

VIRGIN TOWN, UTAH

PLANNING COMMISSION STAFF REPORT

Revised — Incorporating Town Attorney Analysis

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

This revised report supersedes the June 23, 2026 staff report tabled by the Commission. It restructures the conflict-resolution analysis to rest primarily on established Utah ordinance-interpretation principles identified by the Town Attorney, and retains the original incorporation-by-reference analysis as an alternative basis reaching the same result.

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
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, adopted February 18, 2025) establishes sign standards, including the illumination provisions of VMC §52.6(D). VMC Chapter 50, Lighting (Ord. 2025-07, adopted April 15, 2025) establishes the Town’s dark sky lighting standards and, at VMC §50.10(F), expressly permits backlit advertising signs and establishes standards for them.

These two chapters are connected in two independent ways. First, 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 repealed and replaced by Chapter 50 — thereby incorporating Chapter 50 by reference as the governing technical lighting standard for signs. Second, and as discussed in Finding 3, Chapter 50 was adopted *after* Chapter 52 and contains a repealer clause, which is dispositive of any conflict between the two under settled Utah interpretive principles.

Finding 2 — The Apparent Conflict

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.”

Separately, VMC §50.10(F) expressly permits backlit signs and establishes standards for them, while VMC §50.20(F) prohibits the internal illumination of signs. Read literally and in isolation, the Chapter 52 internal-illumination prohibition and the Chapter 50 backlit-sign allowance point in opposite directions when applied to a sign, like the one proposed, in which a concealed light source illuminates push-thru acrylic letters from within the cabinet. Staff therefore treats the two chapters as in conflict as applied to this sign, and resolves that conflict below.

Finding 3 — Conflict Resolution Under Utah Interpretive Principles (Primary Basis)

The Town Attorney has advised, and staff concurs, that the conflict is resolved in the applicant’s favor under two ordinance-interpretation principles recognized by the Utah appellate courts. This is the **primary basis** for staff’s recommendation.

Principle 1 — Later-adopted, conflicting ordinance controls. A court must assume that the legislative body used each word of a later-enacted ordinance advisedly, with the intent that the newer ordinance control over a prior adopted ordinance in conflict with it, unless the ordinance specifies otherwise. Here:

- VMC Chapter 52 (Ord. 2025-06), including the internal-illumination prohibition now codified at VMC §52.6(D), was adopted **February 18, 2025**.
- VMC Chapter 50 (Ord. 2025-07), which created the Lighting chapter and *expressly allows backlit advertising signs*, was adopted **April 15, 2025** — later in time.
- Ordinance 2025-07 expressly repealed and replaced the former outdoor-lighting provisions and further contains a standard repealer clause: “All Virgin Town ordinances, resolutions or parts thereof which are in conflict herewith, are hereby repealed.”

Because Chapter 50 is the later-adopted enactment, expressly allows backlit advertising signs, and carries a repealer clause reaching all conflicting provisions, a court would assume the Town Council acted advisedly and intentionally and would hold Chapter 50 controlling. The proposed monument sign — a backlit advertising sign — is therefore **allowed** under the controlling ordinance.

Principle 2 — Undefined terms take their ordinary meaning. When a term is not defined in the ordinance or statute, a court looks first to other ordinances or statutes adopted by the same legislative body for a definition; if none exists, the court applies the ordinary meaning of the term as found in generally recognized reference material, including dictionaries and trade publications.

The term “backlit” is not defined in VMC §16-2.12 or anywhere else in the VMC. Applying its ordinary and trade meaning, a backlit sign is one whose face is not illuminated from the front — that is, a sign illuminated from behind or within rather than by a light source directed at the front of the sign face. The proposed sign, in which concealed LED modules illuminate push-thru acrylic letters from within the cabinet, is a backlit sign under this ordinary meaning. The specific type and placement of the concealed illumination is not determinative; what matters is that the illumination does not originate from the front (face) side of the sign. The proposed sign qualifies as a backlit sign and is permitted under VMC §50.10(F).

