

VIRGIN TOWN

Staff Report — Proposed Ordinance No. 2026-XX – Zoning Amendment Procedures

To: Virgin Town Planning Commission

From: Ryker Steglich, Town Planner, Sunrise Engineering

Date: August 11, 2026

Subject: Proposed Ordinance No. 2026-XX — Zoning Amendment Procedures (VMC §§ 16.2.30 & 16.2.32)

Meeting: Regular Planning Commission Meeting

AT A GLANCE

Application	Legislative Text Amendment — Amendment and Restatement
Subject	Zoning Amendment Procedures — VMC §§ 16.2.30 (Text Amendments) and 16.2.32 (Zoning Map Amendments)
Prepared By	Ryker Steglich, Town Planner, Sunrise Engineering
Date	August 11, 2026
Meeting	Regular Planning Commission Meeting
Next Step	Public hearing and recommendation to the Town Council

I. BACKGROUND

The Virgin Municipal Code presently governs amendments to Title 16 through VMC §§ 16.2.30 and 16.2.32. These provisions predate recent changes in state law and no longer reflect current statutory requirements, the Town’s administrative structure, or best planning practices. Most significantly, the Utah Legislature recodified the Municipal Land Use, Development, and Management Act (MLUDMA) from Title 10, Chapter 9a to Title 10,

Chapter 20, effective November 6, 2025, changing statutory cross-references and certain procedural requirements throughout the Code.

In addition, Utah Code § 10-20-902(3) will require municipalities to publish application checklists for land use application types beginning October 1, 2026. Updating the Town's amendment procedures now positions Virgin Town to meet that requirement and to process both text and map amendments under clear, defensible, and legally current standards. This is a Town-initiated legislative amendment, and staff has prepared a full restatement of both sections so that the two procedures read consistently and share parallel structure, notice standards, approval factors, and appeal provisions.

II. DESCRIPTION OF PROPOSED ORDINANCE

Ordinance No. 2026-XX would amend and restate two sections of the Virgin Municipal Code:

A. Text Amendments — VMC § 16.2.30

This section is restated as a self-contained procedure for amending the text of Title 16. It establishes purpose and authority, identifies who may initiate an amendment, sets application requirements for privately initiated amendments and a streamlined path for Town-initiated amendments, and prescribes the Commission hearing and Town Council review process, including MLUDMA-compliant notice under Utah Code § 10-20-205. It also sets legislative approval factors, an exception allowing Council action without a Commission recommendation in defined circumstances, appeal to the district court, and standards governing reapplication after a denial.

B. Zoning Map Amendments — VMC § 16.2.32

This section is restated as the parallel procedure for amending the Town's official zoning map. It carries the same structure as § 16.2.30 and adds the elements specific to a map amendment, including a more detailed application (legal description, property and notification maps, proof of ownership interest, and pre-addressed envelopes), mailed notice to owners within three hundred (300) feet, treatment of written objections, a distinct set of approval factors addressing compatibility and adequacy of public facilities, and a requirement that the Council's decision rest on written findings.

The ordinance also includes standard repealer, severability, and effective-date provisions.

II. FINDINGS AND RECOMMENDATION

Based on the foregoing, staff offers the following findings for the Commission's consideration:

1. The existing amendment procedures in VMC §§ 16.2.30 and 16.2.32 do not reflect current state law, including the recodification of MLUDMA to Title 10, Chapter 20, effective November 6, 2025.
2. The proposed ordinance is consistent with MLUDMA and with the Town's land use authority under Utah Code Ann. §§ 10-20-502 and 10-20-503, and brings the Town's amendment procedures into compliance with current statutory notice, timing, and findings requirements.
3. The restated procedures advance the purposes of Title 16 by providing clear, predictable, and current processes for text and map amendments for the benefit of applicants, the public, and Town staff.
4. Adoption positions the Town to meet the application-checklist publication requirement of Utah Code § 10-20-902(3), effective October 1, 2026.
5. The proposed ordinance corrects errors, ambiguities, and gaps in the current text and is consistent with sound planning practice.

Recommendation. Staff recommends that the Planning Commission conduct the noticed public hearing, and forward Ordinance No. 2026-XX to the Town Council with a recommendation of approval, subject to any modifications directed by the Commission and the legal review by the Town Attorney.



VIRGIN TOWN
ORDINANCE NO. 2026-XX
ZONING AMENDMENT PROCEDURES ORDINANCE

AN ORDINANCE AMENDING AND RESTATING VIRIGN MUNICIPAL CODE 16.2.30 AND 16.2.32 TO ESTABLISH PROCEDURES FOR ZONING TEXT AMENDMENTS AND ZONING MAP AMENDMENTS 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 Virgin Municipal Code (“VMC”), including procedures governing amendments to the text of Title 16 and to the Town’s official zoning map.

