

VIRGIN TOWN

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

To: Planning Commission

From: Ryker Steglich, Town Planner, Sunrise Engineering

Date: April 28, 2026

Subject: Proposed Ordinance No. 2026-XX — Prohibited and Unlisted Uses (VMC §16.30.06)

Meeting: Planning Commission Regular Meeting

AT A GLANCE

Application	Legislative — Commission Member-Initiated Ordinance
Subject	Replacement of VMC §16.30.06 — Prohibited and Unlisted 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

Virgin Town’s Municipal Code currently includes a provision treating any use not listed as permitted or conditional in a given zoning district as prohibited. While that clause addressed unlisted uses as a general matter, the Planning Commission has proposed adding an express enumerated list of uses that are prohibited across all zoning districts, with the goal of providing additional clarity to applicants, residents, and Town staff.

In preparing this proposal, the Commission reviewed use lists from comparable Utah municipalities and identified uses that are inappropriate for any zoning district within the Town based on their scale, character, or incompatibility with Virgin Town’s land use pattern and planning goals.

II. DESCRIPTION OF PROPOSED ORDINANCE

Proposed Ordinance No. 2026-XX replaces VMC §16.30.06 in its entirety. The new section is titled “Prohibited Uses” and establishes a single list of uses that are prohibited in all zoning districts within Virgin Town. Key provisions include:

- **Town-Wide Prohibition:** The ordinance expressly prohibits a enumerated list of uses in all zoning districts. The list includes amusement parks, arcades, bowling alleys, circuses or carnivals, floodlit driving ranges, dry cleaners, extraction or quarry operations, helipads and heliports, jails and prisons, junkyards, landfills and garbage dumps, aircraft landing strips and airports, maintenance yards and structures, miniature golf, mining and gravel pits, off-road vehicle and ATV tracks and parks, pawn shops, shooting ranges, skating rinks, storage facilities, warehouses, water parks, and wrecking yards.
- **Relationship to Existing Use Tables:** The ordinance replaces the prior §16.30.06 (Use Tables) in its entirety. Uses not listed as permitted or conditional in a given district remain implicitly prohibited under the Town’s existing zone-by-zone use structure; this ordinance supplements that framework by expressly calling out uses that are prohibited across all districts.
- **Standard Provisions:** The ordinance includes a repealer clause, severability clause, and immediate effective date upon adoption and posting as required by law.

III. FINDINGS AND RECOMMENDATION

From a planning standpoint, staff finds the ordinance’s intent to be reasonable. Expressly enumerating prohibited uses provides transparency and predictability for applicants and the public, which are legitimate planning objectives. The VMC already contains a provision treating unlisted uses as prohibited, so this ordinance would supplement that existing framework rather than replace it.

Staff does note two planning-level observations for the Commission’s consideration. First, some of the uses on the list are broadly defined – terms like “storage facilities” and “maintenance yards and structures” could potentially capture accessory or incidental uses that may be appropriate in certain districts, and the Commission may want to consider whether any refinements to the list are warranted. Second, staff is aware that moving from an implicit prohibition framework to an express list may carry legal implications – including questions about how courts or future applicants might interpret the relationship between the express list and the uses not included on it. Staff is not in a position to evaluate those questions, and recommends Town Attorney review prior to adoption.

Staff recommends that the Planning Commission discuss the ordinance, provide any direction on the proposed use list, and determine what action, if any, to take at this time. If the Commission chooses to advance the ordinance, staff recommends that Town Attorney review occur prior to Town Council consideration.