



To: Mayor and Town Council Members

From: Mark C. Meyers, Town Manager

Date: October 6, 2026

Subject: Items From Planning Commission – Zoning Amendment Procedure and Accessory Structures Ordinances

Background

The Planning Commission held public hearings on a Zoning Amendment Procedures Ordinance at the August 11, 2026, and Accessory Structures Ordinance at the September 8, 2026, regular commission meetings respectively. Each was formally recommended to the Town Council. The first ordinance is a new State mandate. The second is initiated by the Planning Commission with concurrence of staff because the former standards for accessory structures had been repealed years ago. Such standards are a best practice to provide reasonable parameters for constructing accessory structures.

Attached are reports from Town Planner Ryker Steglich on the ordinances explaining the reason each is being suggested.

Recommendation

Staff recommends discussing the Zoning Amendment Procedures and Accessory Structures ordinances and consider adopting them at an upcoming regular meeting.

VIRGIN TOWN

Staff Report — Proposed Ordinance No. 2026-XX – Zoning Amendment Procedures

To: Mayor and Town Council

From: Ryker Steglich, Town Planner, Sunrise Engineering

Date: October 6, 2026

Subject: Proposed Ordinance No. 2026-XX — Zoning Amendment Procedures (VMC §§ 16.2.30 & 16.2.32)

AT A GLANCE

Application	Legislative Text Amendment — Amendment and Restatement
Subject	Zoning Amendment Procedures — VMC §§ 16.2.30 (Text Amendments) and 16.2.32 (Zoning Map Amendments)
Prepared By	Ryker Steglich, Town Planner, Sunrise Engineering
Next Step	Town Council consideration of adoption, with modifications recommended by the Town Attorney

I. BACKGROUND

The Virgin Municipal Code presently governs amendments to Title 16 through VMC §§ 16.2.30 and 16.2.32. These provisions predate recent changes in state law and no longer reflect current statutory requirements, the Town's administrative structure, or best planning practices. Most significantly, the Utah Legislature recodified the Municipal Land Use, Development, and Management Act (MLUDMA), changing statutory cross-references and certain procedural requirements throughout the Code.

In addition, Utah Code § 10-20-302(3) requires municipalities to publish application checklists for land use application types beginning October 1, 2026. Updating the Town's amendment procedures positions Virgin Town to meet that requirement and to process both text and map amendments under clear, defensible, and legally current standards. This is a Town-initiated legislative amendment, and staff has prepared a full restatement of both

sections so that the two procedures read consistently and share parallel structure, notice standards, approval factors, and appeal provisions.

The Planning and Zoning Commission held a public hearing on August 11, 2026 and voted 4 to 0 to recommend approval to the Town Council. Following that recommendation, the ordinance was forwarded to the Town Attorney for legal review. The Attorney has since reviewed the ordinance and provided suggested changes, which are shown in the attached redline. Because the Commission has made its recommendation, the ordinance is presented as recommended, and the Attorney's changes are offered for the Council's adoption as modifications.

II. DESCRIPTION OF PROPOSED ORDINANCE

Ordinance No. 2026-XX would amend and restate two sections of the Virgin Municipal Code:

A. Text Amendments — VMC § 16.2.30

This section is restated as a self-contained procedure for amending the text of Title 16. It establishes purpose and authority, identifies who may initiate an amendment, sets application requirements for privately initiated amendments and a streamlined path for Town-initiated amendments, and prescribes the Commission hearing and Town Council review process, including MLUDMA-compliant notice under Utah Code § 10-20-205. It also sets legislative approval factors, an exception allowing Council action without a Commission recommendation in defined circumstances, appeal to the district court, and standards governing reapplication after a denial.

B. Zoning Map Amendments — VMC § 16.2.32

This section is restated as the parallel procedure for amending the Town's official zoning map. It carries the same structure as § 16.2.30 and adds the elements specific to a map amendment, including a more detailed application (legal description, property and notification maps, proof of ownership interest, and pre-addressed envelopes), mailed notice to owners within three hundred (300) feet, treatment of written objections, a distinct set of approval factors addressing compatibility and adequacy of public facilities, and a requirement that the Council's decision rest on written findings.

The ordinance also includes standard repealer, severability, and effective-date provisions.

C. Town Attorney Review

After the Commission's recommendation, the Town Attorney reviewed the ordinance. The redlined version is attached. Most edits clarify wording and terminology. The review also

included a comment recommending that staff should decide when a denied application may be refiled within one year due to a substantial change in circumstances. The Council may address this in its motion.

