

VIRGIN TOWN

Staff Report — Proposed Ordinance No. 2026-XX – Accessory Structures

To: Virgin Town Planning Commission

From: Ryker Steglich, Town Planner, Sunrise Engineering

Date: August 19, 2026

Subject: Proposed Ordinance No. 2026-XX — Accessory Structures (VMC §§ 16.2.12 & 16.8.60)

Meeting: Regular Planning Commission Meeting

AT A GLANCE

Application	Legislative Text Amendment — New Ordinance
Subject	Accessory Structures — VMC §§ 16.2.12 (Definition) and 16.8.60 (Standards)
Prepared By	Ryker Steglich, Town Planner, Sunrise Engineering
Date	August 19, 2026
Meeting	Planning Commission Work Meeting
Next Step	Work session discussion; direction to staff ahead of a noticed public hearing

I. BACKGROUND

Virgin Town currently lacks comprehensive, codified standards governing accessory structures. As the Town has grown and development activity has increased, the absence of clear regulations has created ambiguity for property owners, contractors, and Town staff regarding the permissible size, height, location, setbacks, materials, and use of detached structures — such as garages, barns, workshops, and equipment enclosures — across Virgin Town’s zoning districts.

The Planning Commission identified this regulatory gap and directed staff to draft standards addressing accessory structure construction, placement, size, and use across all zoning districts.

II. DESCRIPTION OF PROPOSED ORDINANCE

Ordinance No. 2026-XX would amend the Virgin Municipal Code in two places:

A. Definition Amendment — VMC § 16.2.12

The ordinance adds a definition of “Accessory Structure,” identifying it as a detached structure subordinate to the main building on the same lot, with express exclusions for ADUs, swimming pools, temporary structures, and attached structures.

B. New Regulatory Section — VMC § 16.8.60 (Accessory Structures)

The ordinance adds § 16.8.60 to Chapter 16.8 (Supplementary and Qualifying Regulations), establishing standards tiered by zone:

- General requirements applicable in all zones address subordination to the main building, the building permit requirement, easement conflicts, drainage, and prohibited installations such as unmodified shipping containers and RVs as permanent structures.
- Residential zones carry location, setback, height, building coverage, design, and use standards.
- Commercial and Highway Resort zones address location, height, and architectural compatibility.
- Agricultural and Open Space zones defer to existing zone development standards.
- A nonconforming structures provision is included, consistent with MLUDMA.

III. DISCUSSION ITEMS FOR THE COMMISSION

Staff is not making a recommendation at this stage. The following items are presented for Commission discussion and direction:

1. Commercial size and coverage approach. The draft regulates the size of accessory structures in the Commercial and Highway Resort zones using a two-part mechanism modeled on the residential approach: an individual cap set as a percentage of the main building’s floor area (currently 50%), paired with a collective cap on combined accessory footprint as a percentage of lot area (currently 15%). This replaces the prior flat 3,600-square-foot cap. Because the base Commercial zone (§ 16.40) permits a principal building of 3,000 square feet (up to 12,000 with bonus) and the Highway Resort zone (§ 16.44) permits 20,000 to 45,000 square feet, a single flat figure fits neither zone well — the percentage-of-principal approach scales to each. Alternatives considered but not carried forward include: (a) retaining a flat per-building square-foot cap; (b) a pure ratio to the principal building with no collective coverage limit; and (c) folding accessory structures into a base-zone lot-coverage cap — not viable, as neither zone currently sets a lot-coverage percentage. Staff seeks the Commission’s direction on the mechanism and on the 50% and 15% figures.

IV. FINDINGS AND RECOMMENDATION

Staff recommends that the Planning Commission discuss the proposed ordinance and the policy items identified herein, provide direction to staff on those items, and direct staff to prepare a final draft incorporating that direction for consideration at a duly noted public hearing.