WHEREAS the Utah Legislature recodified the Municipal Land Use, Development, and Management Act from Title 10, Chapter 9a to Title 10, Chapter 20, effective November 6, 2025, necessitating updates to statutory cross-references and procedural requirements throughout VMC.

WHEREAS Utah Code Ann. 10-20-902(3) requires municipalities to publish application checklists for land use application types beginning October 1, 2026.

WHEREAS the Town Council finds that the existing amendment procedures set forth in VMC 16.2.30 and 16.2.32 do not reflect current state law requirements, best planning practices, or the Town’s administrative structure, and that updated procedures are necessary to ensure clarity for applicants and consistency with applicable law.

WHEREAS the Planning and Zoning 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 and restatement of Virgin Municipal Code 16.2.30. Section 16.2.30 (Amendments) of the VMC is hereby amended and restated as follows:

16.2.30 – Text Amendments

- A. *PURPOSE. This section sets forth procedures for amending the text of this Title. Procedures governing amendments to the Town’s zoning map are set forth in 16.2.32*
- B. *AUTHORITY. The Town Council may from time to time amend the text of this Title as provided in this section. Amendments may include changes to zoning district regulations or any other provision of this Title. The provisions set forth herein shall not apply to temporary land use regulations, which may be enacted without public hearing in accordance with Utah Code §10-20-504.*
- C. *INITIATION. Proposed amendments to the text of this Title may be initiated by the Town Council, Planning and Zoning Commission, the Zoning Administrator, or a property owner affected by a proposed amendment.*
- D. *APPLICATION REQUIREMENTS. Where a proposed text amendment is initiated by a property owner or other outside party, an application shall be submitted to the Zoning Administrator in a form established by the Zoning Administrator, along with any fee established by the Town’s schedule of fees. The application shall include at minimum the following:*
- 1. The name, address, and telephone number of the applicant and the applicant’s agent, if any;*
 - 2. The name and address of every person or company the applicant represents;*
 - 3. The chapter and section references of the text proposed to be amended, including the current text of each provision;*
 - 4. The proposed replacement or new text, clearly indicating all additions and deletions;*
 - 5. A written statement of justification explaining the purpose of the proposed amendment, the public benefit it is intended to achieve, and the basis for its consistency with the Town’s General Plan and the purposes of this Title; and*
 - 6. Payment of the applicable fee as established by the Town’s fee schedule.*
- Where a proposed text amendment is initiated by the Town, no formal application shall be required. The initiating party shall direct the Zoning Administrator to prepare a draft amendment. The Zoning Administrator shall prepare the draft amendment and a staff report evaluating the proposed amendment and forward both to the Planning and Zoning Commission in accordance with subsection E.*
- E. *PROCEDURE. A proposed text amendment shall be considered and processed as follows:*

1. *After the application is determined to be complete, the Zoning Administrator shall prepare a staff report evaluating the proposed amendment and forward it to the Planning and Zoning Commission.*
2. *The Planning and Zoning Commission shall hold a public hearing on the proposed amendment. Notice shall be provided in accordance with Utah Code 10-20-205, including:*
 - a. *Mailed notice to each affected entity, as defined in Utah Code 10-20-102, at least ten (10) calendar days before the hearing, if applicable;*
 - b. *Notice for the area directly affected by the proposed amendment, as a Class B notice under Utah Code 63G-30-102, for at least ten (10) calendar days before the hearing, or, if the amendment is ministerial in nature as described in Utah Code 10-20-205(6), a Class A notice for the same period; and*
 - c. *A summary of the effect of the proposed amendment, written in plain language designed to be understood by a layperson, or a direct link to where such summary may be found on the Town's website, included with the notice and provided to any person upon written request.*
3. *Following the public hearing, the Planning and Zoning Commission may recommend approval, approval with modifications, or denial to the Town Council.*
4. *Except as provided in subsection F, following receipt of a recommendation from the Planning and Zoning Commission, the Town Council shall hold a public meeting on the proposed amendment. Notice of the public meeting shall be provided as a Class A notice under Utah Code 63G-30-102 at least twenty-four (24) hours before the meeting. The Town Council may approve, approve with modifications, or deny the proposed amendment.*

F. EXCEPTION – ACTION WITHOUT COMMISSION RECOMMENDATION. The Town Council may adopt or reject a proposed text amendment without waiting for the Planning and Zoning Commission's recommendation if:

1. *The applicant has made written request under Utah Code 10-20-905(2)(b) for final action within forty-five (45) days; or*
2. *The Town Council determines that the Commission has had adequate time to consider the proposed amendment.*

G. APPROVAL STANDARDS. A decision to amend the text of this Title is a matter within the legislative discretion of the Town Council. In evaluating a proposed text amendment, the following factors shall be considered:

