



To: Mayor and Town Council Members

From: Mark C. Meyers, Town Manager

Date: September 3, 2026

Subject: Items From Planning Commission – Grading Ordinance; Open Space Amendments; Accessory Structures Ordinance; Zoning Amendment Procedures Ordinance

Background

At the August 12, 2026, town council work meeting, the council referred two items to the planning commission for review and recommendation. They included a staff recommended text amendment to the grading ordinance and an amendment to the Open Space zoning ordinance that was suggested by planning commission members. Attached are reports from Town Planner Ryker Steglich with associated amendments explaining the reason each is being suggested.

The Planning Commission is holding public hearings on both ordinance amendments at the September 8, 2026, regular commission meeting. Should the commission vote on them, they will be presented to the Town Council for discussion at the September 9, 2026, work meeting.

Additionally, two ordinances originating from staff that have had public hearings may be recommended by the Planning Commission. They include Accessory Structures and Zoning Amendment Procedures. Associated backup reports and drafts are attached.

Recommendation

Staff recommends discussing any of the above referenced ordinances should they be recommended by the Planning Commission.

VIRGIN TOWN

Staff Report — Proposed Ordinance No. 2026-XX — Grading Permit Scope and Applicability

To: Virgin Town Planning Commission / Town Council

From: Ryker Steglich, Town Planner, Sunrise Engineering

Date: August 4, 2026

Subject: Proposed Ordinance No. 2026-XX — Grading Permit Scope and Applicability (VMC § 16.8.62(C))

AT A GLANCE

Application	Legislative Text Amendment — VMC § 16.8.62(C)
Subject	Grading Permit Scope and Applicability — VMC § 16.8.62(C)
Prepared By	Ryker Steglich, Town Planner, Sunrise Engineering
Next Step	Planning Commission recommendation; Town Council adoption

I. BACKGROUND

The Town Council adopted Ordinance No. 2026-05 enacting Section 16.8.62 of the Virgin Municipal Code (VMC), which establishes standards and permitting procedures for grading, excavation, and earthwork activities. Subsection C of that section governs the scope and applicability of the grading permit requirement, including the relationship between a grading permit and other required development approvals.

As currently written, Subsection C provides that a grading permit shall not be issued until the Town has approved all other required development applications associated with the proposed work, including building permits, site plans, conditional use permits, and subdivision approvals. The intent of this provision is to ensure that grading is authorized only in connection with an approved use.

In administering the ordinance, staff has identified an implementation obstacle arising from this sequencing requirement. Approval of a building permit commonly depends on a geotechnical or soils report, and preparation of that report typically requires exploratory excavation — such as soils test pits and borings — to be performed on the site. Because that exploratory excavation is itself a form of grading, and because Subsection C bars issuance of a grading permit until the associated development approvals are already in place, the current language can prevent an applicant from

performing the investigation necessary to obtain the very approval on which the grading permit is conditioned. The result is a circular obstacle that delays the orderly review and approval of development. This is a Town-initiated legislative amendment addressing that obstacle.

II. DESCRIPTION OF PROPOSED ORDINANCE

Ordinance No. 2026-XX would amend Subsection C of Section 16.8.62. The amendment is narrow and does not alter the purpose, definitions, exemptions, pre-activity notice, engineering, or enforcement provisions of the grading ordinance. It makes two changes:

A. Concurrent Review

The amendment allows the grading permit application to be reviewed concurrently with the associated development approval, rather than only after all other approvals are complete. Issuance of the grading permit still awaits the associated development approval, except for exploratory excavation as addressed below. This preserves the Town’s ability to tie grading to an approved project while removing the review-sequencing bottleneck and, through the exploratory-excavation exception, resolving the circular obstacle.

B. Exploratory Excavation

The amendment clarifies that the subsection does not prohibit exploratory excavation, including soils test pits and borings, undertaken to prepare studies or reports required for a pending or anticipated development application, provided the site is restored to natural grade upon completion within thirty (30) days of completion. This allows the geotechnical investigation necessary to support a development application to proceed without being blocked by the sequencing requirement.

The allowed-use limitation — that no grading permit shall be issued except in connection with an allowed use in the applicable zoning district — is retained without change. The following table compares the current and proposed language of Subsection C.

Current Language	Proposed Language
SCOPE AND APPLICABILITY: No person shall commence or perform any grading, excavation, filling, or clearing of land without first having obtained a grading permit and ascertaining the existence of underground utilities. No grading permit shall be issued except in connection with an allowed use in the zoning district in which the property that is to be graded, filled, or cleared is located. A grading permit shall not be issued until the Town has approved all other required	SCOPE AND APPLICABILITY: No person shall commence or perform any grading, excavation, filling, or clearing of land without first having obtained a grading permit and ascertaining the existence of underground utilities. No grading permit shall be issued except in connection with an allowed use in the zoning district in which the property that is to be graded, filled, or cleared is located. Where grading is proposed in support of a specific development, the grading permit

Current Language	Proposed Language
development applications associated with the proposed work, including but not limited to building permits, site plans, conditional use permits, or subdivision approvals, so that grading is authorized only in conjunction with an approved use.	application shall be reviewed concurrently with the associated building permit, site plan, conditional use permit, subdivision approval, or other permit required by the Town, and no grading permit shall be issued until the associated development approval has been granted, except as provided for exploratory excavation in this subsection. This subsection shall not prohibit exploratory excavation, limited to soils test pits and borings, and to the minimum necessary to complete a study or report required for a pending or anticipated development application, provided that all disturbed areas are restored to natural grade within thirty (30) days of completion.