II. FINDINGS AND RECOMMENDATION

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

1. The existing amendment procedures in VMC §§ 16.2.30 and 16.2.32 do not reflect current state law, including the recodification of MLUDMA to Title 10, Chapter 20, effective November 6, 2025.
2. The proposed ordinance is consistent with MLUDMA and with the Town's land use authority under Utah Code Ann. §§ 10-20-502 and 10-20-503, and brings the Town's amendment procedures into compliance with current statutory notice, timing, and findings requirements.
3. The restated procedures advance the purposes of Title 16 by providing clear, predictable, and current processes for text and map amendments for the benefit of applicants, the public, and Town staff.
4. Adoption positions the Town to meet the application-checklist publication requirement of Utah Code § 10-20-902(3), effective October 1, 2026.
5. The proposed ordinance corrects errors, ambiguities, and gaps in the current text and is consistent with sound planning practice.
6. The Planning Commission held a duly noticed public hearing and recommended approval of the ordinance to the Town Council.

Recommendation. Staff recommends that the Town Council adopt Ordinance 2026-XX with the Town Attorney's suggested changes, as shown in the attached redline.

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VIRGIN TOWN
ORDINANCE NO. 2026-XX
ZONING AMENDMENT PROCEDURES ORDINANCE



AN ORDINANCE AMENDING AND RESTATING VIRIGN MUNICIPAL CODE 16.2.30 AND 16.2.32 TO ESTABLISH PROCEDURES FOR ZONING TEXT AMENDMENTS AND ZONING MAP AMENDMENTS 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 Virgin Municipal Code ("VMC"), including procedures governing amendments to the text of Title 16 and to the Town's official zoning map.

WHEREAS the Utah Legislature recodified the Municipal Land Use, Development, and Management Act from Title 10, Chapter 9a to Title 10, Chapter 20, effective November 6, 2025, necessitating updates to statutory cross-references and procedural requirements throughout VMC.

WHEREAS Utah Code Ann. 10-20-902(3) requires municipalities to publish application checklists for land use application types beginning October 1, 2026.

WHEREAS the Town Council finds that the existing amendment procedures set forth in VMC 16.2.30 and 16.2.32 do not reflect current state law requirements, best planning practices, or the Town's administrative structure, and that updated procedures are necessary to ensure clarity for applicants and consistency with applicable law.

WHEREAS the Planning and Zoning Commission held a public hearing on this ordinance on _____, 20__.

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

ORDINANCE

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

1. Amendment and restatement of Virgin Municipal Code 16.2.30, Section 16.2.30
(Amendments) of the VMC is hereby amended and restated as follows:

16.2.30 – Text Amendments

- A. PURPOSE. This section sets forth procedures for amending the text of this Title.
Procedures governing amendments to the Town's zoning map are set forth in 16.2.32
- B. AUTHORITY. The Town Council may from time to time amend the text of this Title as provided in this section. Amendments may include changes to zoning district regulations or any other provision of this Title. The provisions set forth herein shall not apply to temporary land use regulations, which may be enacted without public hearing in accordance with Utah Code §10-20-504.
- C. INITIATION. Proposed amendments to the text of this Title may be initiated by the Town Council, Planning and Zoning Commission, the Zoning Administrator, or a property owner affected by a proposed amendment.
- D. APPLICATION REQUIREMENTS. Where a proposed text amendment is initiated by a property owner or other outside party, an application shall be submitted to the Zoning Administrator in a form established by the Zoning Administrator, along with any fee established by the Town's uniform fee schedule. The application shall include at minimum the following:
1. The name, address, and telephone number of the applicant and the applicant's agent, if any;
 2. The name and address of every person or company the applicant represents;
 3. The chapter and section references of the text proposed to be amended, including the current text of each provision;
 4. The proposed replacement or new text, clearly indicating all additions and deletions;
 5. A written statement of justification explaining the purpose of the proposed amendment, the public benefit it is intended to achieve, and the basis for its consistency with the Town's General Plan and the purposes of this Title; and
 6. Payment of the applicable fee as established by the Town's uniform fee schedule.
- Where a proposed text amendment is initiated by the Town, no formal application shall be required. The initiating party shall direct the Zoning Administrator to prepare a draft amendment. The Zoning Administrator shall prepare the draft amendment and a staff report evaluating the proposed amendment and forward both to the Planning and Zoning Commission in accordance with subsection E.
- E. PROCEDURE. A proposed text amendment shall be considered and processed as follows:

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1. After the application is determined to be complete, the Zoning Administrator shall prepare a staff report evaluating the proposed amendment and forward it to the Planning and Zoning Commission.
 2. The Planning and Zoning Commission shall hold a public hearing on the proposed amendment. Notice shall be provided in accordance with Utah Code 10-20-205, including:
 - a. Mailed notice to each affected entity, as defined in Utah Code 10-20-102, at least ten (10) calendar days before the hearing, if applicable;
 - b. Notice for the area directly affected by the proposed amendment, as a Class B notice under Utah Code 63G-30-102, for at least ten (10) calendar days before the hearing, or, if the amendment is ministerial in nature as described in Utah Code 10-20-205(6), a Class A notice for the same period; and
 - c. A summary of the effect of the proposed amendment, written in plain language designed to be understood by a layperson, or a direct [URL web](#) link to where such summary may be found on the Town's website, included with the notice and provided to any person upon written request.
 3. Following the public hearing, the Planning and Zoning Commission may recommend approval, approval with modifications, or denial to the Town Council.
 4. Except as provided in subsection F, following receipt of a recommendation from the Planning and Zoning Commission, the Town Council shall [consider approval or denial of](#) the proposed amendment [at the next regularly scheduled public meeting of the Town Council](#). Notice of the public meeting shall be provided as a Class A notice under Utah Code 63G-30-102 at least twenty-four (24) hours before the meeting. The Town Council may approve, approve with modifications, or deny the proposed amendment.
- F. EXCEPTION – ACTION WITHOUT COMMISSION RECOMMENDATION. The Town Council may adopt or reject a proposed text amendment without waiting for the Planning and Zoning Commission's recommendation if:
1. The applicant has made written request under Utah Code 10-20-905(2)(b) for final action within forty-five (45) days; or
 2. The Town Council determines that the Commission has had adequate time to consider the proposed amendment in accordance with Utah Code 10-20-502(2)(c) and Chapter 4.02(I) of this Title.
- G. APPROVAL STANDARDS. A decision to amend the text of this Title is a matter within the legislative discretion of the Town Council. In evaluating a proposed text amendment, the following factors shall be considered:

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1. Whether the proposed amendment is consistent with the goals, objectives, and policies of the Town's General Plan;
2. Whether the proposed amendment advances the purposes of this Title;
3. Whether the proposed amendment corrects an error, ambiguity, or gap in the current text; and
4. Whether the proposed amendment is consistent with applicable state law.

H. APPEAL OF DECISION. Any party adversely affected by a decision of the Town Council to amend the text of this Title may, within thirty (30) days after the final decision of the Town Council, appeal to the district court as provided in Utah Code 10-20-1109.

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I. EFFECT OF APPROVAL. Approval of an application to amend the provisions of this Title shall not be deemed an approval of any conditional use permit, site plan, or other permit. Approval of such permits shall be obtained in accordance with applicable provisions of this Title.

J. EFFECT OF DISAPPROVAL. Town Council denial of a proposed text amendment shall preclude the filing of another application covering substantially the same subject for one (1) year from the date of disapproval, except as follows:

1. Another application may be sooner considered if:

a. The Planning and Zoning Commission determines a substantial change in circumstances has occurred to merit reconsideration. Substantial change may include:

Commented [HS1]: Do we want the determination of an exemption to the 1 year bar being made by the Planning & Zoning Commission? I personally would leave this discretion with the Town Staff (Planning Administrator).

(1) A significant change in the scope or subject matter of the proposed amendment;

(2) Changes in applicable state law or court decisions affecting the subject matter of the proposed amendment; or

(3) New information or analysis that was not available at the time of the original application.

b. The application proposes a materially different approach to the same subject matter.

2. The Town Council or Planning and Zoning Commission may propose any text amendment at any time.

2. Amendment and restatement of Virgin Municipal Code 16.2.32, Section 16.2.32 (Hearing and Publication and Notice Before Amendment) of the VMC is hereby amended and restated as follows:

16.2.32 Zoning Map Amendments

140 A. PURPOSE. This section sets forth procedures for amending the official zoning map of
141 the Town. Procedures governing amendments to the text of this Title are set forth in
142 16.2.30.

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143 B. AUTHORITY. The Town Council may from time to time amend the official zoning map
144 of the Town as provided in this section. Zoning map amendments may include changes in
145 the number, shape, boundaries, or area of any zoning district. The provisions set forth
146 herein shall not apply to temporary land use regulations, which may be enacted without
147 public hearing in accordance with Utah Code 10-20-504.

