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VIRGIN TOWN
VIRGIN TOWN ACCESSORY STRUCTURES ORDINANCE
ORDINANCE NO. 2026-XX

AN ORDINANCE AMENDING CHAPTER 16.8 OF THE VIRGIN MUNICIPAL CODE (“VMC”) BY ADDING A DEFINITION OF ACCESSORY STRUCTURE TO VMC §16.2.12 AND BY ADDING § 16.8.60 (ACCESSORY STRUCTURES), ESTABLISHING STANDARDS FOR THE CONSTRUCTION, PLACEMENT, SIZE, AND USE OF ACCESSORY STRUCTURES IN ALL ZONING DISTRICTS; AND PROVIDING FOR RELATED MATTERS.

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

WHEREAS Virgin Town currently lacks comprehensive standards governing accessory structures, resulting in ambiguity regarding permissible size, height, setbacks, materials, and use across all zoning districts.

WHEREAS the Town Council finds that establishing clear and consistent standards for accessory structures will promote orderly development, protect residential neighborhood character, and ensure the health, safety, and welfare of Town residents.

WHEREAS the Town council further finds that accessory structure standards should be proportionate to the zone in which they are located, and flexible enough to accommodate Virgin Town’s rural character.

WHEREAS the Town Council desires to implement these standards by amending Title 16 (Land Uses) of the VMC to add a definition of Accessory Structure to Section 16.2.12 and to add Section 16.8.60 (Accessory Structures) to Chapter 16.8 (Supplementary and Qualifying Regulations), establishing clear standards for the construction, placement, size, and use of accessory structures in all zoning districts.

WHEREAS the Virgin Town Planning Commission (“Planning Commission”) has reviewed this proposed ordinance, and after conducting a properly noticed public hearing on the same on _____, 2026, forwarded the same to the Town Council with its recommendation.

45 **ORDINANCE**

46
47 **NOW THEREFORE, BE IT ORDAINED** by the Town Council of Virgin Town, Utah, as
48 follows:
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- 50 1. Amendment to Virgin Municipal Code 16.2.12, Section 16.02.12 (Definitions) of the
51 VMC is hereby amended to include the following definition:
52

53 *Accessory Structure. A detached structure that is subordinate in size, use, and character*
54 *to the main building on the same lot, and that is customarily incidental to the principal*
55 *use of the property. Examples include, but are not limited to, detached private garages,*
56 *carports, barns, workshops, greenhouses, and equipment enclosures. An accessory*
57 *structure does not include accessory dwelling units, swimming pools, temporary*
58 *structures, or any structure sharing a wall with or attached to the main building.*
59

- 60 2. Amendment to Virgin Municipal Code 16.8. Chapter 16.8 (Development Standards) of
61 Title 16 (Land Uses) of the VMC is hereby amended by adding § 16.8.60 (Accessory Structures)
62 to read as follows:
63

64 ***16.46. § 16.8.60 — Accessory Structures***

65 ***A. Purpose***

66 *The purpose of this section is to establish standards for the construction, placement,*
67 *size, and use of accessory structures throughout Virgin Town. These standards are*
68 *intended to:*

- 69 1. *Ensure accessory structures remain genuinely subordinate to main*
70 *buildings and principal uses;*
71 2. *Protect neighborhood character, scenic views, and the rural agricultural*
72 *heritage of Virgin Town;*
73 3. *Prevent accessory structures from being used as unpermitted dwelling*
74 *units; and*
75 4. *Provide clear, predictable standards for property owners, contractors, and*
76 *Town staff.*
77

78 ***B. Applicability***

- 79 1. ***General.*** *This section applies to all accessory structures in all zoning*
80 *districts of Virgin Town, except as otherwise provided in subsection (B)(2)*
81 *below.*
82 2. ***Exemptions.*** *The following are exempt from the requirements of this*
83 *section but remain subject to other applicable provisions of the VMC and*
84 *adopted building codes:*
85 a. *Fences, walls, and hedges regulated under VMC § [fence/wall*
86 *section];*
87 b. *Swimming pools and hot tubs, which are subject to applicable*
88 *building code requirements;*
89 c. *Flagpoles, satellite dishes, solar arrays, and mechanical equipment*
90 *serving the primary structure;*

- d. Agricultural structures on lots of five (5) acres or more in the Agricultural (A) or Open Space (OS) zones used exclusively for livestock, feed storage, or farm equipment, provided they comply with the setback requirements of the applicable zone; and
- e. Temporary structures erected for no more than thirty (30) consecutive days.

3. **Relationship to Zone Standards.** Where this section establishes standards more restrictive than those of the underlying zone, this section controls. Where the underlying zone establishes more restrictive standards, the zone controls.
4. **ADUs Excluded.** Accessory dwelling units (ADUs) are expressly excluded from the definition of accessory structure and are not subject to this section.

C. **General Requirements**

The following requirements apply to all accessory structures in all zones unless a specific zone standard in this section provides otherwise:

1. **Subordinate to Main Building.** An accessory structure shall be subordinate to and associated with the main building on the same lot, which in residential zones shall be a main dwelling. An accessory structure shall not exceed 75% of the floor area of the main building.
2. **Main Building Required.** No accessory structure shall be constructed, established, or permitted on any lot unless a main building, which in residential zones shall be a main dwelling, has been issued a building permit or lawfully exists on the same lot. Building permits for accessory structures may be processed concurrently with the main building permit, but the accessory structure shall not receive a certificate of occupancy prior to the main building.
3. **Prohibited Uses.** Recreational vehicles, travel trailers, shipping containers, and similar units with wheels or portable chassis shall not be permanently installed or maintained as accessory structures unless modified to meet all applicable building code and design requirements of this section.
4. **Easements.** No accessory structure shall be located within any recorded easement, public utility easement, drainage easement, or right-of-way, unless the easement holder provides written consent.
5. **Drainage.** Roof drainage from accessory structures shall not be directed onto adjacent properties or into public rights-of-way. Stormwater shall be managed on-site in accordance with applicable grading and drainage standards.
6. **Building Permit Required.** A building permit is required for all accessory structures unless expressly exempted by the adopted building code. Portable or temporary storage units two hundred (200) square feet or less in floor area and not exceeding one story in height are exempt from building permit requirements under state law but remain subject to the setback and location requirements of this section.

