

VIRGIN TOWN

Staff Report — Ordinance No. 2026-XX — Commercial Zone Amendment and Restatement

To: Virgin Town Planning Commission / Town Council

From: Ryker Steglich, Town Planner, Sunrise Engineering

Date: October 1, 2026

Subject: Ordinance 2026-XX – Commercial Zone Amendment and Restatement (VMC Chapter 16.40)

AT A GLANCE

Application	Town initiated text amendment to the Virgin Municipal Code
Subject	Amendment and restatement of VMC Chapter 16.40 (Commercial Zone), including purpose, applicability, location criteria, use table, use-specific standards, and development standards
Prepared By	Ryker Steglich, Town Planner, Sunrise Engineering
Next Step	Planning Commission public hearing and possible recommendation; Town Council adoption

I. BACKGROUND

The Commercial Zone (VMC Chapter 16.40) governs development along the State Route 9 corridor, the Town’s primary location for commercial, visitor, and outdoor recreation uses. Nearly every commercial parcel in Town fronts SR-9 and abuts residential or rural residential land at the rear. As a result, the Commercial Zone must balance commercial viability against protection of adjoining neighborhoods and the corridor’s rural and dark-sky character.

Several problems have made the current chapter difficult to administer:

1. Unclear use classifications. The current chapter uses a “Permitted with Standards” classification alongside permitted and conditional uses. It is often unclear which standards apply to which use, or whether a use is allowed by right.
2. Reliance on conditional use permits. Many uses require a conditional use permit even where their impacts could be addressed through objective standards.

3. Inconsistent development standards. Height, building size, setbacks, buffers, parking, and noise standards are scattered, incomplete, or not objective, which has required case-by-case interpretation.
4. Perception among commercial property owners. The cumulative effect of these provisions has created a perception that the zone is overly restrictive, without a corresponding gain in residential protection.

II. DESCRIPTION OF PROPOSED ORDINANCE

The ordinance amends and restates Chapter 16.40 in its entirety, together with the standard repealer, severability, and effective-date provisions. In summary:

- Purpose, Applicability, and Location (VMC 16.40.02–16.40.06). Restates the purpose of the zone and explains how the use table works. Any use not listed is prohibited, and new or unlisted uses are routed to the Business Use Classification process in Chapter 16.46. The Location section becomes prospective criteria for future rezone applications, favoring property that fronts SR-9 and lies within 400 feet of the right-of-way. It does not affect property already zoned Commercial.
- Use Table (VMC 16.40.08). Replaces the prior classifications with a single table listing each use as Permitted (P), Conditional (C), or Prohibited (X). A Standards column identifies uses subject to additional use-specific standards. Uses whose impacts can be addressed through objective standards are now permitted by right, subject to those standards. Event facilities, bars and breweries, trail-ride staging, and similar higher-impact uses remain conditional. Campgrounds and RV parks, fuel sales and vehicle repair, sexually oriented businesses, and standalone commercial parking lots are prohibited.
- Residential Adjacency Standard (VMC 16.40.10.A). Replaces the 150-foot conditional use trigger with a uniform, objective standard. Where a commercial lot abuts residential or rural residential land, the owner must provide a 40-foot landscaped buffer and a 6-foot masonry wall, and parking and drive areas may not be located within the buffer. Land across SR-9 does not count as abutting.
- Use-Specific Standards (VMC 16.40.10.B–K). Sets objective operating standards for studios, bicycle sales and repair, outfitting and tour services, food trucks, general and convenience stores, live-work units, restaurants, retail shops, and veterinary and grooming uses. The standards address odor, grease and waste handling, outdoor dining and display, alcohol service, indoor animal operations, and the mobility of food trucks.
- Development Standards (VMC 16.40.12–16.40.22). Establishes:

- A 22-foot height limit for principal buildings and 18 feet for accessory buildings, with a defined measurement method;
 - A 3,500-square-foot base building footprint, with by-right size bonuses for public trails, open space, shared parking, wastewater reuse, permeable paving, and underground parking, up to a 10,000-square-foot cap;
 - Setbacks and a 25-foot SR-9 frontage buffer that is not additive to the front setback; and
 - Parking location, layout, and screening standards, deferring to Chapter 16.14 for the number of spaces.
- Performance Standards (VMC 16.40.24–16.40.30). Adds a measurable noise standard of 60 dBA daytime and 50 dBA nighttime at abutting residential property, with exemptions. Also adds objective design standards for exterior colors, finishes, and equipment screening (no discretionary design review), standards for screening refuse and outdoor storage, and requirements for water features.
 - Sexually Oriented Businesses. Sexually oriented businesses remain prohibited in the use table. The existing spacing and signage standards are carried forward without substantive change. Staff recommends the Town consider moving all sexually oriented business regulations into a standalone chapter in a future amendment, with Town Attorney input on where such uses may appropriately be located.

Net effect. The restated chapter shifts the Commercial Zone from discretionary, case-by-case review toward clear, objective standards. Residential neighborhoods receive a guaranteed buffer and wall instead of a conditional use process, and commercial property owners gain predictability about what is allowed and on what terms.

III. FINDINGS AND RECOMMENDATION

Staff finds that the proposed amendment:

- Is consistent with the purposes of the Virgin Municipal Code and the Town's General Plan goals of supporting appropriate commercial and visitor services while protecting rural character and the night sky;
- Replaces ambiguous use classifications and discretionary triggers with a clear use table and objective standards, improving the predictability and administrability of the Commercial Zone;
- Protects adjoining residential and rural residential neighborhoods through uniform buffer, wall, noise, and screening standards that apply regardless of use; and

- Preserves the rural visual and dark-sky character of the SR-9 corridor through height, building size, frontage buffer, and design standards.

Recommendation. Staff recommends that the Planning Commission hold a public hearing and forward a recommendation of approval of Ordinance 2026-XX to the Town Council.

VIRGIN TOWN
ORDINANCE NO. 2026-XX

AN ORDINANCE AMENDING AND RESTATING TITLE 16, CHAPTER 16.40 (COMMERCIAL ZONE) OF THE VIRGIN MUNICIPAL CODE TO MODERNIZE THE PURPOSE, APPLICABILITY, LOCATION, PERMITTED AND CONDITIONAL USES, USE-SPECIFIC STANDARDS, AND DEVELOPMENT STANDARD OF THE COMMERCIAL ZONE.

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") and an official zoning map which set forth zoning districts and the types of land uses and densities which are allowed within each zoning district.

WHEREAS VMC Chapter 16.40 establishes the Commercial Zone, which accommodates commercial, visitor, and outdoor recreation uses along the State Route 9 corridor.

WHEREAS the Town Council finds that the existing provisions of Chapter 16.40 lack clear use classifications, objective use-specific standards, and consistent development standards, creating uncertainty for property owners, applicants, and the Town in review of commercial development.

WHEREAS the Town Council finds that clear and objective standards governing permitted and conditional uses, building height and size, setbacks, buffers, parking, noise, and design will promote appropriately scaled commercial development, protect adjoining residential and rural residential neighborhoods, and preserve the rural visual and dark sky character of the State Route 9 corridor.

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 to the Virgin Municipal Code (16.40). Chapter 40 of Title 16 of the Virgin Municipal Code (VMC) is hereby amended and restated as follows:

16.40 - Commercial Zone (C)

Formatted: Font: +Body (Aptos), 12 pt

16.40.02 - Purpose

The purpose of ~~the Commercial Zone~~ is to:

Deleted: this zone is to promote the economic well-being of the Town through the generation of sales and other taxes, and implement land use policies of the General Plan as follows