1 **VIRGIN TOWN**

2 **VIRGIN TOWN ACCESSORY STRUCTURES ORDINANCE**
3 **ORDINANCE NO. 2026-XX**
4

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

11
12 **RECITALS**
13

14 **WHEREAS** Virgin Town (“Town”) is a Utah municipal corporation and political subdivision of
15 the State of Utah, organized and existing under the provisions of Utah Code Annotated Title 10.
16

17 **WHEREAS** pursuant to Utah Code Ann. §§10-20-502 and 10-20-503, the Virgin Town Council
18 (“Town Council”), acting in its capacity as the governing and legislative body of the Town, has
19 enacted land use regulations found in Title 16 (Land Uses) of the VMC and an official zoning map
20 which set forth districts and the types of land uses and densities that are allowed within each zoning
21 district.
22

23 **WHEREAS** Virgin Town currently lacks comprehensive standards governing accessory
24 structures, resulting in ambiguity regarding permissible size, height, setbacks, materials, and use
25 across all zoning districts.
26

27 **WHEREAS** the Town Council finds that establishing clear and consistent standards for accessory
28 structures will promote orderly development, protect residential neighborhood character, and
29 ensure the health, safety, and welfare of Town residents.
30

31 **WHEREAS** the Town council further finds that accessory structure standards should be
32 proportionate to the zone in which they are located, and flexible enough to accommodate Virgin
33 Town’s rural character.
34

35 **WHEREAS** the Town Council desires to implement these standards by amending Title 16 (Land
36 Uses) of the VMC to add a definition of Accessory Structure to Section 16.2.12 and to add Section
37 16.8.60 (Accessory Structures) to Chapter 16.8 (Supplementary and Qualifying Regulations),
38 establishing clear standards for the construction, placement, size, and use of accessory structures
39 in all zoning districts.
40

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

ORDINANCE

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

1. Amendment to Virgin Municipal Code 16.2.12. Section 16.02.12 (Definitions) of the VMC is hereby amended to include the following definition:

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

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

16.46. § 16.8.60 — Accessory Structures

A. Purpose

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

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

B. Applicability

- 1. General.*** *This section applies to all accessory structures in all zoning districts of Virgin Town, except as otherwise provided in subsection (B)(2) below.*
- 2. Exemptions.*** *The following are exempt from the requirements of this section but remain subject to other applicable provisions of the VMC and adopted building codes:*
 - a. Fences, walls, and hedges regulated under VMC § 16.8.30;*
 - b. Swimming pools and hot tubs, which are subject to applicable building code requirements;*
 - c. Flagpoles, satellite dishes, solar arrays, and mechanical equipment serving the primary structure;*

- 89 d. *Agricultural structures on lots of five (5) acres or more in the*
90 *Agricultural (A) or Open Space (OS) zones used exclusively for*
91 *livestock, feed storage, or farm equipment, provided they comply*
92 *with the setback requirements of the applicable zone; and*
93 e. *Temporary structures erected for no more than thirty (30)*
94 *consecutive days.*
- 95 3. ***Relationship to Zone Standards.*** *Where this section establishes standards*
96 *more restrictive than those of the underlying zone, this section controls.*
97 *Where the underlying zone establishes more restrictive standards, the zone*
98 *controls.*
- 99 4. ***ADUs Excluded.*** *Accessory dwelling units (ADUs) are expressly excluded*
100 *from the definition of accessory structure and are not subject to this*
101 *section.*

102

103 **C. *General Requirements***

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

- 106 1. ***Subordinate to Main Building.*** *An accessory structure shall be*
107 *subordinate to and associated with the main building on the same lot. An*
108 *accessory structure shall not exceed the floor area of the main building.*
- 109 2. ***Main Building Required.*** *No accessory structure shall be constructed,*
110 *established, or permitted on any lot unless a main building has been issued*
111 *a building permit or lawfully exists on the same lot. Building permits for*
112 *accessory structures may be processed concurrently with the main*
113 *building permit, but the accessory structure shall not receive a certificate*
114 *of occupancy prior to the main building.*
- 115 3. ***Prohibited Uses.*** *Recreational vehicles, travel trailers, shipping*
116 *containers, and similar units with wheels or portable chassis shall not be*
117 *permanently installed or maintained as accessory structures unless*
118 *modified to meet all applicable building code and design requirements of*
119 *this section.*
- 120 4. ***Easements.*** *No accessory structure shall be located within any recorded*
121 *easement, public utility easement, drainage easement, or right-of-way,*
122 *unless the easement holder provides written consent.*
- 123 5. ***Drainage.*** *Roof drainage from accessory structures shall not be directed*
124 *onto adjacent properties or into public rights-of-way. Stormwater shall be*
125 *managed on-site in accordance with applicable grading and drainage*
126 *standards.*
- 127 6. ***Building Permit Required.*** *A building permit is required for all accessory*
128 *structures unless expressly exempted by the adopted building code.*
129 *Consistent with that code, a one-story detached accessory structure two*
130 *hundred (200) square feet or less in floor area and used for storage or*
131 *similar accessory purposes does not require a building permit; provided,*
132 *however, that a permit is required for any plumbing, electrical,*
133 *mechanical, or gas installation regardless of floor area. A structure*
134 *exempt from building-permit requirements remains subject to the setback,*

location, height, and coverage requirements of this section and the applicable zone..

