

B. Title 16, Chapter 34, to add Section 22 as follows:

16.34.22 – Unlisted Business Uses

Business Uses not expressly listed in this Chapter shall be processed and reviewed in accordance with the New or Unlisted Business Use procedures set forth in Chapter 46 of this Title.

C. Title 16, Chapter 38, to add Section 14 as follows:

16.38.14 – Unlisted Business Uses

Business Uses not expressly listed in this Chapter shall be processed and reviewed in accordance with the New or Unlisted Business Use procedures set forth in Chapter 46 of this Title.

D. Title 16, Chapter 40, to add Section 42 as follows:

16.40.42 – Unlisted Business Uses

Business Uses not expressly listed in this Chapter shall be processed and reviewed in accordance with the New or Unlisted Business Use procedures set forth in Chapter 46 of this Title.

E. Title 16, Chapter 42, to add Section 12 as follows:

16.42.12 – Unlisted Business Uses

Business Uses not expressly listed in this Chapter shall be processed and reviewed in accordance with the New or Unlisted Business Use procedures set forth in Chapter 46 of this Title.

F. Title 16, Chapter 44, to add Section 18 as follows:

16.44.18 – Unlisted Business Uses

Business Uses not expressly listed in this Chapter shall be processed and reviewed in accordance with the New or Unlisted Business Use procedures set forth in Chapter 46 of this Title.

4. Repealer. All Virgin Town ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.
5. Severability. Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.
6. Effective Date. This Ordinance shall take effect immediately upon adoption and posting as required by law.

PASSED AND ADOPTED by the Town Council of Virgin Town, State of Utah, on the ____ day of _____, 2026 by the following vote:

Council Person:

Valerie Wenz	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
April McKeon	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Paul Luwe	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
James Kietzman	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Jean Krause <i>Mayor</i>	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____

VIRGIN TOWN
a Utah municipal corporation

Attest:

Jean Krause, Mayor

Krystal Percival, Town Recorder

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

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

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

Krystal Percival, Town Recorder

VIRGIN TOWN

Staff Report — Proposed Ordinance No. 2026-XX – Preliminary and Final Site Plans

To: Planning Commission

From: Ryker Steglich, Town Planner, Sunrise Engineering

Date: July 1, 2026

Subject: Proposed Ordinance No. 2026-XX — Preliminary and Final Site Plans (VMC §16.2.18)

Meeting: Planning Commission Regular Meeting

AT A GLANCE

Application	Legislative — Town-Initiated Ordinance Amendment
Subject	Amendment and Restatement of VMC §16.2.18 — Site Plan Review
Prepared By	Ryker Steglich, Town Planner, Sunrise Engineering
Date	April 28, 2026
Meeting	Planning Commission Regular Meeting
Next Step	Planning Commission recommendation to Town Council

I. BACKGROUND

Virgin Town’s Municipal Code currently includes a basic site plan requirement at VMC §16.2.18, which requires a site plan to be filed as part of any zoning permit application and identifies a general list of submittal items. However, the existing provision does not establish a defined review process, approval authority, approval standards, or a two-stage structure to distinguish conceptual review from final engineering review.

This ordinance was prepared by the Town Planner to address those gaps by amending and restating VMC §16.2.18 in its entirety, replacing the existing submittal requirement with a comprehensive Preliminary and Final Site Plan review framework. The Town Council reviewed the ordinance at its April 7, 2026 work meeting and authorized it to proceed to the Planning Commission for a public hearing and formal recommendation.

