

VIRGIN TOWN

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

To: Mayor and Town Council

From: Ryker Steglich, Town Planner, Sunrise Engineering

Date: April 7, 2026

Subject: Proposed Ordinance No. 2026-XX — New and Unlisted Business Uses (VMC §16.62)

Meeting: Town Council Work Meeting

AT A GLANCE

Application	Legislative — Town-Initiated Ordinance
Subject	New VMC Chapter 16.62 — New and Unlisted Business Uses
Prepared By	Ryker Steglich, Town Planner, Sunrise Engineering
Date	April 7, 2026
Next Step	Planning Commission Public Hearing

I. BACKGROUND

The Utah State Legislature recently enacted Utah Code §10-20-507, which requires each municipality to establish a formal process for reviewing and classifying proposed business uses that are not expressly designated as permitted, conditional, or prohibited within a zoning district. Virgin Town's current land use regulations do not include such a process, creating a gap in the code that this ordinance is designed to fill.

Without a defined procedure, unlisted business uses have no clear pathway for evaluation, creating uncertainty for applicants and potential inconsistency in how the Town responds to novel or emerging business types. This ordinance was prepared by the Town Planner to bring the VMC into compliance with state law and to establish a transparent, predictable review framework.

II. DESCRIPTION OF PROPOSED ORDINANCE

Proposed Ordinance No. 2026-XX adopts a new Chapter 62 within Title 16 (Land Uses) of the VMC, establishing a two-track review process for business uses not currently listed in the Town's use tables. Key provisions include:

- Classification Request: Any person proposing an unlisted business use submits a Classification Request to the Town Planner, designated as the Administrative Land Use Authority. The Town Planner determines whether the use aligns with an existing use category or constitutes a New or Unlisted Business Use.
- Administrative Determination: If the use aligns with an existing category, it proceeds under the regulations applicable to that category. If it does not align, it is classified as a New or Unlisted Business Use, and the applicant may request legislative consideration.
- Legislative Review Track: A New or Unlisted Business Use that does not align with existing categories is processed as a text amendment to the VMC. The applicant submits a New Use Application, including a proposed text amendment. The Planning Commission holds a public hearing and forwards a recommendation to the Town Council, which then approves, modifies, or denies the amendment within 60 days of a complete application.
- Cross-References: Companion amendments are added to VMC Chapters 16.32, 16.34, 16.38, 16.40, 16.42, and 16.44 to direct unlisted uses to the new Chapter 62 process.
- Appeals: Classification Request determinations by the Town Planner may be appealed to the Appeal Authority under VMC Chapter 16.6.

III. FINDINGS AND RECOMMENDATIONS

The proposed ordinance is required by Utah Code § 10-20-507 and is consistent with the broader framework of MLUDMA, Title 10, Chapter 20. It serves the public interest by providing a fair, structured process for evaluating emerging business types while preserving the integrity of the Town's zoning districts.

The Town Planner recommends that the Town Council receive this report, provide any direction on the proposed ordinance language, and authorize it to proceed to the Planning Commission for a public hearing and formal recommendation prior to Council adoption.