

VIRGIN TOWN

Staff Report — Proposed Ordinance No. 2026-XX – Virgin Town Prohibited Uses Ordinance

To: Planning Commission/Town Council

From: Ryker Steglich, Town Planner, Sunrise Engineering

Date: October 1, 2026

Subject: Proposed Ordinance No. 2026-XX — Virgin Town Prohibited Uses Ordinance (VMC §§16.02.12 and 16.30.06)

AT A GLANCE

Application	Legislative — Commission Member-Initiated Ordinance
Subject	Amendment to VMC §16.02.12 (Definitions) and Replacement of VMC §16.30.06 (Prohibited Uses)
Prepared By	Ryker Steglich, Town Planner, Sunrise Engineering
Next Step	Planning Commission public hearing and possible recommendation; Town Council adoption

I. BACKGROUND

Virgin Town’s Municipal Code has historically addressed prohibited uses implicitly — any use not listed as permitted or conditional in a given zoning district has been treated as prohibited by silence. While this approach is common among small municipalities, it can create uncertainty for property owners, applicants, and the public who may be unsure whether a specific use is prohibited or simply not addressed in the code.

The Planning Commission, in reviewing and updating Virgin Town’s land use regulations, identified an opportunity to provide greater clarity by establishing an affirmative list of uses that are inappropriate for any zoning district within the Town. Staff reviewed use lists from comparable Utah municipalities and prepared a draft Prohibited Uses Ordinance — the Virgin Town Prohibited Uses Ordinance, Ordinance No. 2026-XX — which establishes that list and adds companion definitions to VMC §16.02.12.

At its June 10, 2026, meeting, the Planning Commission reviewed the initial draft and directed staff to obtain Town Attorney review of the ordinance. The Town Attorney has since provided comments, and the draft has been revised as described below.

II. DESCRIPTION OF PROPOSED ORDINANCE

Proposed Ordinance No. 2026-XX makes two amendments to the Virgin Municipal Code. First, it amends VMC §16.02.12 to add nine new definitions supporting the prohibited uses list. Second, it replaces VMC §16.30.06 in its entirety with a new section establishing an affirmative list of uses prohibited in all zoning districts within Virgin Town. Key provisions include:

- **New Definitions (VMC §16.02.12):** The ordinance adds nine new defined terms to the VMC definitions chapter: Data Center; Extraction, Mining, or Quarry Operation; Feed Lot; Junkyard or Wrecking Yard; Maintenance Yard; Parking Lot, Stand-Alone Commercial; Shooting Range; Storage Facility; and Warehouse. Each definition is scoped to commercial or industrial-scale operations and includes language excluding uses that are accessory and incidental to a permitted use on the same lot where applicable.
- **Prohibited Uses List (VMC §16.30.06):** The ordinance replaces §16.30.06 in its entirety and expressly prohibits the following uses in all zoning districts: Data Centers; Dry Cleaners; Extraction, Mining, or Quarry Operations; Feed Lots; Golf Courses; Helipads, Helistops, and Heliports; Jails and Prisons; Junkyards or Wrecking Yards; Landing Strips, Airports, or Other Facilities Designed for the Takeoff or Landing of Any Type of Aircraft; Landfills and Garbage Dumps; Maintenance Yards; Off-Road Vehicle, Motorcycle, and ATV Tracks and Parks; Parking Lots, Stand-Alone Commercial; Shooting Ranges; Storage Facilities; Warehouses; and Water Parks. Following Town Attorney comments, Multiple Family Dwellings has been removed from the list included in the June 10, 2026 draft.
- **Standard Provisions:** The ordinance includes a short title, repealer clause, severability clause, and immediate effective date upon adoption and posting as required by law.

III. FINDINGS AND RECOMMENDATION

Staff finds that the proposed ordinance, as revised, is generally consistent with the Town's land use objectives and provides meaningful clarity to the VMC.

A. Town Attorney Review

The June 10, 2026 staff report identified two provisions warranting Town Attorney review: the prohibition on Feed Lots, and the prohibition on Multiple Family Dwellings. The Town Attorney has completed that review and advised that Multiple Family Dwellings should not be prohibited in all zoning districts. Consistent with that advice, staff has removed the use from the proposed §16.30.06 list. Multiple family dwellings will instead be address through individual zoning district regulations.

Recommendation

Staff recommends the Planning Commission hold a public hearing on ordinance 2026-XX, as revised to remove Multiple Family Dwellings from the prohibited uses list, and forward a positive recommendation to the Town Council.

VIRGIN TOWN
ORDINANCE NO. 2026-XX
SHORT TITLE: PROHIBITED USES ORDINANCE

AN ORDINANCE AMENDING VMC 16.02.12 (DEFINITIONS) AND REPLACING VMC TITLE 16 SECTION 30.06 (USE TABLES) TO ESTABLISH PROHIBITED USES WITHIN THE TOWN OF VIRGIN.

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 the Virgin Town Council (“Town Council”) is the legislative and governing body of the Town.

WHEREAS the Town Council is the Land Use Authority (“LUA”) vested with the power to enact all Land Use Regulations and make all Land Use Decisions within the Town.

WHEREAS the Planning Commission held a public hearing on this ordinance on [REDACTED], 20[REDACTED].

WHEREAS the Virgin Town Planning and Zoning Commission recommended in a [REDACTED] to [REDACTED] vote that the Town Council *[approve / deny]* these amendments on [REDACTED], 20[REDACTED].

WHEREAS the Virgin Municipal Code has previously relied on silence (i.e. failure to list a use as permitted or conditional in a given zone) to express which uses are prohibited in each zoning district.