III. FINDINGS AND RECOMMENDATION

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

1. The current sequencing requirement in VMC § 16.8.62(C) can prevent the exploratory excavation necessary to prepare the geotechnical and other studies required to support a building permit or other development application, creating an obstacle to the orderly review and approval of development.
2. The proposed amendment resolves this obstacle by providing for concurrent review of grading permit applications with associated development approvals and by authorizing exploratory excavation undertaken to prepare studies or reports required for a development application, subject to restoration of the site to natural grade upon completion.
3. The amendment retains the Town's regulatory oversight of grading activities, including the requirement that grading be connected to an allowed use and the Town's ability to condition a grading permit upon the associated development approval.
4. The proposed ordinance is consistent with the purpose of Section 16.8.62 and with the Municipal Land Use, Development, and Management Act.

Recommendation. Staff recommends approval of the proposed ordinance amending VMC § 16.8.62(C), subject to any modifications directed.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

VIRGIN TOWN
ORDINANCE NO. 2026-XX

AN ORDINANCE AMENDING SUBSECTION C (SCOPE AND APPLICABILITY) OF SECTION 16.8.62 OF THE VIRGIN MUNICIPAL CODE TO PROVIDE FOR CONCURRENT REVIEW OF GRADING PERMIT APPLICATIONS WITH ASSOCIATED DEVELOPMENT APPROVALS, TO AUTHORIZE EXPLORATORY EXCAVATION FOR GEOTECHNICAL AND OTHER STUDIES REQUIRED TO SUPPORT DEVELOPMENT APPLICATIONS.

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 Annotated Title 10.

WHEREAS pursuant to Utah Code Annotated 10-20-101 et seq., the Town Council of Virgin Town is authorized to adopt and amend ordinances and regulations governing land use, development, and construction within the Town to protect the public health, safety, and welfare.

WHEREAS the Town Council previously adopted Ordinance No. 2026-05, enacting Section 16.8.62 of the Virgin Municipal Code to establish standards for grading, excavation, and earthwork activities.

WHEREAS Subsection C of Section 16.8.62 currently provides that a grading permit shall not be issued until the Town has approved all other required development applications associated with the proposed work.

WHEREAS the Town has identified that this requirement can prevent the exploratory excavation, including soils test pits and borings, that is necessary to prepare geotechnical and other studies required to support building permit and other development applications, thereby creating an obstacle to the orderly review and approval of development.

WHEREAS The Town Council finds that amending Subsection C to provide for concurrent review of grading permit applications with associated development approvals, and to authorize exploratory excavation undertaken to prepare studies or reports required for development applications, will resolve this obstacle while preserving the Town's ability to ensure that grading is authorized only in connection with an allowed and approved use.

WHEREAS The Town Council finds that this amendment promotes consistency, efficiency, and accountability in the regulation of grading and land disturbance activities and furthers the public health, safety, and welfare.

WHEREAS the Planning Commission held a public hearing on this ordinance _____ 2026.

46 WHEREAS the Virgin Town Planning and Zoning Commission recommended in a __ to __ vote
47 that the Town Council _____ these amendments on _____, 2026.

48
49 **ORDINANCE**

50
51 NOW THEREFORE, BE IT ORDAINED by the Town Council of Virgin Town, Utah, as
52 follows:

- 53
54 1. Amendment to the Virgin Municipal Code 16.8.62(C). Subsection C of Section 16.8.62 of
55 the Virgin Municipal Code (VMC) is hereby amended to read as follows:

56
57 C. SCOPE AND APPLICABILITY: No person shall commence or perform any grading,
58 excavation, filling, or clearing of land without first having obtained a grading permit
59 and ascertaining the existence of underground utilities. No grading permit shall be
60 issued except in connection with an allowed use in the zoning district in which the
61 property that is to be graded, filled, or cleared is located. Where grading is proposed
62 in support of a specific development, the grading permit application shall be reviewed
63 concurrently with the associated building permit, site plan, conditional use permit,
64 subdivision approval, or other permit required by the Town, and no grading permit
65 shall be issued until the associated development approval has been granted, except as
66 provided for exploratory excavation in this subsection. This subsection shall not
67 prohibit exploratory excavation, limited to soils test pits and borings, and to the
68 minimum necessary to complete a study or report required for a pending or
69 anticipated development application, provided that all disturbed areas are restored to
70 natural grade within thirty (30) days of completion.
71

Deleted: A grading permit shall not be issued until the
Town has approved all other required development
applications associated with the proposed work,
including but not limited to

Deleted: s

Deleted: s

Deleted: s

Deleted: or

Deleted: s

Deleted: so that grading is authorized only in
conjunction with an approved use.