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148 C. INITIATION. Proposed zoning map amendments may be initiated by the Town Council
149 or property owner(s) who hold fee title to the property that is the subject of the proposed
150 zoning map amendment.

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151 D. APPLICATION REQUIREMENTS. A proposed zoning map amendment application
152 shall be submitted to the Zoning Administrator in a form established by the Zoning
153 Administrator, along with any fee established by the Town's uniform fee schedule. The
154 zoning map amendment application shall include, at minimum, the following:

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- 155 1. The name, address, and telephone number of the applicant and the applicant's agent,
156 if any;
- 157 2. The name and address of every person or company the applicant represents;
- 158 3. The requested amendment and the reasons supporting the request;
- 159 4. An accurate property map showing parcel numbers, ownership, acreage, and the
160 present zoning classifications of the subject property and all abutting properties as
161 well as the proposed zoning classification for the subject property;
- 162 5. An accurate legal description and approximate common address of the area proposed
163 to be rezoned;
- 164 6. Documentation of the applicant's ownership of or interest in the subject property,
165 which may include a deed, purchase agreement, or other instrument acceptable to the
166 Zoning Administrator;
- 167 7. A written statement of justification addressing each of the approval standards set forth
168 in subsection G;
- 169 8. A notification map identifying all property owners within three hundred (300) feet of
170 the subject property, prepared from current county tax records;
- 171 9. Pre-addressed, stamped envelopes for each property owner identified on the
172 notification map; and
- 173 10. Payment of the applicable fee as established by the Town's uniform fee schedule.

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181 E. PROCEDURE. A proposed zoning map amendment shall be considered and processed as
182 follows:

183 1. After the application is determined to be complete, the Zoning Administrator shall
184 prepare a staff report evaluating the proposed zoning map amendment and forward it
185 to the Planning and Zoning Commission.

186 2. The Planning and Zoning Commission shall hold a public hearing on the proposed
187 zoning map amendment. Notice shall be provided in accordance with Utah Code 10-
188 20-205, including:

189 a. Mailed notice to each affected entity, as defined in Utah Code 10-20-102, at least
190 ten (10) calendar days before the hearing, if applicable;

191 b. Notice for the area directly affected by the proposed amendment, as a Class B
192 notice under Utah Code 63G-30-102, for at least (10) calendar days before the
193 hearing, or if the proposed zoning map amendment is ministerial in nature as
194 described in Utah Code 10-20-205(6), a Class A notice for the same period; and

195 c. Mailed courtesy notice to each owner of real property located entirely or partially
196 within three hundred (300) feet of the area proposed for rezoning, using the pre-
197 addressed stamped envelopes furnished by the applicant, at least ten (10) days
198 before the hearing. The courtesy notice shall:

199 (1) Identify the owner of record;

200 (2) State the subject property's current and proposed zoning designations;

201 (3) Reference the regulations and permitted uses that would apply if the
202 amendment is adopted;

203 (4) State that the courtesy notice recipient may file a written objection no later
204 than ten (10) days after the first public hearing, and identify where to file it;

205 (5) State that timely objections will be forwarded to the Planning and Zoning
206 Commission; and

207 (6) State the hearing's location, date, and time.

208 3. The Planning and Zoning Commission shall consider each written objection filed
209 under subsection E(2)(c)(4) before the public hearing and shall forward all such
210 objections to the Town Council along with its recommendation. Following the public
211 hearing, the Planning and Zoning Commission may recommend approval, approval
212 with modifications, or denial of the proposed zoning map amendment to the Town
213 Council.

214 4. Except as provided in subsection F, following receipt of a recommendation from the
215 Planning and Zoning Commission, the Town Council shall consider approval,
216 approval with modifications, or denial of the proposed zoning map amendment at the

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220 next regularly scheduled Town Council meeting. Notice of the public hearing, shall
221 be provided as a Class A notice under Utah Code 63G-30-102 at least twenty-four
222 (24) hours before the meeting. The Town Council may approve, approve with
223 modification, or deny the proposed zoning map amendment.