1. *Whether the proposed amendment is consistent with the goals, objectives, and policies of the Town's General Plan;*

2. *Whether the proposed amendment advances the purposes of this Title;*
3. *Whether the proposed amendment corrects an error, ambiguity, or gap in the current text; and*
4. *Whether the proposed amendment is consistent with applicable state law.*

H. *APPEAL OF DECISION. Any party adversely affected by a decision of the Town Council to amend the text of this Title may, within thirty (30) days after such decision, appeal to the district court as provided in Utah Code 10-20-1109.*

I. *EFFECT OF APPROVAL. Approval of an application to amend the provisions of this Title shall not be deemed an approval of any conditional use permit, site plan, or other permit. Approval of such permits shall be obtained in accordance with applicable provisions of this Title.*

J. *EFFECT OF DISAPPROVAL. Town Council denial of a proposed text amendment shall preclude the filing of another application covering substantially the same subject for one (1) year from the date of disapproval, except as follows:*

1. *Another application may be sooner considered if:*
 - a. *The Planning and Zoning Commission determines a substantial change in circumstances has occurred to merit reconsideration. Substantial change may include:*
 - (1) *A significant change in the scope or subject matter of the proposed amendment;*
 - (2) *Changes in applicable state law or court decisions affecting the subject matter of the proposed amendment; or*
 - (3) *New information or analysis that was not available at the time of the original application.*
 - b. *The application proposes a materially different approach to the same subject matter.*
2. *The Town Council or Planning and Zoning Commission may propose any text amendment at any time.*

2. Amendment and restatement of Virgin Municipal Code 16.2.32. Section 16.2.32 (Hearing and Publication and Notice Before Amendment) of the VMC is hereby amended and restated as follows:

16.2.32 Zoning Map Amendments

A. *PURPOSE. This section sets forth procedures for amending the Town's zoning map. Procedures governing amendments to the text of this Title are set forth in 16.2.30.*

137 B. *AUTHORITY. The Town Council may from time to time amend the zoning map as*
138 *provided in this section. Amendments may include changes in the number, shape,*
139 *boundaries, or area of any zoning district. The provisions set forth herein shall not apply*
140 *to temporary land use regulations, which may be enacted without public hearing in*
141 *accordance with Utah Code 10-20-504.*

142 C. *INITIATION. Proposed amendments to the Town's zoning map may be initiated by the*
143 *Town Council or a property owner affected by a proposed amendment.*

144 D. *APPLICATION REQUIREMENTS. A proposed zoning map amendment application shall*
145 *be submitted to the Zoning Administrator in a form established by the Zoning*
146 *Administrator, along with any fee established by the Town's schedule of fees. The*
147 *application shall include at minimum the following:*

- 148 1. *The name, address, and telephone number of the applicant and the applicant's agent,*
149 *if any;*
- 150 2. *The name and address of every person or company the applicant represents;*
- 151 3. *The requested amendment and the reasons supporting the request;*
- 152 4. *An accurate property map showing the present and proposed zoning classifications of*
153 *the subject property and all abutting properties;*
- 154 5. *An accurate legal description and approximate common address of the area proposed*
155 *to be rezoned;*
- 156 6. *Documentation of the applicant's ownership of or interest in the property, which may*
157 *include a deed, purchase agreement, or other instrument acceptable to the Zoning*
158 *Administrator;*
- 159 7. *A written statement of justification addressing each of the approval standards set*
160 *forth in subsection G;*
- 161 8. *A notification map identifying all property owners within three hundred (300) feet of*
162 *the subject property, prepared from current county tax records;*
- 163 9. *Pre-addressed, stamped envelopes for each property owner identified on the*
164 *notification map; and*
- 165 10. *Payment of the applicable fee as established by the Town's fee schedule.*

166 E. *PROCEDURE. A proposed zoning map amendment shall be considered and processed as*
167 *follows:*

- 168 1. *After the application is determined to be complete, the Zoning Administrator shall*
169 *prepare a staff report evaluating the proposed amendment and forward it to the*
170 *Planning and Zoning Commission.*

171 2. *The Planning and Zoning Commission shall hold a public hearing on the proposed*
172 *amendment. Notice shall be provided in accordance with Utah Code 10-20-205,*
173 *including:*

174 a. *Mailed notice to each affected entity, as defined in Utah Code 10-20-102, at least*
175 *ten (10) calendar days before the hearing, if applicable;*

176 b. *Notice for the area directly affected by the proposed amendment, as a Class B*
177 *notice under Utah Code 63G-30-102, for at least (10) calendar days before the*
178 *hearing, or if the amendment is ministerial in nature as described in Utah Code*
179 *10-20-205(6), a Class A notice for the same period; and*