- A. ~~Implement the goals and policies of the Town General Plan;~~
- B. ~~Promote the economic well-being of the Town through appropriate commercial and visitor services and the generation of sales and other tax revenue;~~
- C. ~~Provide for commercial goods, services, and gathering places that serve the daily needs of Town residents as well as visitors to the area;~~
- D. ~~Preserve the rural visual character of the corridor, including views, dark skies, and significant natural features;~~
- E. ~~Minimize infrastructure demands and site disturbance;~~
- F. ~~Encourage public open spaces and the preservation of historic sites; and~~
- G. ~~Reduce conflicts between commercial development and adjoining residential and rural residential neighborhoods.~~

Deleted: Restrict the commercial properties to State Route 9;

Formatted: Font: +Body (Aptos), 12 pt

Deleted: Restrict commercial buildings to protect views and environment;

Formatted: Font: +Body (Aptos), 12 pt

Deleted: Limit density to m

Deleted: incorporation of open

Deleted: <#>Encourage the preservation of historical sites;¶
Encourage the use of natural landscaping and minimize site disturbance;¶
Encourage the development of services for community and tourist.

16.40.04 - Applicability

Formatted: Font: +Body (Aptos), 12 pt

Formatted: Normal, Indent: Left: 0.75", No bullets or numbering

Deleted: General

- A. ~~The Commercial Zone accommodates commercial, visitor, and outdoor recreation uses along the State Route 9 corridor. Development shall be clean, appropriately scaled, and consistent with the rural and dark sky character of Virgin, as further regulated by the standards of this Chapter.~~
- B. ~~Uses in the Commercial Zone are governed by the use table in Section 10.40.08. A use listed as Permitted (P) is allowed by right, subject to the general standards of this Chapter and to any additional use-specific standards referenced for that use in the use table; a use listed as Conditional (C) requires a conditional use permit under Chapter 16.16; and a use listed as Prohibited (X) is not allowed. A section reference in the Standards column of the use table indicates that additional use-specific standards apply to that use.~~
- C. ~~Any use not listed in the use table is prohibited. An application to establish an unlisted use shall be processed and reviewed in accordance with the New~~

Deleted: The Commercial Zone shall be characterized by clean, low-lit and suitably scaled development and buildings that reflect the rural character of Virgin. The zone provides for recreational, commercial, strictly limited residential, and visitor activities. The Zone is intended to provide for commercial activities, employment, and outdoor recreational opportunities.

Formatted: Font: +Body (Aptos), 12 pt

Formatted: Font: +Body (Aptos), 12 pt

Formatted: Font: +Body (Aptos), 12 pt

Formatted: Font: +Body (Aptos), 12 pt

Formatted: Font: +Body (Aptos), 12 pt

Formatted: Font: +Body (Aptos), 12 pt

and Unlisted Business Use procedures set forth in Chapter 16.46 of this Title or in accordance with the procedures of Section 16.2.30.

16.40.06 - Location

A. The Commercial Zone applies to parcels designated Commercial on the Town zoning map.

B. Location criteria for zone changes. The Town's policy is to locate commercial development along the State Route 9 (SR-9) corridor. In reviewing an application to rezone property to the Commercial Zone, the Town should consider whether the property fronts SR-9 and is located within four hundred feet (400') of the SR-9 right-of-way. This subsection applies to applications to rezone property to the Commercial Zone and does not affect the zoning of, or any use or structure on, property already designated Commercial on the effective date of this Section.

16.40.08 - Use Table

Use	Class	Standards
Art galleries	P	
Bicycle sales and repair	P	16.40.10.C
Churches/places of assembly	P	
Custom catering service	P	
Financial institutions	P	
Health and exercise establishments	P	
Health care facilities	P	
Municipal buildings	P	
Museums	P	
Outfitting/guide/tour services	P	16.40.10.D
Postal/retail shipping service	P	
Professional business offices	P	
Salons and day spas	P	
Shared parking	P	
Studios	P	16.40.10.B
Food trucks	P	16.40.10.E
General or convenience store	P	16.40.10.F
Restaurant	P	16.40.10.H
Retail shops	P	16.40.10.I
Veterinary clinic/pet grooming	P	16.40.10.J
Bicycle rental	C	
Event facility	C	
Live-work unit	C	16.16.26
Private schools	C	