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224 F. EXCEPTION – ACTION WITHOUT COMMISSION RECOMMENDATION. The
225 Town Council may adopt or reject a proposed zoning map amendment without waiting
226 for the Planning and Zoning Commission’s recommendation if:

- 227 1. The applicant has made a written request under Utah Code 10-20-905(2)(b) for final
228 action within forty-five (45) days; or
- 229 2. The Town Council determines that the Planning and Zoning Commission has had
230 adequate time to consider the proposed zoning map amendment in accordance with
231 Utah Code 10-20-502(2)(c) and Chapter 4.02(I) of this Title.

232 G. APPROVAL STANDARDS. A decision to amend the official zoning map of the Town is
233 a matter within the legislative discretion of the Town Council. In evaluating a proposed
234 zoning map amendment, the following factors shall be considered:

- 235 1. Whether the proposed zoning map amendment is consistent with the goals,
236 objectives, and policies of the Town’s General Plan;
- 237 2. Whether the proposed zoning map amendment is compatible with the character of
238 surrounding land uses and zoning districts;
- 239 3. The extent to which the proposed zoning map amendment may adversely affect
240 adjacent property;
- 241 4. The adequacy of public facilities and services available, or to be made available, to
242 serve development reasonably anticipated under the proposed zoning designation,
243 including water, sewer, drainage, and transportation infrastructure;
- 244 5. Whether circumstances have changed since the existing zoning designation was
245 applied, such that the proposed zoning map amendment serves the public interest; and
- 246 6. Whether the proposed zoning map amendment is consistent with sound planning
247 principles, including whether the amendment bears a reasonable relationship to the
248 public interest and is not arbitrarily applied to a single parcel in a manner inconsistent
249 with the surrounding zoning and the General Plan.

250 H. FINDINGS. The Town Council shall base its decision to approve, approve with
251 modifications, or deny, a proposed zoning map amendment on the record and on written
252 findings addressing the factors set forth in subsection G.

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253 I. EFFECTUATING ORDINANCE. The findings set forth by the Town Council shall be
254 included in an Ordinance effectuating the zoning map amendment. The adoption of the

effectuating ordinance shall constitute the Town Council's final decision for purposes of when an adversely effected parties appeal window commences.

J. APPEAL OF FINAL DECISION. Any party adversely affected by a final decision of the Town Council to amend or deny a proposed zoning map amendment, may, within thirty (30) days after a final decision is rendered, appeal said decision to the district court as provided in Utah Code 10-20-1109.

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K. EFFECT OF APPROVAL. Approval of an application to amend the official zoning map of the Town shall not be deemed an approval of any conditional use permit, site plan, or other permit. Approval of such permits shall be obtained in accordance with applicable provisions of this Title.

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L. EFFECT OF DISAPPROVAL. Town Council denial of a proposed zoning map amendment shall preclude the filing of another application covering substantially the same subject property, or any portion thereof, for one (1) year from the date of disapproval, except as follows:

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1. Another application may be sooner considered if:

a. The Planning and Zoning Commission determines a substantial change in circumstances has occurred to merit reconsideration. Substantial change may include:

(1) A significant change in the affected land area;

(2) A material change in the scope or nature of the proposed zoning map amendment that directly addresses the basis for the Town Council's denial; or

(3) Changes in the neighborhood including recent zone changes, land use amendments, or new roads or other infrastructure serving the area proposed for the change.

b. The application is for a change to a different zoning designation.

2. The Town Council may propose any zoning map amendment at any time.

3. Repealer. All Virgin Town ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

4. Severability. Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

5. Effective Date. This Ordinance shall take effect immediately upon adoption and posting as required by law.

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 Mayor	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

VIRGIN TOWN

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

To: Virgin Town Council

From: Ryker Steglich, Town Planner, Sunrise Engineering

Date: October 6, 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	Town Council consideration and 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 ordinance.

The Planning Commission held a duly noticed public hearing on September 8 and voted 4 to 0 to forward Ordinance No. 2026-SS to the Town Council with a recommendation of approval. As recommended in the August 26, 2026, staff report, the ordinance was then sent to the Town Attorney for legal review. The Attorney's suggested changes and comments are shown in the attached redline. Because the Commission has made its recommendation, the ordinance is presented as recommended, and the Attorney's changes are offered for the Council's adoption as modifications.

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.

C. Town Attorney Review

The Town Attorney's redline is attached. Most edits clarify wording, correct cross-references, and add a standard repealer clause. As part of that review the Attorney raised three questions for the Council to consider:

1. Residential coverage, § 16.8.60(D)(4)(a). The Attorney notes that the 10% limit on combined accessory structure footprint may be low, especially on smaller residential lots.
2. Commercial and Highway Resort height, § 16.8.90(E)(2). The ordinance caps height at the zone maximum or twenty (20) feet, "whichever is less." The Attorney asks whether this should read "whichever is more."
3. Commercial and Highway Resort coverage, § 16.8.60(E)(4)(b). The Attorney notes that the 15% limit on combined accessory structure footprint may also be low for these zones.