180 c. *Mailed courtesy notice to each owner of real property located entirely or partially*
181 *within three hundred (300) feet of the area proposed for rezoning, using the pre-*
182 *addressed stamped envelopes furnished by the applicant, at least ten (10) days*
183 *before the hearing. The courtesy notice shall:*

184 (1) *Identify the owner of record;*

185 (2) *State the property's current and proposed zoning designations;*

186 (3) *Reference the regulations and permitted uses that would apply if the*
187 *amendment is adopted;*

188 (4) *State that the owner may file a written objection no later than ten (10) days*
189 *after the first public hearing, and identify where to file it;*

190 (5) *State that timely objections will be forwarded to the Town Council; and*

191 (6) *State the hearing's location, date, and time.*

192 3. *The Planning and Zoning Commission shall consider each written objection filed*
193 *under subsection E(2)(c) before the public hearing and shall forward all such*
194 *objections to the Town Council along with its recommendation. Following the public*
195 *hearing, the Planning and Zoning Commission may recommend approval, approval*
196 *with modifications, or denial to the Town Council.*

197 4. *Except as provided in subsection F, following receipt of a recommendation from the*
198 *Planning and Zoning Commission, the Town Council shall hold a public meeting on*
199 *the proposed amendment. Notice of the public meeting shall be provided as a Class A*
200 *notice under Utah Code 63G-30-102 at least twenty-four (24) hours before the*
201 *meeting. The Town Council may approve, approve with modification, or deny the*
202 *proposed amendment.*

203 F. *EXCEPTION – ACTION WITHOUT COMMISSION RECOMMENDATION. The Town*
204 *Council may adopt or reject a proposed zoning map amendment without waiting for the*
205 *Planning and Zoning Commission's recommendation if:*

1. *The applicant has made a written request under Utah Code 10-20-905(2)(b) for final action within forty-five (45) days; or*
2. *The Town Council determines that the Commission has had adequate time to consider the proposed amendment.*

G. *APPROVAL STANDARDS. A decision to amend the zoning map is a matter within the legislative discretion of the Town Council. In evaluating a proposed zoning map amendment, the following factors shall be considered:*

1. *Whether the proposed amendment is consistent with the goals, objectives, and policies of the Town's General Plan;*
2. *Whether the proposed amendment is compatible with the character of surrounding land uses and zoning districts;*
3. *The extent to which the proposed amendment may adversely affect adjacent property;*
4. *The adequacy of public facilities and services available, or to be made available, to serve development reasonably anticipated under the proposed zoning designation, including water, sewer, drainage, and transportation infrastructure;*
5. *Whether circumstances have changed since the existing zoning designation was applied, such that the proposed amendment serves the public interest; and*
6. *Whether the proposed amendment is consistent with sound planning principles, including whether the amendment bears a reasonable relationship to the public interest and is not arbitrarily applied to a single parcel in a manner inconsistent with the surrounding zoning and the General Plan.*

H. *FINDINGS. The Town Council shall base its decision to approve, deny, or modify a proposed zoning map amendment on the record and on written findings addressing the factors set forth in subsection G.*

I. *APPEAL OF DECISION. Any party adversely affected by a decision of the Town Council to amend the zoning map may, within thirty (30) days after such decision, appeal to the district court as provided in Utah Code 10-20-1109.*

J. *EFFECT OF APPROVAL. Approval of an application to amend the Town's zoning map shall not be deemed an approval of any conditional use permit, site plan, or other permit. Approval of such permits shall be obtained in accordance with applicable provisions of this Title.*

K. *EFFECT OF DISAPPROVAL. Town Council denial of a proposed zoning map amendment shall preclude the filing of another application covering substantially the same subject or property, or any portion thereof, for one (1) year from the date of disapproval, except as follows:*

1. *Another application may be sooner considered if:*

- a. *The Planning and Zoning Commission determines a substantial change in circumstances has occurred to merit reconsideration. Substantial change may include:*
- (1) *A significant change in the affected land area;*
- (2) *A material change in the scope or nature of the proposed amendment that directly addresses the basis for the Town Council's denial; or*
- (3) *Changes in the neighborhood including recent zone changes, land use amendments, or new roads or other infrastructure serving the area proposed for the change.*
- b. *The application is for a change to a different zoning designation.*

2. *The Town Council may propose any zoning map amendment at any time.*

3. **Repealer.** All Virgin Town ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

4. **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.

5. **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 Mayor	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

277
278 In accordance with Utah Code Annotated §63G-30-102 as amended, I, the Town Recorder of
279 Virgin Town, Utah, hereby certifies that the foregoing Ordinance was duly passed and published
280 or posted via Class A Notice at:

- 281
282 1) *Utah Public Notice website*
283 2) *Virgin Town website, www.virgin.utah.gov*
284 3) *Virgin Town Hall*

285
286
287 _____
288 Krystal Percival, Town Recorder
289
290