Formatted: Font: +Body (Aptos), 12 pt

Formatted: Font: (Default) +Body (Aptos), Font color: Custom Color(RGB(49,51,53)), Expanded by 0.1 pt, Ligatures: None

Formatted: Font: +Body (Aptos), 12 pt

Deleted: <#>Commercial Zone designation is available along the State Route Nine (SR-9) frontage, extending West from Pocketville Road to the fur... [1]

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos), 12 pt

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos), 12 pt

Formatted: Font: +Body (Aptos)

Formatted Table

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos), Not Bold

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos), Not Bold

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted Table

Formatted: Font: +Body (Aptos)

Formatted Table

Trail-ride staging	C	
Wine tasting room/winery/bar/brewery	C	
Campgrounds/RV parks/glamping	X	
Fuel sales/automobile service/vehicle repair	X	
Sexually oriented businesses	X	
Standalone commercial or passenger parking lots	X	

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Legend: P=Permitted; C=Conditional (Chapter 16.16); X=Prohibited. A section reference in the Standards column indicates that the use is subject to additional use-specific standards set forth in that section.

Formatted: Font: +Body (Aptos), Not Bold, Italic

16.40.10 – Use-Specific Standards

Formatted: Font: +Body (Aptos)

A. Residential Adjacency Buffer and Screening. Where a lot in the Commercial Zone abuts land zoned Residential or Rural Residential, the following standards apply along each shared boundary. For purposes of this subsection, a lot “abuts” residential or rural residential land where it shares a common boundary line with that land or is separated from it only by a local street or alley; land separated by State Route 9 does not abut for purposes of this subsection.

1. **Landscaped buffer.** A landscaped buffer of not less than forty feet (40') in depth shall be provided and maintained along the shared boundary. The buffer shall include trees and shrubs sufficient to provide year-round screening and shall use drought-tolerant, low-water-use plantings.
2. **Screening wall.** A solid masonry wall not less than six feet (6') in height shall be provided and maintained along the shared boundary, within the landscaped buffer.
3. **Parking and drive areas.** Off-street parking, loading, and non-emergency drive areas shall not be located within the required buffer.

B. Studios. Studios are permitted provided that no odor, vibration, or glare for the use is detectable at any property line. Noise for the use is subject to the standards of Section 16.40.24. Permitted studio activities include, without limitation, photography, music, dance, martial arts, yoga, indoor recreation, and silk-screening.

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos), Not Highlight

Formatted: Font: +Body (Aptos)

C. Bicycle Sales and Repair. Limited to non-motorized bicycles and class 1 and class 2 electric-assisted bicycles as defined by Utah Code. Rental, sale, or repair of motorized vehicles is not permitted under this use.

Formatted: Font: +Body (Aptos)

D. Outfitting, Guide, and Tour Services. Permitted provided the use does not include the direct rental of motorized vehicles or the keeping of animals. Horse-based or other animal-based trail riding is not included in this use and is subject to conditional use approval as a trail-ride staging use.

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

E. Food Trucks. Food trucks are permitted as a temporary, mobile use subject to the following. A food truck shall remain a licensed, operable, self-contained vehicle and shall not become a permanent use of the site.

1. Mobile and self-contained. Each food truck shall remain fully mobile and self-contained. Permanent connection to culinary water, sewer, septic, or other permanent utilities is prohibited. A food truck shall not be placed on a permanent foundation, and its wheels, axles, and towing or motive equipment shall remain in place and operable.
2. Licensing. The operator shall hold all licenses and permits required by the Town, the Southwest Utah Public Health Department, and the State.
3. Waste. Greywater, wastewater, grease, and solid waste shall be retained on the truck or in self-contained holding and disposed of off-site in accordance with Health Department requirements. No discharge of wastewater or grease to the ground, storm system, or septic system is permitted.
4. Siting. A food truck and its associated seating, equipment, and queuing area shall not obstruct required parking, drive aisles, or fire access.
5. Trash. Waste receptacles shall be provided for patrons and removed regularly; no accumulation of trash shall remain on site outside of operating hours.
6. Maintenance and appearance. Each food truck shall be roadworthy, currently licensed, and maintained in good condition. Derelict, inoperable, or unlicensed vehicles are prohibited.
7. Noise and hours. Operation is subject to the noise and quiet-hours standards of Section 16.40.24.