137 **D. Residential Zones**

138 *Applies to: Rural Residential, Residential, and other zones designated primarily for*
139 *residential use in VMC Title 16.*

140 **1. Location.**

- 141 a. *Accessory structures shall be located entirely within the rear yard*
142 *or side yard, behind the front façade of the main building. No*
143 *accessory structure shall be located in the required front yard*
144 *setback.*
145 b. *On corner lots, no accessory structure shall be located in the*
146 *required street-side yard setback.*
147 c. *Accessory structures shall be located no closer than six (6) feet from*
148 *the main building on the same lot.*

149 **2. Setbacks.** *Accessory structures shall comply with the setback requirements*
150 *of the applicable zone.*

151 **3. Height.**

- 152 a. *The maximum height for accessory structures in residential zones is*
153 *twenty (20) feet, measured from finished grade to the highest point*
154 *of the roof.*
155 b. *No accessory structure shall exceed the height of the main building*
156 *on the same lot, except that a minimum height of fourteen (14) feet*
157 *is always permitted regardless of the main building height.*

158 **4. Building Coverage.**

- 159 a. *The combined building footprint of all accessory structures on a lot*
160 *shall not exceed ten percent (10%) of the total lot area nor 75% of*
161 *the floor area of the main dwelling.*
162 b. *All structures (main building and accessory structures combined)*
163 *shall not exceed the maximum building coverage percentage*
164 *established for the applicable zone.*

165 **5. Design Standards.**

- 166 a. *Exterior materials on all accessory structures shall be compatible*
167 *with those used on the main building.*
168 b. *Accessory structures shall have a pitched roof unless the main*
169 *building has a flat roof, in which case a flat or pitched roof is*
170 *permitted.*
171 c. *Exterior colors shall be neutral, earth-tone, or complementary to*
172 *the main building. Highly reflective or intensely colored exterior*
173 *finishes are discouraged.*

174 **6. Prohibited Uses.** *In residential zones, accessory structures shall not be used*
175 *as dwelling units or for any commercial use except as follows:*

- 176 a. *Uses expressly authorized as a home occupation under VMC [home*
177 *occupation section];*
178 b. *Uses expressly permitted or conditional in the applicable zone*
179 *under VMC Title 16; and*
180 c. *Short-term rental use expressly authorized under VMC 16.60.02 and*
181 *subject to all requirements thereof.*

Commented [DP1]: Does this only apply to those in the closed Overlay STR zone or to any STR in town.

183 E. **Commercial Zone and Highway Resort Zone**

184 Applies to: Commercial Zone (VMC § 16.40) and Highway Resort Zone (VMC §
185 16.44).

- 186 1. **Location.** No accessory structure shall be located within a required front
187 yard setback or any required landscaping buffer.
188 2. **Height.** The maximum height of an accessory structure in the Commercial
189 Zone or Highway Resort Zone shall not exceed the maximum building
190 height established for the applicable zone, or twenty (20) feet, whichever is
191 less.
192 3. **Design Standards.** Accessory structures in the Commercial Zone and
193 Highway Resort Zone shall be architecturally compatible with the main
194 building in materials, color, and roofline, and shall comply with any
195 adopted design guidelines for those zones. No accessory building shall
196 exceed 3,600 square feet of floor area.
197

198 F. **Agricultural and Open Space Zones**

199 Accessory structures in the Agricultural (A) and Open Space Zones (OS) shall
200 comply with the development standards of the applicable zone.
201

202 G. **Nonconforming Accessory Structures**

203 Accessory structures lawfully existing at the time of adoption of this section that do
204 not conform to the standards herein are considered nonconforming structures
205 subject to VMC Chapter [nonconforming uses chapter]. Such structures may be
206 maintained and repaired but may not be enlarged or expanded in a manner that
207 increases any nonconformity.
208

209 H. **Enforcement**

210 Violations of this section are subject to enforcement under VMC Chapter
211 [enforcement/penalties chapter] and applicable provisions of MLUDMA, Utah
212 Code § 10-20-101 et seq.
213

214 3. **Codification.** The Town Recorder is authorized to codify this ordinance and make any
215 clerical corrections necessary for proper codification, including assigning a permanent chapter
216 and section number.
217

218 4. **Severability.** If any provision of this ordinance or its application to any person or
219 circumstance is held invalid, the remainder of the ordinance and its application to other persons
220 or circumstances shall not be affected.
221

222 5. **Effective Date.** This ordinance shall take effect upon publication as required by Utah
223 Code § 10-3-711.
224
225

226 **PASSED AND ADOPTED** by the Town Council of Virgin Town, State of Utah, on the ____
227 day of _____, 2026 by the following vote:
228

229
230

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	_____

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VIRGIN TOWN

Attest:

a Utah municipal corporation

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Jean Krause, Mayor

Krystal Percival, Town Recorder

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CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

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

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

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Krystal Percival, Town Recorder

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