

VIRGIN TOWN

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

To: Virgin Town Planning Commission / Town Council

From: Ryker Steglich, Town Planner, Sunrise Engineering

Date: August 26, 2026

Subject: Proposed Ordinance No. 2026-XX — Accessory Structures (VMC §§ 16.02.12 & 16.8.60)

AT A GLANCE

Application	Legislative Text Amendment — Commission-Initiated Ordinance
Subject	Accessory Structures — VMC §§ 16.02.12 (Definition) and 16.8.60 (Standards)
Prepared By	Ryker Steglich, Town Planner, Sunrise Engineering
Next Step	Planning Commission public hearing and possible recommendation; Town Council adoption

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. Following a series of work sessions, the Commission has reviewed successive drafts and provided direction on the standards reflected in the current draft, which is now presented for a noticed public hearing.

The proposed ordinance establishes a definition of “Accessory Structure” and a new regulatory section setting standards tiered by zoning district. It is a Commission-initiated legislative text amendment. The Town Attorney has not yet reviewed the proposed ordinance; staff recommends that legal review occur prior to Town Council adoption.

II. DESCRIPTION OF PROPOSED ORDINANCE

Ordinance No. 2026-XX would amend the Virgin Municipal Code in two places: it adds a definition of “Accessory Structure” at VMC § 16.02.12, and it adds a new regulatory section, VMC § 16.8.60, to Chapter 16.8 (Supplementary and Qualifying Regulations), establishing standards tiered by zoning district. The principal components of the ordinance are as follows:

A. Definition and General Requirements

The ordinance defines an accessory structure as a detached structure subordinate to the main building on the same lot, with express exclusions for accessory dwelling units, swimming pools, temporary structures, and attached structures. General requirements applicable in all zones address subordination to the main building, the building permit requirement, easement and drainage conflicts, and prohibited installations such as unmodified shipping containers and recreational vehicles used as permanent structures.

B. Zone-Specific Standards

The residential zone standards address location, setbacks, height, building coverage, design, and permitted use. They include an exception allowing an accessory structure to be located forward of the main building where no feasible alternative location exists, subject to heightened design and screening standards in recognition of the structure’s visibility from the street. They also include a provision for agricultural accessory structures in the Rural Residential zone, consistent with that zone’s purpose of accommodating small farms, hobby farms, and large-lot residential use, which adjusts height, floor-area, and setback standards for qualifying agricultural structures on lots of one acre or more. The commercial and Highway Resort zone standards address location, height, size, and architectural compatibility. Agricultural and Open Space zones defer to existing zone development standards. A nonconforming structures provision is included, consistent with the Municipal Land Use, Development, and Management Act.

The complete text of the proposed definition and regulatory section is set forth in the draft ordinance accompanying this report.

III. FINDINGS AND RECOMMENDATION

Based on the foregoing, staff offers the following findings for consideration:

1. Virgin Town does not currently have comprehensive, codified standards governing accessory structures, and the proposed ordinance would establish clear standards for the size, height, location, setbacks, materials, and use of such structures across the Town’s zoning districts.

2. The proposed standards are tiered by zoning district and are intended to be administered as objective, by-right standards, which supports consistent and predictable application by staff, property owners, and contractors.
3. The draft reflects direction provided by the Planning Commission through successive work sessions, including standards for accessory structures located forward of the main building and for agricultural accessory structures in the Rural Residential zone.
4. The proposed ordinance appears consistent with the Municipal Land Use, Development, and Management Act. The Town Attorney has not yet reviewed the ordinance, and staff recommends that such review occur prior to Town Council adoption.

Recommendation. Staff recommends that the Planning Commission conduct the noticed public hearing, receive public comment, and consider whether to forward a recommendation on the proposed ordinance to the Town Council, together with any modifications the Commission determines appropriate.

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 **RECITALS**
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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.
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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.
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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.
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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.
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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.
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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.
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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.