F. General or Convenience Store. A general or convenience store is permitted subject to the following:

1. No fuel sales. This use does not include dispensing or sale of motor fuel, which is prohibited in the Commercial Zone.
2. Noise and hours. Operation is subject to the noise and quiet-time hours standards of Section 16.40.24.

G. Live-Work Unit. Live-work units are subject to all requirements of Section 16.16.26.

H. Restaurant. A restaurant is permitted subject to the following:

1. Odor and grease control. The use shall provide exhaust, filtration, and a grease interceptor sufficient to prevent odor, smoke, or grease from affecting adjoining properties, in accordance with applicable building and health codes. No grease or food-preparation wastewater shall be discharged into the ground, storm system, or septic system except through an approved interceptor and disposal method.
2. Refuse. Refuse, grease, and food-waste storage shall be enclosed and screened from public view and adjoining properties and shall be removed regularly to prevent accumulation, odor, or vectors.

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

3. Outdoor dining. Outdoor dining areas are permitted, provided they do not occupy required parking, drive aisles, or landscaped buffers, and are subject to the noise and quiet-hours standards from Section 16.40.24. Amplified sound in outdoor dining areas is prohibited.

Formatted: Font: +Body (Aptos)

4. Alcohol service. A restaurant at which alcohol service is incidental to food service, operating under a restaurant-class license issued by the Utah Department of Alcoholic Beverage Services, is permitted under this use. An establishment operating primarily for the service of alcohol, or under a bar-establishment license, is not a restaurant and is subject to Section 16.40.10 as a conditional use.

5. Noise and hours. Operation is subject to the noise and quiet-hours standards of Section 16.40.24.

Formatted: Font: +Body (Aptos)

I. Retail Shops. Retail sales establishments are permitted subject to the following:

1. Outdoor sales and display. Outdoor sales and display of merchandise is permitted only during business hours, only on private property immediately adjacent to the establishment's building entrance, and shall not occupy or obstruct required parking, drive aisles, landscaped buffers, sidewalks, or the public right-of-way. All merchandise shall be removed to the interior of the building outside business hours. Outdoor storage of merchandise is prohibited.

J. Veterinary Clinic and Pet Grooming. Veterinary clinics and pet grooming establishments are permitted subject to the following:

1. Indoor operation. All boarding, treatment, grooming, and animal activity shall be conducted entirely within an enclosed building. Outdoor runs, kennels, and exercise yards are prohibited.

2. Boarding. Overnight boarding of animals is permitted only as incidental to veterinary treatment. Standalone commercial boarding kennels are not permitted under this use.

3. Waste and odor. Animal waste shall be stored in enclosed containers, screened from view, and removed regularly. No animal waste or wash-down water shall be discharged to the ground, storm system, or septic system except through an approved method.

Formatted: Font: +Body (Aptos)

4. Noise. Operation is subject to the noise and quiet-hours standards of Section 16.40.24.

Formatted: Font: +Body (Aptos)

K. Sexually Oriented Businesses. [NOTE – For review, to be removed before adoption: Sexually oriented businesses are currently listed as a prohibited use in 16.40.08 while these spacing and operational standards are retained here. From a planning and code-organization standpoint, I recommend the Town consider consolidating all sexually oriented business regulations – spacing, licensing, hours, and signage – into a single standalone chapter. A standalone chapter would keep these provisions in one place, allow them to be applied consistently across all zones, and let each zone chapter simply cross-reference it. As part of that review, the Town should confirm through legal

Formatted: Font: +Body (Aptos), Highlight

counsel where such uses may be appropriately located within the Town, so that the regulatory approach is sound. No substantive change has been made to the classification of these standards pending that review.]