Finding 4 – Fully-Shielded and Uplighting Standards Do Not Apply to the Sign Face

Chapter 50's general dark-sky provisions include the fully-shielded fixture standard at VMC §50.08(A), which requires outdoor lighting to be directed downward with no light emitted above a horizontal plane extending from the bottom of the fixture, and the prohibition on uplighting of buildings and structures at VMC §50.20(A). Staff has considered whether these standards apply to the proposed sign and finds that they do not, for the following reasons.

- Sign illumination is governed by the specific standard at VMC §50.10(F), which expressly permits backlit signs and establishes its own performance criteria. Under the rule that specific provisions govern over general ones, §50.10(F) controls sign lighting over the general fixture-shielding provisions of §50.08.
- The fully-shielded fixture standard is directed at luminaires — lamps within housings that illuminate surfaces or areas and can be shielded and aimed downward. A backlit sign is not such a luminaire; the sign face is itself the illuminated element. The push-thru acrylic cabinet face necessarily emits illumination toward viewers, and the horizontal-plane shielding standard has no coherent application to it.
- The uplighting prohibition at §50.20(A) addresses lighting directed to illuminate buildings, structures, or vegetation — architectural and landscape up-wash — not signs, which are separately addressed as a permitted lighting application under §50.06(B)(6) and governed by §50.10(F).
- Applying the fully-shielded standard to signs would prohibit all backlit and internally illuminated signs entirely, nullifying the express allowance in §50.10(F). A construction that renders an express provision meaningless is disfavored; the Town plainly did not intend that result.

Accordingly, VMC §50.08(A) and §50.20(A) do not apply to the sign face, and the sign is evaluated under the backlit-sign standards of §50.10(F).

Finding 5 — Incorporation by Reference (Alternative Basis)

Staff's original analysis reached the same result by a second, independent route, which is retained here as an alternative basis. Because VMC §52.6(D) incorporates the Town's outdoor-lighting standards — now Chapter 50 — by reference, Chapter 50's express backlit-sign allowance forms part of the

applicable sign-lighting standard. Within Chapter 50, the specific backlit-sign standards of VMC §50.10(F) control over the general internal-illumination prohibition of VMC §50.20(F) under the settled rule that specific provisions govern over general ones, and any residual ambiguity in a land use regulation is resolved in favor of the applicant. Under either the primary basis (Finding 3) or this alternative basis, the proposed sign is evaluated against, and permitted under, the backlit-sign standards of VMC §50.10(F)(2).

Finding 6 — 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 is warm (3,000K), low-output (12V LED modules), and diffused through white acrylic push-thru 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 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 7 — 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 8 — 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 9 — Code Deficiency Note