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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:

§ 16.8.60 — 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;

- 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. An accessory structure shall not exceed 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 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. Consistent with that code, a one-story detached accessory structure two hundred (200) square feet or less in floor area and used for storage or similar accessory purposes does not require a building permit; provided, however, that a permit is required for any plumbing, electrical, mechanical, or gas installation regardless of floor area. A structure 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. [Notwithstanding subsection D5, an accessory structure approved under this exception shall, in recognition of its visibility from the public street, comply with the following additional standards:](#)

- i. [The structure shall be screened from view from the fronting public street by landscaping, a wall, or a fence, installed along the street-facing side of the structure; and](#)
- ii. [Exterior materials, colors, and finishes shall comply with the design standards of subsection D5.](#)

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.

- a. Exterior materials on all accessory structures shall be compatible with those used on the main building.
- b. Exterior colors shall be neutral, earth-tone, or complementary to the main building. Highly reflective or intensely colored exterior finishes are discouraged.

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

- a. Uses expressly authorized as a home occupation under VMC 16.12;
- b. Uses expressly permitted or conditional in the applicable zone under VMC Title 16.

7. Agricultural Accessory Structures in the Rural Residential Zone. Consistent with the purpose of the Rural Residential zone to accommodate small farms, hobby farms, and large-lot residential use, an accessory structure located on a lot of one (1) acre or more in the Rural Residential zone and used exclusively for agricultural purposes – including the keeping of animals, storage of hay or feed, or storage of farm equipment – shall be subject to the following standards in lieu of subsections D3, D4(b), and D5:

- a. Height. The maximum height shall be twenty-five (25) feet, measured from finished grade to the highest point of the roof.
- b. Floor Area. The floor-area limitation of subsection D4(b) shall not apply. Such structures remain subject to the combined lot-coverage limits of subsection D4(a) and (c).
- c. Setbacks and Placement. Such structures shall comply with the setback and placement requirements of subsections D1 and D2 and the applicable zone.
- d. Design. The design standards of subsection D5 shall not apply; provided that exterior finishes shall not be highly reflective or fluorescent.
- e. Animal Structure Setback. Any stable, corral, barn, or chicken coop shall be set back not less than twenty feet (20') from any lot line, or the setback required under subsection (c), whichever is greater.

E. Commercial Zone and Highway Resort Zone

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

1. **Location.** No accessory structure shall be located within a required front yard setback or any required landscaping buffer.
2. **Height.** The maximum height of an accessory structure in the Commercial Zone or Highway Resort Zone shall not exceed the maximum building height established for the applicable zone, or twenty (20) feet, whichever is less.

Deleted: 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.

Deleted: ; and

234 3. **Design Standards.** Accessory structures in the Commercial Zone and
235 Highway Resort Zone shall be architecturally compatible with the main
236 building in materials, color, and roofline, and shall comply with any
237 adopted design guidelines for those zones.

238 4. **Size and Coverage.**

- 239 a. No individual accessory structure shall exceed fifty percent (50%)
240 of the floor area of the main building on the same lot.
241 b. The combined footprint of all accessory structures on a lot shall not
242 exceed fifteen percent (15%) of the total lot area.

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

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

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248 G. **Nonconforming Accessory Structures**

249 Accessory structures lawfully existing at the time of adoption of this section that
250 do not conform to the standards herein are considered nonconforming structures
251 subject to VMC Chapter 16.10. Such structures may be maintained and repaired
252 but may not be enlarged or expanded in a manner that increases any nonconformity.

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254 H. **Enforcement**

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

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

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

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

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

272
273 Council Person:

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Valerie Wenz AYE _____ NAE _____ ABSTAIN _____ ABSENT _____
April McKeon AYE _____ NAE _____ ABSTAIN _____ ABSENT _____
Paul Luwe AYE _____ NAE _____ ABSTAIN _____ ABSENT _____

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Krystal Percival, Town Recorder