No sexually oriented business shall be located within a one thousand foot (1,000') radius of any church, park, school, or residential zone as measured in a straight line, without regard to intervening structures or objects, from property line of the school, park, religious institution or residential zone nearest the sexually oriented business and the property line of the sexually oriented business nearest the church, park, school or residential zone.

1. No sexually oriented business shall be permitted to locate within five hundred feet (500') of SR-9, measured in a straight line, without regard to intervening structures or objects, from the property line of SR-9 nearest the sexually oriented business nearest the gateway.
2. No sexually oriented business shall be permitted within a five hundred foot (500') linear distance of any historic building or site, measuring a straight distance, without regard to intervening structures or objects, from the property line of the historic building or site nearest the sexually oriented business to the nearest property line of the sexually oriented business nearest the historic building or site.
3. No sexually oriented business shall be allowed within one thousand feet (1,000') linear distance of a tavern, as defined under Utah Code Annotated Section 31A-1-105(61)(a) (and any amendments thereto), measuring a straight distance, without regard to intervening structures or objects from the nearest property line of the tavern to the nearest property line of the sexually oriented business.
4. No sexually oriented business shall be allowed within one thousand feet (1,000') linear distance of another such business measuring a straight distance, without regard to intervening structures or objects, from the nearest property line of the one business to the nearest property line of the other business.
5. Not more than one sexually oriented business shall be permitted to operate, be established or be maintained within the same building, structure or portion thereof.
6. No more than one sign shall be allowed on sexually oriented business premises. Painted signs and painted wall advertising shall not be allowed. Other than the signs specifically allowed by this Section, a sexually oriented business shall not construct, or allow to be constructed, any temporary sign, banner, light, or other device designed to draw attention to the business location. Notice signs on front or near the entrance of the sexually oriented business, twenty four inches by twenty four inches (24"x24"), with the letters of three inches (3") or larger, prohibiting persons under the age of eighteen (18), with letters of contrasting color shall be allowed.

Formatted: Font: +Body (Aptos)

7. No descriptive art or designs depicting any activity related to or inferring the nature of the business shall be allowed on any sexually oriented business sign. Sexually oriented business signs shall only contain alphanumeric copy.

16.40.12 – Building Height.

A. Maximum height. No principal building or structure shall exceed twenty-two feet (22') in height. No accessory building or structure – including any shed, garage, storage facility, or auxiliary building – shall exceed eighteen feet (18') in height.

B. Measurement. Building height shall be measured as the vertical distance from the average natural grade along the building's footprint, or the finished grade where finished grade is lower than natural grade, to the highest point of the roof or structure.

C. Appurtenances. Chimneys, vents, and similar functional rooftop appurtenances may extend not more than three feet (3') above the maximum height, provided they do not enclose occupiable space, are not used for signage, and are screened in accordance with Section 16.40.26. Rooftop mechanical equipment shall not extend above the maximum height and shall be screened.

Formatted: Font: +Body (Aptos)

16.40.14 – Maximum Building Size.

A. The maximum footprint of any single building is three thousand five hundred (3,500) square feet, except as increased by the size bonuses in Subsection C. In no case shall any single building exceed a footprint of ten thousand (10,000) square feet.

Formatted: Font: +Body (Aptos)

B. Size bonuses are granted by right upon demonstration that the applicable criterion is met; no discretionary approval is required. Where a bonus under Subsection C.1.a or C.1.b requires a durability instrument, the bonus is granted upon recording of that instrument.