II. DESCRIPTION OF PROPOSED ORDINANCE

The proposed ordinance establishes a two-stage site plan review process — Preliminary Site Plan and Final Site Plan — administered by the Community Development Director, or Town Designee. Key provisions include:

- Applicability: Required for all multi-family residential, commercial, industrial, and civic uses.
- Two-Stage Review: Preliminary Site Plan for zoning and General Plan compliance; Final Site Plan for full engineering, utility, and construction compliance prior to building permit issuance.
- JUC Coordination: Final Site Plan applications are routed to the Joint Utility Committee for technical review before Director approval.
- Approval Standards: Separate, objective standards are codified for each stage of review.
- Financial Assurances: The Town may require improvement completion assurances prior to building permit or certificate of occupancy issuance, per Utah Code §10-20-1001.
- Appeals: Director decisions may be appealed to the Appeal Authority under VMC Chapter 6.
- Expiration: Preliminary approvals expire after 12 months; Final approvals expire after 12 months unless a building permit is issued and substantial construction has commenced. Extensions of up to six months may be granted by the Director for good cause.

III. FINDINGS AND RECOMMENDATION

The proposed ordinance is authorized by MLUDMA, Utah Code Title 10, Chapter 20, and serves the public interest by replacing a minimal, process-free submittal requirement with a structured, standards-based review framework. The two-stage approach appropriately sequences conceptual review before full engineering investment, and the delegation of approval authority to the Community Development Director provides clear administrative accountability while preserving appeal rights for affected parties.

Staff recommends that the Planning Commission recommend approval of Ordinance No. 2026-XX to the Town Council, with the recommendation that the Town Attorney review the financial assurance provisions prior to Council adoption.

VIRGIN TOWN

ORDINANCE NO. 202X-XX

AN ORDINANCE AMENDING AND RESTATING SECTION 16.2.18 OF THE VIRGIN MUNICIPAL CODE TO ESTABLISH PROCEDURES FOR PRELIMINARY AND FINAL SITE PLAN REVIEW; PROVIDING FOR TECHNICAL UTILITY REVIEW BY THE JOINT UTILITY COMMITTEE (JUC); DELEGATING APPROVAL AUTHORITY TO THE TOWN MANAGER; AND PROVIDING FOR AN ORDERLY, SAFE, AND COMPLIANT DEVELOPMENT REVIEW PROCESS.

RECITALS

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

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

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

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

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

WHEREAS the Planning Commission held a public hearing on this ordinance on _____, 20__.

WHEREAS the Virgin Town Planning and Zoning Commission recommended in a ____ to ____ vote that the Town Council *[approve / deny]* these amendments on _____, 20__.

39 **WHEREAS**, the Town Council finds that the adoption of this Ordinance is in the best
40 interest of the Town and its residents and will further the effective implementation of the
41 Virgin Municipal Code;

42
43 **NOW THEREFORE**, BE IT ORDAINED BY THE TOWN COUNCIL OF VIRGIN TOWN,
44 UTAH, AS FOLLOWS:

45
46 **SECTION 1. AMENDMENT AND RESTATEMENT OF SECTION 16.2.18.** Section 16.2.18
47 of the Virgin Municipal Code (VMC) is hereby amended and restated in its entirety as
48 follows:

49
50
51 **16.2.18 – Preliminary and Final Site Plans**

- 52
53 A. **PURPOSE:** This section outlines the procedures for evaluating and approving
54 Preliminary and Final Site Plans. These procedures aim to promote thorough planning
55 and ensure a high-quality environment for the Town. This process seeks to facilitate
56 orderly, harmonious, safe, and functionally efficient development that aligns with the
57 priorities, values, and guidelines established in this Title, as well as the overall welfare
58 of the community.
- 59 B. **AUTHORITY:**
- 60 1. The Town Manager, or Town Designee, is authorized to review and approve all
61 Preliminary and Final Site Plans in accordance with the procedures set forth in
62 this section.
- 63 C. **DEFINITIONS:** Terms used in this section shall have the meanings assigned to them in
64 Virgin Municipal Code Chapter 2 (Definitions) unless otherwise defined herein. Where
65 a term is not defined by this Title, its meaning shall be determined by common usage,
66 professional planning and engineering standards, or applicable state law.
- 67 D. **INITIATION:** A property owner or the owner's agent may request approval of a site
68 plan as provided in this section. Site plan review shall occur in two stages: Preliminary
69 Site Plan and Final Site Plan
- 70 1. **Requirement:** A Preliminary and Final Site Plan shall be required for any of the
71 following uses unless expressly exempted from such requirement by another
72 provision of this title:
- 73 a. Any multiple-family residential use.
- 74 b. Any public or civic use.
- 75 c. Any commercial use.
- 76 2. **Timing:**
- 77 a. Preliminary Site Plan approval by the Town Manager, or Town Designee,
78 shall be obtained prior to preparation and submittal of a Final Site Plan.