WHEREAS the Town wishes to provide additional clarity to its zone descriptions by listing as prohibited some more commonly requested uses.

WHEREAS the Planning Commission has reviewed use lists from comparable Utah municipalities and identified uses that are inappropriate for any zoning district within the Town.

WHEREAS the Town Council, acting as the LUA, finds it to be in the best interests of the health, safety, and welfare of residents and visitors to the Town to amend its land use regulations accordingly;

ORDINANCE

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

- 44
45 1. Amendment to Virgin Municipal Code 16.02.12. Section 16.02.12 (Definitions) of the
46 VMC is hereby amended to include the following definitions:
47

48 *Data Center. A facility used primarily for housing, operating, and maintaining*
49 *computer servers, networking equipment, and associated infrastructure for the*
50 *storage, processing, or distribution of large volumes of digital data for*
51 *commercial purposes. The term does not include server rooms or informational*
52 *technology closets that are accessory and incidental to a permitted use on the*
53 *same lot.*
54

55 *Extraction, Mining, or Quarry Operation. The removal of rock, soil, sand, gravel,*
56 *minerals, or other earthen materials from the ground by any method for*
57 *commercial purposes, including but not limited to blasting, drilling, cutting,*
58 *underground mining, or mechanical excavation. The term does not include*
59 *grading or excavation that is incidental to a permitted construction project on the*
60 *same lot.*
61

62 *Feed Lot. A confined animal feeding operation in which livestock are held in pens,*
63 *enclosures, or other confined areas and fed for the purpose of commercial*
64 *slaughter or sale. The term does not include the grazing or pasturing of animals*
65 *on open range, or the keeping of livestock incidental to a permitted agricultural*
66 *use on the same lot.*
67

68 *Junkyard or Wrecking Yard. Any lot, structure, or portion thereof used for the*
69 *storage, collection, processing, purchase, sale, salvage, or disposal of inoperable*
70 *or abandoned vehicles, machinery, scrap metal, or other scrap materials. See also*
71 *the definition of Junk.*
72

73 *Maintenance Yard. An outdoor area used for the storage, staging, parking,*
74 *fueling, or servicing of vehicles, equipment, or materials in support of*
75 *construction, utility, landscaping, or similar operations, whether conducted by a*
76 *public agency or private business.*
77

78 *Parking Lot, Stand-Alone Commercial. A parking lot operated as a primary*
79 *commercial use in which parking spaces are rented, leased, or otherwise made*
80 *available to the public for compensation, and which is not accessory or incidental*
81 *to another permitted use on the same or an immediately adjacent lot under*
82 *common ownership.*
83

84 *Shooting Range. A facility, whether indoor or outdoor, designed and operated for*
85 *the practice of target shooting with firearms, archery equipment, or similar*

implements, including but not limited to commercial ranges, gun clubs, and institutional or organizational training facilities.

Storage Facility. A building or group of buildings containing multiple individually secured units that are leased or rented to the public or to businesses for the storage of personal property or goods, commonly referred to as self-storage, mini-storage, or public storage. The term does not include storage structures that are incidental to a permitted use on the same lot.

Warehouse. A building used primarily for the large-scale storage, staging, or distribution of goods, merchandise, or materials for wholesale or commercial purposes, not including retail sales directly to the general public. The term does not include accessory storage structures that are incidental to a permitted use on the same lot.

2. Replace Virgin Municipal Code 16.30.06. Section 16.30.06 (Use Tables) of the VMC is hereby replaced in its entirety with the following new section:

16.30.06 PROHIBITED USES

A. PROHIBITED USES. *The following uses are prohibited in all zoning districts within the Town:*

1. *Data Centers*
2. *Dry Cleaners*
3. *Extraction, Mining, or Quarry Operations*
4. *Feed Lots*
5. *Golf courses*
6. *Helipads, Helistops, and Heliports.*
7. *Jails and Prisons.*
8. *Junkyards or Wrecking Yards.*
9. *Landing Strips, Airports, or Other Facilities Designed for the Takeoff or Landing of Any Type of Aircraft*
10. *Landfills and Garbage Dumps*
11. *Maintenance Yards*
12. *Off-Road Vehicle, Motorcycle, and ATV Tracks and Parks.*
13. *Parking Lot, Stand-Alone Commercial*
14. *Shooting Ranges*
15. *Storage Facilities*
16. *Warehouses*
17. *Water Parks*

Deleted: <#>Multiple Family Dwellings

- 130 3. Repealer. All Virgin Town ordinances or resolutions or parts thereof, which are in con-
131 flict herewith, are hereby repealed.
132
133 4. Severability. Should any part or provision of this Ordinance be declared by the courts to
134 be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance
135 as a whole or any part thereof other than the part so declared to be unconstitutional or in-
136 valid.
137
138 5. Effective Date. This Ordinance shall take effect immediately upon adoption and posting
139 as required by law.
140
141
142

143 **PASSED AND ADOPTED** by the Town Council of Virgin Town, State of Utah, on the ____ day
144 of _____, 2026 by the following vote:
145
146

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	_____

147
148 **VIRGIN TOWN** Attest:
149 a Utah municipal corporation
150
151

152 _____
153 Jean Krause, Mayor Krystal Percival, Town Recorder
154
155

156 **CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**
157

158 In accordance with Utah Code Annotated §63G-30-102 as amended, I, the Town Recorder of
159 Virgin Town, Utah, hereby certifies that the foregoing Ordinance was duly passed and published
160 or posted via Class A Notice at:
161

- 162 1) *Utah Public Notice website*
163 2) *Virgin Town website, www.virgin.utah.gov*
164 3) *Virgin Town Hall*
165

166
167 Krystal Percival, Town Recorder
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