- 72 2. Repealer. All Virgin Town ordinances or resolutions or parts thereof, which are in
73 conflict herewith, are hereby repealed.
- 74 3. Severability. Should any part or provision of this Ordinance be declared by the courts to
75 be unconstitutional or invalid, such decision shall not affect the validity of the
76 Ordinance as a whole or any part thereof other than the part so declared to be
77 unconstitutional or invalid.
- 78 4. Effective date. This ordinance shall take effect immediately upon adoption and posting
79 as required by law.

80 PASSED AND ADOPTED by the Town Council of Virgin Town, State of Utah, on the ____
81 day of _____, 20____.

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

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 — Open Space District Applicability and Location

To: Virgin Town Planning Commission / Town Council

From: Ryker Steglich, Town Planner, Sunrise Engineering

Date: August 26, 2026

Subject: Proposed Ordinance No. 2026-XX — Open Space District Applicability and Location (Title 16, Chapter 48; VMC §§ 48.06, 48.08)

AT A GLANCE

Application	Legislative Text Amendment — Title 16, Chapter 48 (VMC §§ 48.06, 48.08)
Subject	Open Space District Applicability and Location — VMC §§ 48.06, 48.08
Prepared By	Ryker Steglich, Town Planner, Sunrise Engineering
Next Step	Planning Commission recommendation; Town Council adoption

I. BACKGROUND

Title 16, Chapter 48 of the Virgin Municipal Code (VMC) establishes the Open Space District, which includes substantial acreage administered by the Bureau of Land Management (BLM) and the State of Utah within Town boundaries. The Town Council recently adopted an ordinance adding an applicability section to Chapter 48.

As adopted, that applicability section provides that the use standards, conditional use requirements, and prohibited use provisions of the Chapter *shall not apply* to lands administered by the BLM, the State of Utah, or other federal or state agencies, and treats the inclusion of those lands in the District as being for planning and mapping purposes only. That exempting language was added in response to concerns raised regarding the reach of the Open Space zone over agency-administered lands.

In reviewing that provision, staff identified a concern with the blanket exemption. If agency-administered lands within the Town are later conveyed, sold, or authorized for development by an act of Congress or other superior authority, that authorization may require adherence to some or all applicable local land use regulation. Where the Town's own ordinance has already exempted the land, the Town could be left without any regulatory standards to apply to the resulting development

— for example, to large-scale data centers, power generation facilities, detention facilities, or high-density residential structures — even where local regulation would otherwise be honored. This is a Town-initiated legislative amendment addressing that concern.

II. DESCRIPTION OF PROPOSED ORDINANCE

Ordinance No. 2026-XX would amend and restate Section 48.06 (Applicability) and Section 48.08 (Location) of Chapter 48. The amendment does not alter the purpose, permitted or conditional uses, dimensional standards, or other substantive provisions of the Open Space District. It makes two related changes.

A. Applicability (§ 48.06)

The amendment reverses the default rule of the adopted section. Rather than exempting agency-administered lands from the Chapter, revised Section 48.06 provides that the Chapter's use, dimensional, and density standards apply to **all lands within the District to the fullest extent permitted by law**. Where and to the extent a particular provision is preempted or precluded by superior federal or state law as applied to particular lands, that provision yields only to that extent and only for so long as the preemption is in effect, and the remaining provisions continue to apply. The section expressly disclaims any assertion of regulatory authority beyond that permitted by law and retains the “planning and mapping purposes” characterization to the extent the Town's provisions are in fact preempted.

B. Location (§ 48.08)

The amendment restates Section 48.08 (Location) to describe the lands within the District and to add that the Chapter's provisions apply to all lands in the District to the fullest extent permitted by law, subject to Section 48.06, keeping the two sections internally consistent.

III. FINDINGS AND RECOMMENDATION

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

1. The wholesale exemption of agency-administered lands in the adopted version of Chapter 48 could leave the Town without any regulatory standards to apply if those lands are later conveyed or authorized for development under conditions that require compliance with local regulation.
2. The proposed amendment addresses this concern by providing that the Chapter applies to all lands in the District to the fullest extent permitted by law, yielding only where and for so long as a superior federal or state law actually preempts a given provision, while the remaining provisions continue to apply.
3. The amendment does not assert regulatory authority beyond that permitted by law; it expressly disclaims such authority and preserves the planning-and-mapping characterization to the extent the Town's provisions are preempted.

4. The proposed ordinance is consistent with the purpose of Chapter 48 and with the Municipal Land Use, Development, and Management Act.

Recommendation. Staff recommends approval of the proposed ordinance amending VMC §§ 48.06 and 48.08, subject to any modifications directed. Staff further notes two technical corrections to complete before adoption: the lead-in sentence to the Location amendment references “§ 16.48.06” and should read § 16.48.08, and the chapter and section numbering should be confirmed against the current codification of the Open Space District.

**VIRGIN TOWN
ORDINANCE NO. 2026-XX**

AN ORDINANCE AMENDING TITLE 16, CHAPTER 48 OF THE VIRGIN MUNICIPAL CODE TO REVISE SECTION 48.06 (APPLICABILITY) AND SECTION 48.04 (LOCATION) OF THE OPEN SPACE DISTRICT TO PROVIDE THAT THE PROVISIONS OF THE CHAPTER APPLY TO ALL LANDS WITHIN THE DISTRICT TO THE FULLEST EXTENT PERMITTED BY LAW.