b. Final Site Plan approval by the Town Manager, or Town Designee, following technical review and coordination by the Joint Utility Committee (JUC), shall be obtained prior to issuance of any building permit or commencement of site improvements.

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

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

1. Preliminary Site Plan

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

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

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

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

(3) The tax ID or parcel number.

(4) A conceptual site plan showing:

(A) The project name and North arrow.

(B) Proposed building footprints and uses.

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

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

(E) General locations of landscaping areas and buffering.

(F) Proposed phasing, if applicable.

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

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

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

119 2. Final Site Plan

120 a. Purpose: The Final Site Plan ensures compliance with all Town
121 engineering, utility, fire, zoning and construction standards, and with
122 conditions imposed during Preliminary Site Plan approval.

123 b. Application Requirements: A complete application for Final Site Plan
124 approval shall include the following:

125 (1) All items required under Subsection E1(b), updated to reflect
126 conditions of Preliminary Site Plan approval.

127 (2) A detailed site plan showing:

128 (A) All facilities related to the project and located within two
129 hundred fifty feet (250') of the site boundary.

130 (B) Layout, dimensions, and names of existing and future
131 road rights-of-way.

132 (C) Boundary lines of the project site with bearings and
133 distances.

134 (D) Layout and dimensions of proposed streets, buildings,
135 parking areas, and landscaping areas.

136 (E) Location, dimensions, and labeling of other features, such
137 as bicycle racks, dumpsters, trash cans, fences, signage,
138 mechanical equipment, etc.

139 (F) A tabulation table showing total gross acreage, the
140 number of parking spaces, the number and type of
141 dwellings, the percentage devoted to each dwelling type,
142 overall dwelling unit density, and square footage of the
143 following:

144 i. Street rights-of-way

145 ii. Building footprint

146 iii. Total building floor area

147 iv. Landscaping

148 (3) A grading and drainage plan meeting the requirements of VMC
149 16.8.62 (Grading Ordinance).

150 (4) A utility plan showing the following:

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

152 (B) All existing and proposed utilities, including, but not
153 limited to, sewer, culinary water, fire hydrants, storm
154 drains, subsurface drains, gas lines, power lines,
155 communication lines, cable television lines, and
156 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.

(5) A landscaping plan consistent with this Title.

(6) Building elevations for all buildings showing the following:

(A) Accurate front, rear, and side elevations drawn to scale.

(B) Exterior surfacing materials and colors, including roofing material and color.

(C) Outdoor lighting, furnishings, and architectural accents.

(D) The location and dimensions of signs proposed to be attached to the building or structure.

(7) The information required by this subsection shall be shown on separate sheets. Plans shall be drawn at a scale no smaller than one inch equals one hundred feet (1" = 100'). Except for the landscaping plan, the plans shall be prepared, stamped, and signed by a professional engineer licensed in the State of Utah. Plans shall be submitted in an electronic format acceptable to the Town with at least one physical set of plans. Town staff shall reasonably determine if additional physical copies are required to undertake the review required by this section.

(8) Any necessary agreements with adjacent property owners regarding storm drainage or other pertinent matters.

(9) Evidence of compliance with applicable federal, state, and local laws and regulations, if requested by Town staff.

(10) A Traffic Impact Analysis, if requested by the Town Engineer.

(11) Warranty deed, preliminary title report, or other document showing the applicant has control of the property.

F. APPROVAL PROCESS:

1. Preliminary Site Plan

a. Upon submission, Town staff shall review the Preliminary Site Plan application for completeness. An application shall not be considered complete until all required submittal materials have been provided and all applicable fees have been paid in accordance with the Town's adopted fee schedule. No review shall commence until the application is deemed complete.