Formatted: Font: +Body (Aptos)

C. The following bonuses apply, cumulatively, up to the maximum in Subsection A:

Formatted: Font: +Body (Aptos)

1. One thousand (1,000) square feet for each of the following:

a. A public trail meeting Town standards, secured by a recorded public-access easement, that connects to at least two (2) parcel boundaries, or to one (1) parcel boundary and a public park;

Formatted: Font: +Body (Aptos)

b. Open space exceeding fifty percent (50%) of the parcel, secured by a recorded open-space easement or deed restriction;

c. Shared parking with one or more adjacent uses;

2. Two thousand (2,000) square feet for each of the following:

Formatted: Font: +Body (Aptos)

a. On-site treatment and reuse of wastewater for irrigation, subject to Health Department or Division of Environmental Quality approval;

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

b. Use of permeable paving materials for all off-street parking areas on the parcel.

3. One (1) square foot for each one (1) square foot of underground parking provided.

D. For purposes of the open space bonus under this Section, qualifying open space means open space as defined in Section 16.02.12 that is provided in addition to, and does not include, any land within a required buffer, setback, landscaped area, parking area, or driveway.

E. A size bonus under this Section applies only to development on the parcel where the qualifying improvement is located, and may not be transferred, sold, assigned, or applied to any other parcel.

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

16.40.16 Setbacks.

A. Minimum setbacks are as follows:

Setback location	Minimum
Front – SR-9 frontage	25'
Front – other street frontage	25'
Side	10'
Rear	20'
Abutting a residential or rural zone	Per 16.40.10.A

Formatted: No bullets or numbering

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

B. SR-9 frontage. The SR-9 frontage setback may be satisfied within the SR-9 landscaped buffer required by Section 16.40.18; the setback and buffer are not additive.

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

C. Reduction by consent. Where a lot line is shared between two properties in the Commercial Zone, the setback along that shared line may be reduced to not less than ten feet (10') with the informed written consent of the affected adjoining property owner(s), recorded against both properties. This reduction does not apply to any boundary that abuts a residential or rural residential zone.

Formatted: Font: +Body (Aptos)

D. Where a rear or side boundary abuts a residential or rural residential zone, the residential adjacency standard of Section 16.40.10.A governs that boundary in lieu of the generic setback.

16.40.18 Buffers and Landscaping.

A. SR-9 frontage buffer. Each lot with frontage on SR-9 shall provide and maintain a landscaped or well-maintained natural buffer not less than twenty-five feet (25') in depth between the SR-9 right-of-way and any development. The buffer shall use drought-tolerant, low-water-use landscaping consistent with the rural character of the corridor.

B. Pedestrian path. In lieu of sidewalks along SR-9, and where the safety and welfare of the public are not thereby compromised, a pedestrian path may be located within the SR-9 frontage buffer.

C. Residential adjacency buffer. Where a lot abuts a residential or rural residential zone, the buffer and screening standards of Section 16.40.10.A apply along that boundary.

16.40.20 Parking.

A. Number of spaces. Off-street parking shall be provided in accordance with the Town's off-street parking standards 16.14.

B. Location. Off-street parking should be located to the side or rear of the principal building where practicable. Parking located between a building and SR-9 shall be limited and shall be screened by the landscaped buffer required along the SR-9 frontage. Parking shall not be located within a required buffer under Section 16.40.10.A.

C. Frontage screen. Where parking occurs between a building and SR-9, a landscape screen not less than twenty-five feet (25') in depth shall be provided, which may be counted toward the SR-9 frontage buffer required by Section 16.40.18.

D. Layout. No contiguous parking area shall exceed one hundred feet (100') in length without interruption by landscaping. Parking areas shall be screened from adjoining streets and properties by buildings, berms, and/or landscaping.

E. Shade. Shade trees may be required in larger parking lots.

F. Shared parking. Shared parking among adjacent uses is encouraged and may satisfy off-street parking requirements as provided in the Town's off-street parking standards 16.14.

Formatted: Font: +Body (Aptos)

Formatted: Font: +Body (Aptos)

Formatted: Font: (Default) +Body (Aptos), Font color: Custom Color(RGB(49,51,53)), Expanded by 0.1 pt, Ligatures: None

Formatted: Font: +Body (Aptos)

16.40.22 Open Space.

There is no minimum open space requirement in the Commercial Zone.