RECITALS

WHEREAS Virgin Town ("the 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 Annotated 10-20-101 et seq., the Town Council of Virgin Town is authorized to enact land use regulations and zoning ordinances to protect public health, safety, and welfare and to promote orderly growth and development within the Town.

WHEREAS Title 16, Chapter 48 of the Virgin Municipal Code establishes the Open Space District, which includes lands administered by the Bureau of Land Management, the State of Utah, and other federal and state agencies within Town boundaries.

WHEREAS the Town has a long-standing interest in the careful stewardship of public lands within its boundaries, and finds that the wholesale exemption of such lands from the regulatory provisions of Chapter 48 could, if those lands were conveyed, transferred, or authorized for development by act of Congress or other superior authority, leave the Town without any basis to apply its use standards, density limits, and dimensional standards to the resulting development.

WHEREAS the Town Council finds it appropriate, rather than to exempt lands administered by federal or state agencies from Chapter 48, instead to provide that the provisions of Chapter 48 apply to all lands within the Open Space District to the fullest extent permitted by law, and yield only to the extent, and only for so long as, those provisions are actually preempted or precluded by superior federal or state law.

WHEREAS the Town Council acknowledges that lands presently under the jurisdiction of federal or state agencies are subject to the authority of those agencies under applicable law, and that the inclusion of such lands within the Open Space District is intended primarily for planning and mapping purposes to the extent the Town's regulatory provisions are preempted.

WHEREAS the Town Council finds that revising the applicability and location provisions of Chapter 48 accordingly is in the best interests of the health, safety, and welfare of the residents of Virgin Town.

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 16.48.06, Section 16.48.06 (Applicability) of the VMC is hereby amended and restated to as follows:

48.06 APPLICABILITY.

The use standards, conditional use requirements, dimensional standards, density limitations, and prohibited use provisions of this Chapter shall apply to all lands within the Open Space District, including lands administered by the Bureau of Land Management, the State of Utah, or any other federal, state, or governmental agency, to the fullest extent permitted by applicable law. Where and to the extent that any such provision is preempted or precluded by superior federal or state law as applied to particular lands, that provision shall not be enforced as to those lands for so long as, and only to the extent that, such preemption or preclusion is in effect; and the remaining provisions of this Chapter shall continue to apply to those lands and to all other lands within the District. The Town does not by this Chapter assert regulatory authority beyond that permitted by law, and the inclusion of such land within the Open Space District is, to the extent the Town's provisions are so preempted, for planning and mapping purposes only.

Deleted: not

Deleted: which are subject to the jurisdiction of such agencies under applicable federal and state law. The

Deleted: and shall not be construed as an assertion of regulatory authority over such lands by the Town of Virgin.

2. Amendment and restatement of Virgin Municipal Code 16.48.08, Section 16.48.08 (Location) of the VMC is hereby amended and restated to as follows:

48.08 LOCATION

All public lands within Virgin Town boundaries under the administration of the Bureau of Land Management or the State of Utah as of the date of adoption of this Chapter, as well as any properties subsequently rezoned to this designation. The provisions of this Chapter apply to all lands within this District to the fullest extent permitted by law, subject to Section 48.06.

Deleted: inclusion of such lands in

Deleted: is for planning and mapping purposes only

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 <i>Mayor</i>	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____

VIRGIN TOWN

Attest:

a Utah municipal corporation

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 — Accessory Structures

To: Virgin Town Planning Commission / Town Council

From: Ryker Steglich, Town Planner, Sunrise Engineering

Date: August 26, 2026

Subject: Proposed Ordinance No. 2026-XX — Accessory Structures (VMC §§ 16.02.12 & 16.8.60)

AT A GLANCE

Application	Legislative Text Amendment — Commission-Initiated Ordinance
Subject	Accessory Structures — VMC §§ 16.02.12 (Definition) and 16.8.60 (Standards)
Prepared By	Ryker Steglich, Town Planner, Sunrise Engineering
Next Step	Planning Commission public hearing and possible recommendation; Town Council adoption

I. BACKGROUND

Virgin Town currently lacks comprehensive, codified standards governing accessory structures. As the Town has grown and development activity has increased, the absence of clear regulations has created ambiguity for property owners, contractors, and Town staff regarding the permissible size, height, location, setbacks, materials, and use of detached structures — such as garages, barns, workshops, and equipment enclosures — across Virgin Town’s zoning districts.

The Planning Commission identified this regulatory gap and directed staff to draft standards addressing accessory structure construction, placement, size, and use across all zoning districts. Following a series of work sessions, the Commission has reviewed successive drafts and provided direction on the standards reflected in the current draft, which is now presented for a noticed public hearing.

The proposed ordinance establishes a definition of “Accessory Structure” and a new regulatory section setting standards tiered by zoning district. It is a Commission-initiated legislative text amendment. The Town Attorney has not yet reviewed the proposed ordinance; staff recommends that legal review occur prior to Town Council adoption.

