

VIRGIN TOWN

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

To: Planning Commission

From: Ryker Steglich, Town Planner, Sunrise Engineering

Date: April 28, 2026

Subject: Proposed Ordinance No. 2026-XX — New and Unlisted Business Uses (VMC Chapter 16.46)

Meeting: Planning Commission Regular Meeting

AT A GLANCE

Application	Legislative — Town-Initiated Ordinance
Subject	New VMC Chapter 16.46 — New and Unlisted Business Uses
Prepared By	Ryker Steglich, Town Planner, Sunrise Engineering
Date	April 28, 2026
Meeting	Planning Commission Regular Meeting
Next Step	Planning Commission recommendation to Town Council

I. BACKGROUND

The Utah State Legislature recently enacted Utah Code §10-20-507 as part of Senate Bill 1008 (2025 First Special Session) – the Municipal Land Use, Development, and Management Act Recodification, which took effect in November 2025. Among other changes, SB1008 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. The Town Council reviewed the ordinance at its April 7, 2026, work meeting and authorized it to proceed to the Planning Commission for a public hearing and formal recommendation. Prior to this hearing, the ordinance was reviewed by the Town Attorney.

II. DESCRIPTION OF PROPOSED ORDINANCE

Proposed Ordinance No. 2026-XX adopts a new Chapter 16.46 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 Community Development Director, designated as the Administrative Land Use Authority. The Director determines whether the proposed use aligns with an existing use category or constitutes a New or Unlisted Business Use.
- **Administrative Determination:** If the proposed 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 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 approves, modifies, or denies the amendment within 75 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 16.46 process.
- **Appeals:** Classification Request determinations by the Community Development Director may be appealed to the Appeal Authority under VMC Chapter 16.6.

III. FINDINGS AND RECOMMENDATION

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 and ensuring that any new use category is subject to proper public notice, Planning Commission review, and Town Council action before being added to the land use ordinance.

Staff recommends that the Planning Commission recommend approval of Ordinance No. 2026-XX to the Town Council.