- b. After Town staff determines that the application is complete, it shall be forwarded to the Town Manager, or Town Designee, for review and possible approval.
- c. The Town Manager, or Town Designee, shall review the Preliminary Site Plan for compliance with the standards set forth in Subsection G.1 of this Section.
- d. The Town Manager, or Town Designee, may approve, approve with conditions, or deny the Preliminary Site Plan.
- e. Approval of a Preliminary Site Plan is required prior to submittal of a Final Site Plan application.

2. Final Site Plan

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

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

- 1. Preliminary Site Plan – Town Manager Approval: The Town Manager, or Town Designee, shall approve a Preliminary Site Plan if it finds that the application demonstrates compliance with the following standards:
 - a. Conformance with applicable zoning requirements of this Title.
 - b. Consistency with the Town's adopted General Plan.
 - c. Adequacy of site layout, including vehicular and pedestrian access and parking configuration.
 - d. Compatibility with adopted design standards.
 - e. Adequacy of proposed landscaping, buffering, and screening to protect adjacent properties and public rights-of-way.

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

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

a. Safe and adequate vehicular and pedestrian circulation, parking, and loading facilities.

b. Adequate provision of water, sewer, storm drainage, power, fire protection, and other required utilities.

c. Effective mitigation of grading, drainage, floodplain, slope, or erosion hazards.

d. Compliance with the detailed landscaping, lighting, signage, and architectural requirements of this Title.

e. Conformance with conditions imposed as part of the Preliminary Site Plan approval.

f. Compliance with adopted Town construction and engineering specifications.

3. Improvement Agreements and Financial Assurances: To ensure that the development will be constructed to completion in an acceptable manner, the Town may require the applicant to enter into an agreement and provide a satisfactory letter of credit, bond, or escrow deposit.

a. The agreement and letter of credit or escrow deposit shall ensure the timely construction and installation of improvements required as part of a Final Site Plan approval.

b. No building permit or certificate of occupancy shall be issued unless:

(1) All improvements required to satisfy applicable state building or fire code requirements have been completed, or adequate improvement completion assurance has been provided in accordance with Utah Code § 10-20-1001; and

(2) All other required improvements have either been completed or secured by a financial guarantee acceptable to the Town.

H. APPEAL OF DECISION:

1. Preliminary Site Plan Appeals: Any person adversely affected by a decision of the Town Manager, 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 Town Manager, or Town Designee, regarding a Final Site Plan may appeal the

274 decision to the Appeal Authority in accordance with the provisions of Chapter
275 6 of this Title.

276 I. EFFECT OF APPROVAL:

277 1. Preliminary Site Plan:

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

290 2. Final Site Plan:

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

303 J. AMENDMENTS: Except as may be provided elsewhere in this title, no element of an
304 approved Preliminary or Final Site Plan shall be changed or modified without first
305 obtaining approval of an amended Preliminary or Final Site Plan. The procedure for
306 approval of an amended Preliminary or Final Site Plan shall be the same as the
307 procedure for approval of an original Preliminary or Final Site Plan as set forth in this
308 section.
309

310 **SECTION 2. REPEALER.** All Virgin Town ordinances or resolutions or parts thereof,
311 which are in conflict herewith, are hereby repealed.

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

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

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

Attest:

Jean Krause, Mayor, Virgin Town

Krystal Percival, Recorder, Virgin Town

VIRGIN TOWN COUNCIL

Vote as recorded: AYE NAY ABSENT

Councilmember Luwe ____ ____ ____

Councilmember Kietzman ____ ____ ____

Councilmember Wenz ____ ____ ____

Councilmember McKeon ____ ____ ____

Mayor Krause ____ ____ ____

SEAL

RECORDED this ____ day of _____, 20__.

PUBLISHED OR POSTED this ____ day of _____, 20__.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

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

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

342 Krystal Percival, Town Clerk/Recorder

343 Virgin Town, Utah

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DRAFT