II. DESCRIPTION OF PROPOSED ORDINANCE

Ordinance No. 2026-XX would amend the Virgin Municipal Code in two places: it adds a definition of “Accessory Structure” at VMC § 16.02.12, and it adds a new regulatory section, VMC § 16.8.60, to Chapter 16.8 (Supplementary and Qualifying Regulations), establishing standards tiered by zoning district. The principal components of the ordinance are as follows:

A. Definition and General Requirements

The ordinance defines an accessory structure as a detached structure subordinate to the main building on the same lot, with express exclusions for accessory dwelling units, swimming pools, temporary structures, and attached structures. General requirements applicable in all zones address subordination to the main building, the building permit requirement, easement and drainage conflicts, and prohibited installations such as unmodified shipping containers and recreational vehicles used as permanent structures.

B. Zone-Specific Standards

The residential zone standards address location, setbacks, height, building coverage, design, and permitted use. They include an exception allowing an accessory structure to be located forward of the main building where no feasible alternative location exists, subject to heightened design and screening standards in recognition of the structure’s visibility from the street. They also include a provision for agricultural accessory structures in the Rural Residential zone, consistent with that zone’s purpose of accommodating small farms, hobby farms, and large-lot residential use, which adjusts height, floor-area, and setback standards for qualifying agricultural structures on lots of one acre or more. The commercial and Highway Resort zone standards address location, height, size, and architectural compatibility. Agricultural and Open Space zones defer to existing zone development standards. A nonconforming structures provision is included, consistent with the Municipal Land Use, Development, and Management Act.

The complete text of the proposed definition and regulatory section is set forth in the draft ordinance accompanying this report.

III. FINDINGS AND RECOMMENDATION

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

1. Virgin Town does not currently have comprehensive, codified standards governing accessory structures, and the proposed ordinance would establish clear standards for the size, height, location, setbacks, materials, and use of such structures across the Town’s zoning districts.

2. The proposed standards are tiered by zoning district and are intended to be administered as objective, by-right standards, which supports consistent and predictable application by staff, property owners, and contractors.
3. The draft reflects direction provided by the Planning Commission through successive work sessions, including standards for accessory structures located forward of the main building and for agricultural accessory structures in the Rural Residential zone.
4. The proposed ordinance appears consistent with the Municipal Land Use, Development, and Management Act. The Town Attorney has not yet reviewed the ordinance, and staff recommends that such review occur prior to Town Council adoption.

Recommendation. Staff recommends that the Planning Commission conduct the noticed public hearing, receive public comment, and consider whether to forward a recommendation on the proposed ordinance to the Town Council, together with any modifications the Commission determines appropriate.

1 **VIRGIN TOWN**

2 **VIRGIN TOWN ACCESSORY STRUCTURES ORDINANCE**

3 **ORDINANCE NO. 2026-XX**

4
5 AN ORDINANCE AMENDING CHAPTER 16.8 OF THE VIRGIN MUNICIPAL CODE
6 ("VMC") BY ADDING A DEFINITION OF ACCESSORY STRUCTURE TO VMC §16.2.12
7 AND BY ADDING § 16.8.60 (ACCESSORY STRUCTURES), ESTABLISHING STANDARDS
8 FOR THE CONSTRUCTION, PLACEMENT, SIZE, AND USE OF ACCESSORY
9 STRUCTURES IN ALL ZONING DISTRICTS; AND PROVIDING FOR RELATED
10 MATTERS.

11
12 **RECITALS**

13
14 **WHEREAS** Virgin Town ("Town") is a Utah municipal corporation and political subdivision of
15 the State of Utah, organized and existing under the provisions of Utah Code Annotated Title 10.

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

22
23 **WHEREAS** Virgin Town currently lacks comprehensive standards governing accessory
24 structures, resulting in ambiguity regarding permissible size, height, setbacks, materials, and use
25 across all zoning districts.

26
27 **WHEREAS** the Town Council finds that establishing clear and consistent standards for accessory
28 structures will promote orderly development, protect residential neighborhood character, and
29 ensure the health, safety, and welfare of Town residents.

30
31 **WHEREAS** the Town council further finds that accessory structure standards should be
32 proportionate to the zone in which they are located, and flexible enough to accommodate Virgin
33 Town's rural character.

34
35 **WHEREAS** the Town Council desires to implement these standards by amending Title 16 (Land
36 Uses) of the VMC to add a definition of Accessory Structure to Section 16.2.12 and to add Section
37 16.8.60 (Accessory Structures) to Chapter 16.8 (Supplementary and Qualifying Regulations),
38 establishing clear standards for the construction, placement, size, and use of accessory structures
39 in all zoning districts.

40
41 **WHEREAS** the Virgin Town Planning Commission ("Planning Commission") has reviewed this
42 proposed ordinance, and after conducting a properly noticed public hearing on the same on _____
43 _____, 2026, forwarded the same to the Town Council with its recommendation.