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 ordinance 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 Planning Commission held a duly noticed public hearing and recommended approval of the ordinance to the Town Council.
5. The Town Attorney has reviewed the ordinance and suggested changes.

Recommendation. Staff recommends that the Town Council adopt Ordinance No. 2026-XX with the Town Attorney's suggested changes, as shown in the attached redline. The Council may also address the Attorney's three questions in Section II.C as part of its motion.

VIRGIN TOWN
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 VMC §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 the Town's official zoning map which set forth districts and the types of land uses and densities that are allowed within each zoning district.

WHEREAS The 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 general welfare of the Town and it's 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 the 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.

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ORDINANCE

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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:

Structure, Accessory (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.

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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 a new § 16.8.60 (Accessory Structures) which reads as follows:

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16.8.60 — Accessory Structures

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A. Purpose

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

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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 the 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.

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B. Applicability

1. **General.** This section applies to all accessory structures in all zoning districts of the 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 main building;

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- d. Agricultural structures on lots comprised of five (5) acres or more in the Agricultural (A) or Open Space (OS) zones used exclusively for the keeping or storage of livestock, feed, fertilizers, pesticides, 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 or thirty (30) days in a calendar year.
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.

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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 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 Affixed Structures.** 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. An accessory structure exempt

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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 (D)(5), 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 of the main building 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 60% of the floor area of the main dwelling.

Commented [HS1]: This seems low to me especially in smaller residential lots

- 198 c. All structures (main building and accessory structures combined)
199 shall not exceed the maximum building coverage percentage
200 established for the applicable zone.
- 201 5. **Design Standards.**
- 202 a. Exterior materials on all accessory structures shall be compatible
203 with those used on the main building.
- 204 b. Exterior colors shall be neutral, earth-tone, or complementary to the
205 main building. Highly reflective or intensely colored exterior
206 finishes are discouraged.
- 207 6. **Prohibited Uses.** In residential zones, accessory structures shall not be
208 used as dwelling units or for any commercial use except as follows:
- 209 a. Uses expressly authorized as a home occupation under VMC 16.12;
210 b. Uses expressly permitted or conditional in the applicable zone under
211 VMC Title 16.
- 212 7. **Agricultural Accessory Structures in the Rural Residential Zone.**
213 Consistent with the purpose of the Rural Residential zone to accommodate
214 small farms, hobby farms, and large-lot residential use, an accessory
215 structure located on a lot of one (1) acre or more in the Rural Residential
216 zone and used exclusively for agricultural purposes – including the keeping
217 of animals, storage of hay or feed, or storage of farm equipment – shall be
218 subject to the following standards in lieu of subsections (D)(3), (D)(4)(b),
219 and (D)(5):
- 220 a. Height. The maximum height shall be twenty-five (25) feet,
221 measured from finished grade to the highest point of the roof.
- 222 b. Floor Area. The floor-area limitation of subsection (D)(4)(b) shall
223 not apply. Such structures remain subject to the combined lot-
224 coverage limits of subsection (D)(4)(a) and (c).
- 225 c. Setbacks and Placement. Such structures shall comply with the
226 setback and placement requirements of subsections (D)(1) and
227 (D)(2) and the applicable zone.
- 228 d. Design. The design standards of subsection (D)(5) shall not apply;
229 provided that exterior finishes shall not be highly reflective or
230 fluorescent.
- 231 e. Animal Structure Setback. Any stable, corral, barn, or chicken coop
232 shall be set back not less than twenty feet (20') from any lot line, or
233 the setback required under subsection (c), whichever is greater.

234
235 E. **Commercial Zone and Highway Resort Zone**

236 Applies to: Commercial Zone (VMC § 16.40) and Highway Resort Zone (VMC §
237 16.44).

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

Commented [HS2]: Shouldn't it be "more"

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

4. **Size and Coverage.**

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

Commented [HS3]: Still seems a little low - even for the Commercial and HRZ zones.

F. **Agricultural and Open Space Zones**

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

G. **Nonconforming Accessory Structures**

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

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H. **Enforcement**

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

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3. Repealer. All Virgin Town ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

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

5. 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.

6. 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