D. Residential Zones

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

1. Location.

- a. *Accessory structures shall be located entirely within the rear yard or side yard, behind the front façade of the main building. No accessory structure shall be located in the required front yard setback.*
- b. *On corner lots, no accessory structure shall be located in the required street-side yard setback.*
- c. *Accessory structures shall be located no closer than six (6) feet from the main building on the same lot.*
- d. *Exception. Notwithstanding subsection (a), the Zoning Administrator may approve the location of an accessory structure forward of the front façade of the main building where the applicant demonstrates that no feasible location exists within the rear or side yard due to lot configuration, topography, or the placement of the main building. Any structure approved under this exception shall comply with all front yard setback, height, and design standards of this section.*

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

3. Height.

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

4. Building Coverage.

- a. *The combined building footprint of all accessory structures on a lot shall not exceed ten percent (10%) of the total lot area.*
- b. *The floor area of an accessory structure shall not exceed 75% of the floor area of the main dwelling.*
- c. *All structures (main building and accessory structures combined) shall not exceed the maximum building coverage percentage established for the applicable zone.*

5. Design Standards. *Neutral, earth-tone, muted, and complementary exterior colors are permitted and encouraged. Exterior finishes shall not be highly reflective, fluorescent, or of an intensely bright color that is out of character with the surrounding area. This section shall not be construed to require an accessory structure to match the architectural style, materials, or roof form of the main building or any neighboring structure.*

- 181 6. **Prohibited Uses.** *In residential zones, accessory structures shall not be*
182 *used as dwelling units or for any commercial use except as follows:*
183 a. *Uses expressly authorized as a home occupation under VMC 16.12;*
184 b. *Uses expressly permitted or conditional in the applicable zone*
185 *under VMC Title 16; and*
186

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

188 *Applies to: Commercial Zone (VMC § 16.40) and Highway Resort Zone (VMC §*
189 *16.44).*

- 190 1. **Location.** *No accessory structure shall be located within a required front*
191 *yard setback or any required landscaping buffer.*
192 2. **Height.** *The maximum height of an accessory structure in the Commercial*
193 *Zone or Highway Resort Zone shall not exceed the maximum building*
194 *height established for the applicable zone, or twenty (20) feet, whichever*
195 *is less.*
196 3. **Design Standards.** *Accessory structures in the Commercial Zone and*
197 *Highway Resort Zone shall be architecturally compatible with the main*
198 *building in materials, color, and roofline, and shall comply with any*
199 *adopted design guidelines for those zones.*
200 4. **Size and Coverage.**
201 a. *No individual accessory structure shall exceed fifty percent (50%)*
202 *of the floor area of the main building on the same lot.*
203 b. *The combined footprint of all accessory structures on a lot shall not*
204 *exceed fifteen percent (15%) of the total lot area.*
205

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

207 *Accessory structures in the Agricultural (A) and Open Space Zones (OS) shall*
208 *comply with the development standards of the applicable zone.*
209

210 **G. Nonconforming Accessory Structures**

211 *Accessory structures lawfully existing at the time of adoption of this section that do*
212 *not conform to the standards herein are considered nonconforming structures*
213 *subject to VMC Chapter 16.10. Such structures may be maintained and repaired*
214 *but may not be enlarged or expanded in a manner that increases any*
215 *nonconformity.*
216

217 **H. Enforcement**

218 *Violations of this section are subject to enforcement under VMC Chapter 16.2.22*
219 *and applicable provisions of MLUDMA, Utah Code § 10-20-101 et seq.*
220

- 221 3. **Codification.** *The Town Recorder is authorized to codify this ordinance and make any*
222 *clerical corrections necessary for proper codification, including assigning a permanent chapter*
223 *and section number.*
224

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

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

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

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	_____

VIRGIN TOWN
a Utah municipal corporation

Attest:

Jean Krause, Mayor

Krystal Percival, Town Recorder

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

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:

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

Krystal Percival, Town Recorder