44 **ORDINANCE**

45
46 **NOW THEREFORE, BE IT ORDAINED** by the Town Council of Virgin Town, Utah, as
47 follows:

- 48
49 1. Amendment to Virgin Municipal Code 16.2.12, Section 16.02.12 (Definitions) of the
50 VMC is hereby amended to include the following definition:

51
52 Accessory Structure. A detached structure that is subordinate in size, use, and character to
53 the main building on the same lot, and that is customarily incidental to the principal use
54 of the property. Examples include, but are not limited to, detached private garages,
55 carports, barns, workshops, greenhouses, and equipment enclosures. An accessory
56 structure does not include accessory dwelling units, swimming pools, temporary
57 structures, or any structure sharing a wall with or attached to the main building.
58

- 59 2. Amendment to Virgin Municipal Code 16.8, Chapter 16.8 (Development Standards) of
60 Title 16 (Land Uses) of the VMC is hereby amended by adding § 16.8.60 (Accessory Structures)
61 to read as follows:

62
63 **§ 16.8.60 — Accessory Structures**

64 **A. Purpose**

65 The purpose of this section is to establish standards for the construction, placement,
66 size, and use of accessory structures throughout Virgin Town. These standards are
67 intended to:

- 68 1. Ensure accessory structures remain genuinely subordinate to main
69 buildings and principal uses;
70 2. Protect neighborhood character, scenic views, and the rural agricultural
71 heritage of Virgin Town;
72 3. Prevent accessory structures from being used as unpermitted dwelling
73 units; and
74 4. Provide clear, predictable standards for property owners, contractors, and
75 Town staff.
76

77 **B. Applicability**

- 78 1. **General.** This section applies to all accessory structures in all zoning
79 districts of Virgin Town, except as otherwise provided in subsection (B)(2)
80 below.
81 2. **Exemptions.** The following are exempt from the requirements of this
82 section but remain subject to other applicable provisions of the VMC and
83 adopted building codes:
84 a. Fences, walls, and hedges regulated under VMC § 16.8.30;
85 b. Swimming pools and hot tubs, which are subject to applicable
86 building code requirements;
87 c. Flagpoles, satellite dishes, solar arrays, and mechanical equipment
88 serving the primary structure;

89 d. Agricultural structures on lots of five (5) acres or more in the
90 Agricultural (A) or Open Space (OS) zones used exclusively for
91 livestock, feed storage, or farm equipment, provided they comply
92 with the setback requirements of the applicable zone; and

93 e. Temporary structures erected for no more than thirty (30)
94 consecutive days.

95 3. **Relationship to Zone Standards.** Where this section establishes
96 standards more restrictive than those of the underlying zone, this section
97 controls. Where the underlying zone establishes more restrictive standards,
98 the zone controls.

99 4. **ADUs Excluded.** Accessory dwelling units (ADUs) are expressly
100 excluded from the definition of accessory structure and are not subject to
101 this section.
102

103 C. **General Requirements**

104 The following requirements apply to all accessory structures in all zones unless a
105 specific zone standard in this section provides otherwise:

106 1. **Subordinate to Main Building.** An accessory structure shall be
107 subordinate to and associated with the main building on the same lot. An
108 accessory structure shall not exceed the floor area of the main building.

109 2. **Main Building Required.** No accessory structure shall be constructed,
110 established, or permitted on any lot unless a main building has been issued
111 a building permit or lawfully exists on the same lot. Building permits for
112 accessory structures may be processed concurrently with the main building
113 permit, but the accessory structure shall not receive a certificate of
114 occupancy prior to the main building.

115 3. **Prohibited Uses.** Recreational vehicles, travel trailers, shipping
116 containers, and similar units with wheels or portable chassis shall not be
117 permanently installed or maintained as accessory structures unless
118 modified to meet all applicable building code and design requirements of
119 this section.

120 4. **Easements.** No accessory structure shall be located within any recorded
121 easement, public utility easement, drainage easement, or right-of-way,
122 unless the easement holder provides written consent.

123 5. **Drainage.** Roof drainage from accessory structures shall not be directed
124 onto adjacent properties or into public rights-of-way. Stormwater shall be
125 managed on-site in accordance with applicable grading and drainage
126 standards.

127 6. **Building Permit Required.** A building permit is required for all
128 accessory structures unless expressly exempted by the adopted building
129 code. Consistent with that code, a one-story detached accessory structure
130 two hundred (200) square feet or less in floor area and used for storage or
131 similar accessory purposes does not require a building permit; provided,
132 however, that a permit is required for any plumbing, electrical, mechanical,
133 or gas installation regardless of floor area. A structure exempt from

building-permit requirements remains subject to the setback, location, height, and coverage requirements of this section and the applicable zone.

D. Residential Zones

Applies to: Rural Residential, Residential, and other zones designated primarily for residential use in VMC Title 16.

1. Location.

- a. Accessory structures shall be located entirely within the rear yard or side yard, behind the front façade of the main building. No accessory structure shall be located in the required front yard setback.
- b. On corner lots, no accessory structure shall be located in the required street-side yard setback.
- c. Accessory structures shall be located no closer than six (6) feet from the main building on the same lot.
- d. Exception. Notwithstanding subsection (a), the Zoning Administrator may approve the location of an accessory structure forward of the front façade of the main building where the applicant demonstrates that no feasible location exists within the rear or side yard due to lot configuration, topography, or the placement of the main building. Any structure approved under this exception shall comply with all front yard setback, height, and design standards of this section. Notwithstanding subsection D5, an accessory structure approved under this exception shall, in recognition of its visibility from the public street, comply with the following additional standards:
- i. The structure shall be screened from view from the fronting public street by landscaping, a wall, or a fence, installed along the street-facing side of the structure; and
- ii. Exterior materials, colors, and finishes shall comply with the design standards of subsection D5.

- 2. Setbacks.** Accessory structures shall comply with the setback requirements of the applicable zone.