Formatted: Font: (Default) +Body (Aptos), Font color: Custom Color(RGB(49,51,53)), Expanded by 0.1 pt, Ligatures: None

Formatted: Font: +Body (Aptos)

16.40.24 Noise.

A. Standard. No commercial use shall produce sound attributable to that use that exceeds sixty (60) A-weighted decibels (dBA) between 7:00 a.m. and 10:00 p.m., or fifty (50) dBA between 10:00 p.m. and 7:00 a.m., measured at the boundary of any abutting residential or rural residential property.

B. Measurement. Sound shall be measured with a sound level meter set to the A-weighting scale, and the standard applies to sound produced by the commercial use itself. Measurements shall not be taken when ambient sound not attributable to the use, including traffic on State Route 9, equals or exceeds the applicable limit. The standard is a maximum not to be exceeded.

except for brief transient sounds not characteristic of the ongoing operation of the use.

C. Exemptions. The following are exempt:

1. Emergency equipment, alarms, and vehicles;
2. Construction and property maintenance activities during hours permitted by Town ordinance;
3. Agricultural operations; and
4. Public infrastructure and emergency operations.

D. Amplified sound. Amplified sound in outdoor dining areas is prohibited, as provided in Section 16.40.10.

16.40.26 Design Standards.

Development in the Commercial Zone shall comply with the following objective standards. No discretionary design review is required.

A. Exterior colors. Exterior building colors shall be low-reflectance and within a muted or earth-tone range consistent with the natural surroundings. High-gloss, fluorescent, or high-reflectivity exterior colors are prohibited.

B. Exterior finishes. Mirrored or highly reflective exterior finishes that produce glare are prohibited. Metal roofing and siding are permitted where finished in a low-reflectance, muted, or earth-tone color.

C. Screening of equipment. All rooftop and ground-mounted mechanical, utility, and similar equipment shall be screened from view from State Route 9 and from any abutting residential or rural residential zone, by parapet, enclosure, or landscaping.

16.40.28 Screening, Refuse, and Outdoor Storage.

A. Refuse. Refuse and recycling containers shall be enclosed and screened from view from State Route 9 and from any abutting residential or rural residential zone.

B. Outdoor storage. Outdoor storage of materials, equipment, or inventory is permitted only if screened from view from State Route 9 and from any abutting residential or rural residential zone, and shall not be located within a required buffer, setback, or landscaped area. This subsection does not apply to outdoor sales and display expressly permitted under a use-specific standard in Section 16.40.10

C. Equipment. Mechanical and utility equipment shall be screened as provided in Section 16.40.26.

16.40.30 Water Features.

[Water features shall comply with the International Building Code and with applicable Water Conservancy District and water conservation requirements.](#)

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

PASSED AND ADOPTED BY THE VIRGIN TOWN COUNCIL on _____, 2026.

By: _____
Jean Krause, Mayor

Attest: _____
Krystal Percival, Town Clerk/Recorder

<u>Vote</u>	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>
Jean Krause, Mayor	☐	☐	☐
Paul Luwe, Council Member	☐	☐	☐
Valerie Wenz, Council Member	☐	☐	☐
April Mckeen, Council Member	☐	☐	☐
Jim Kietzman, Council Member	☐	☐	☐

RECORDED this _____ day of _____ 2026

PUBLISHED or POSTED this _____ day of _____ 2026.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

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

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

Krystal Percival, Town Clerk/Recorder
Virgin Town, Utah



Formatted: Font: (Default) +Body (Aptos), Font color: Custom Color(RGB(49,51,53)), Expanded by 0.1 pt, Ligatures: None

Deleted: ¶
FROM SR-9

... [2]

Formatted: Font: +Body (Aptos)

Page 3: [1] Deleted

Ryker Steglich

7/7/26 3:33:00 PM

✖



▲

Page 13: [2] Deleted

Ryker Steglich

8/5/26 3:36:00 PM

▲