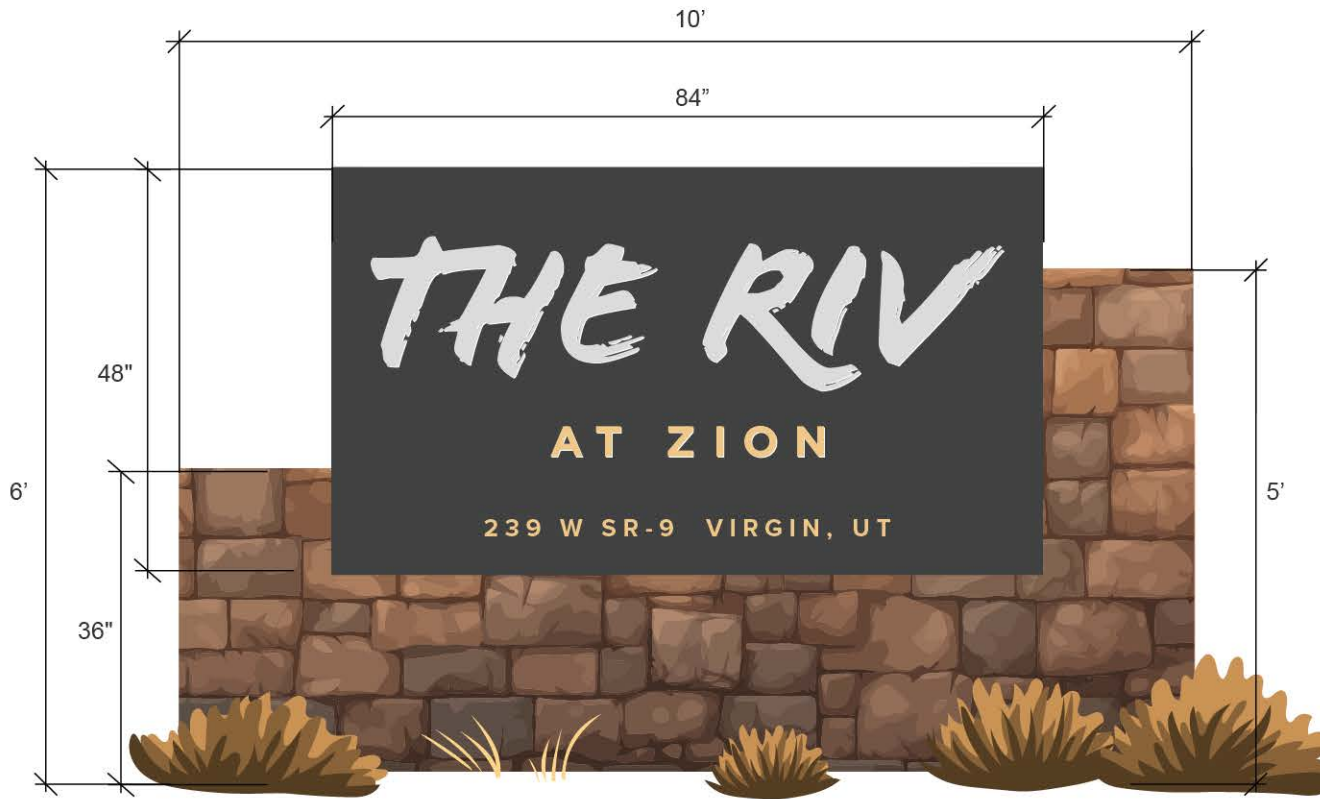
Although the conflict is resolved as set out above, the tension between the Chapter 50 backlit-sign allowance and the internal-illumination prohibitions in Chapters 50 and 52, together with the absence of a definition for “backlit sign,” is a drafting gap that will recur with future sign applications. Staff recommends the Planning Commission direct staff to prepare amendments to the sign and lighting ordinances to add a definition of “backlit sign” and to harmonize the illumination provisions across the

two chapters. 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 is a backlit advertising sign permitted under VMC §50.10(F), which controls as the later-adopted ordinance under Utah interpretive Principle 1 and, in the alternative, as the specific standard incorporated into Chapter 52 through VMC §52.6(D). The sign meets the dimensional standards of VMC §52.8.1(A) and the backlit-sign standards of VMC §50.10(F)(2). 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

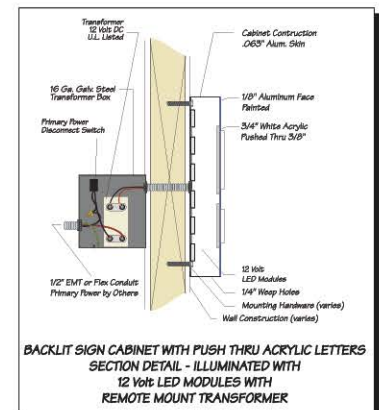
SIDE PROFILE



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

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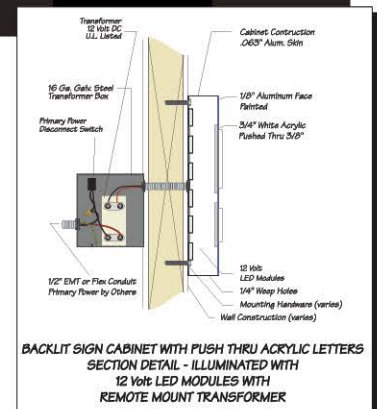
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DESIGNER:

PROJECT: Monument
COMPANY: The Riv Zion

ADDRESS: 239 W Hwy 91
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