3. Height.

- a. The maximum height for accessory structures in residential zones is twenty (20) feet, measured from finished grade to the highest point of the roof.
- b. No accessory structure shall exceed the height of the main building on the same lot, except that a minimum height of fourteen (14) feet is always permitted regardless of the main building height.

4. Building Coverage.

- a. The combined building footprint of all accessory structures on a lot shall not exceed ten percent (10%) of the total lot area.
- b. The floor area of an accessory structure shall not exceed 75% of the floor area of the main dwelling.

- c. All structures (main building and accessory structures combined) shall not exceed the maximum building coverage percentage established for the applicable zone.

5. Design Standards.

- a. Exterior materials on all accessory structures shall be compatible with those used on the main building.
- b. Exterior colors shall be neutral, earth-tone, or complementary to the main building. Highly reflective or intensely colored exterior finishes are discouraged.

6. **Prohibited Uses.** In residential zones, accessory structures shall not be used as dwelling units or for any commercial use except as follows:

- a. Uses expressly authorized as a home occupation under VMC 16.12;
- b. Uses expressly permitted or conditional in the applicable zone under VMC Title 16.

7. Agricultural Accessory Structures in the Rural Residential Zone. Consistent with the purpose of the Rural Residential zone to accommodate small farms, hobby farms, and large-lot residential use, an accessory structure located on a lot of one (1) acre or more in the Rural Residential zone and used exclusively for agricultural purposes – including the keeping of animals, storage of hay or feed, or storage of farm equipment – shall be subject to the following standards in lieu of subsections D3, D4(b), and D5:

- a. Height. The maximum height shall be twenty-five (25) feet, measured from finished grade to the highest point of the roof.
- b. Floor Area. The floor-area limitation of subsection D4(b) shall not apply. Such structures remain subject to the combined lot-coverage limits of subsection D4(a) and (c).
- c. Setbacks and Placement. Such structures shall comply with the setback and placement requirements of subsections D1 and D2 and the applicable zone.
- d. Design. The design standards of subsection D5 shall not apply; provided that exterior finishes shall not be highly reflective or fluorescent.
- e. Animal Structure Setback. Any stable, corral, barn, or chicken coop shall be set back not less than twenty feet (20') from any lot line, or the setback required under subsection (c), whichever is greater.

Deleted: Neutral, earth-tone, muted, and complementary exterior colors are permitted and encouraged. Exterior finishes shall not be highly reflective, fluorescent, or of an intensely bright color that is out of character with the surrounding area. This section shall not be construed to require an accessory structure to match the architectural style, materials, or roof form of the main building or any neighboring structure.

Deleted: , and

E. Commercial Zone and Highway Resort Zone

Applies to: Commercial Zone (VMC § 16.40) and Highway Resort Zone (VMC § 16.44).

1. **Location.** No accessory structure shall be located within a required front yard setback or any required landscaping buffer.
2. **Height.** The maximum height of an accessory structure in the Commercial Zone or Highway Resort Zone shall not exceed the maximum building height established for the applicable zone, or twenty (20) feet, whichever is less.

234 3. **Design Standards.** Accessory structures in the Commercial Zone and
235 Highway Resort Zone shall be architecturally compatible with the main
236 building in materials, color, and roofline, and shall comply with any
237 adopted design guidelines for those zones.

238 4. **Size and Coverage.**

- 239 a. No individual accessory structure shall exceed fifty percent (50%)
240 of the floor area of the main building on the same lot.
241 b. The combined footprint of all accessory structures on a lot shall not
242 exceed fifteen percent (15%) of the total lot area.
243

244 F. **Agricultural and Open Space Zones**

245 Accessory structures in the Agricultural (A) and Open Space Zones (OS) shall
246 comply with the development standards of the applicable zone.
247

248 G. **Nonconforming Accessory Structures**

249 Accessory structures lawfully existing at the time of adoption of this section that
250 do not conform to the standards herein are considered nonconforming structures
251 subject to VMC Chapter 16.10. Such structures may be maintained and repaired
252 but may not be enlarged or expanded in a manner that increases any nonconformity.
253

254 H. **Enforcement**

255 Violations of this section are subject to enforcement under VMC Chapter 16.2.22
256 and applicable provisions of MLUDMA, Utah Code § 10-20-101 et seq.
257

258 3. Codification. The Town Recorder is authorized to codify this ordinance and make any
259 clerical corrections necessary for proper codification, including assigning a permanent chapter
260 and section number.
261

262 4. Severability. If any provision of this ordinance or its application to any person or
263 circumstance is held invalid, the remainder of the ordinance and its application to other persons
264 or circumstances shall not be affected.
265

266 5. Effective Date. This ordinance shall take effect upon publication as required by Utah
267 Code § 10-3-711.
268
269

270 **PASSED AND ADOPTED** by the Town Council of Virgin Town, State of Utah, on the ____
271 day of _____, 2026 by the following vote:
272
273
274

Council Person:

Valerie Wenz	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
April McKeon	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Paul Luwe	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____

275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298

Attest:

Krystal Percival, Town Recorder

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

- 290
291
292
293
294
295
296
297
298

295
296
297
298

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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

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 in accordance with Utah Code 10-20-502(2)(c) and Chapter 4.02(I) of this Title.

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

- 136 A. PURPOSE. This section sets forth procedures for amending the Town's zoning map.
137 Procedures governing amendments to the text of this Title are set forth in 16.2.30.
- 138 B. AUTHORITY. The Town Council may from time to time amend the zoning map as
139 provided in this section. Amendments may include changes in the number, shape,
140 boundaries, or area of any zoning district. The provisions set forth herein shall not apply
141 to temporary land use regulations, which may be enacted without public hearing in
142 accordance with Utah Code 10-20-504.
- 143 C. INITIATION. Proposed amendments to the Town's zoning map may be initiated by the
144 Town Council or a property owner affected by a proposed amendment.
- 145 D. APPLICATION REQUIREMENTS. A proposed zoning map amendment application
146 shall be submitted to the Zoning Administrator in a form established by the Zoning
147 Administrator, along with any fee established by the Town's schedule of fees. The
148 application shall include at minimum the following:
- 149 1. The name, address, and telephone number of the applicant and the applicant's agent,
150 if any;
 - 151 2. The name and address of every person or company the applicant represents;
 - 152 3. The requested amendment and the reasons supporting the request;
 - 153 4. An accurate property map showing the present and proposed zoning classifications of
154 the subject property and all abutting properties;
 - 155 5. An accurate legal description and approximate common address of the area proposed
156 to be rezoned;
 - 157 6. Documentation of the applicant's ownership of or interest in the property, which may
158 include a deed, purchase agreement, or other instrument acceptable to the Zoning
159 Administrator;
 - 160 7. A written statement of justification addressing each of the approval standards set forth
161 in subsection G;
 - 162 8. A notification map identifying all property owners within three hundred (300) feet of
163 the subject property, prepared from current county tax records;
 - 164 9. Pre-addressed, stamped envelopes for each property owner identified on the
165 notification map; and
 - 166 10. Payment of the applicable fee as established by the Town's fee schedule.
- 167 E. PROCEDURE. A proposed zoning map amendment shall be considered and processed as
168 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 (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. Mailed courtesy notice to each owner of real property located entirely or partially within three hundred (300) feet of the area proposed for rezoning, using the pre-addressed stamped envelopes furnished by the applicant, at least ten (10) days before the hearing. The courtesy notice shall:
 - (1) Identify the owner of record;
 - (2) State the property's current and proposed zoning designations;
 - (3) Reference the regulations and permitted uses that would apply if the amendment is adopted;
 - (4) State that the owner may file a written objection no later than ten (10) days after the first public hearing, and identify where to file it;
 - (5) State that timely objections will be forwarded to the Town Council; and
 - (6) State the hearing's location, date, and time.
3. The Planning and Zoning Commission shall consider each written objection filed under subsection E(2)(c) before the public hearing and shall forward all such objections to the Town Council along with its recommendation. 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 modification, or deny the proposed amendment.

- 204 F. EXCEPTION – ACTION WITHOUT COMMISSION RECOMMENDATION. The
205 Town Council may adopt or reject a proposed zoning map amendment without waiting
206 for the Planning and Zoning Commission’s recommendation if:
- 207 1. The applicant has made a written request under Utah Code 10-20-905(2)(b) for final
208 action within forty-five (45) days; or
 - 209 2. The Town Council determines that the Commission has had adequate time to consider
210 the proposed amendment.
- 211 G. APPROVAL STANDARDS. A decision to amend the zoning map is a matter within the
212 legislative discretion of the Town Council. In evaluating a proposed zoning map
213 amendment, the following factors shall be considered:
- 214 1. Whether the proposed amendment is consistent with the goals, objectives, and
215 policies of the Town’s General Plan;
 - 216 2. Whether the proposed amendment is compatible with the character of surrounding
217 land uses and zoning districts;
 - 218 3. The extent to which the proposed amendment may adversely affect adjacent property;
 - 219 4. The adequacy of public facilities and services available, or to be made available, to
220 serve development reasonably anticipated under the proposed zoning designation,
221 including water, sewer, drainage, and transportation infrastructure;
 - 222 5. Whether circumstances have changed since the existing zoning designation was
223 applied, such that the proposed amendment serves the public interest; and
 - 224 6. Whether the proposed amendment is consistent with sound planning principles,
225 including whether the amendment bears a reasonable relationship to the public
226 interest and is not arbitrarily applied to a single parcel in a manner inconsistent with
227 the surrounding zoning and the General Plan.
- 228 H. FINDINGS. The Town Council shall base its decision to approve, deny, or modify a
229 proposed zoning map amendment on the record and on written findings addressing the
230 factors set forth in subsection G.
- 231 I. APPEAL OF DECISION. Any party adversely affected by a decision of the Town
232 Council to amend the zoning map may, within thirty (30) days after such decision, appeal
233 to the district court as provided in Utah Code 10-20-1109.
- 234 J. EFFECT OF APPROVAL. Approval of an application to amend the Town’s zoning map
235 shall not be deemed an approval of any conditional use permit, site plan, or other permit.
236 Approval of such permits shall be obtained in accordance with applicable provisions of
237 this Title.
- 238 K. EFFECT OF DISAPPROVAL. Town Council denial of a proposed zoning map
239 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 <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