Virgin Town

To: Mayor and Town Council Members

From: Mark C. Meyers, Town Manager

Date: October 15, 2026

Subject: Accessory Structures Ordinance

Background

As discussed at the October 13, 2026, Town Council work meeting, the Planning Commission held a public hearing on an Accessory Structures Ordinance and voted to recommend it to the Town Council at their September 8, 2026, regular meeting. The ordinance was initiated by the Planning Commission with concurrence of staff because the former standards for accessory structures had, apparently, been repealed years ago. Such standards are a best practice to provide reasonable parameters for constructing accessory structures.

Attached is a report from Town Planner Ryker Steglich and a copy of the ordinance including suggested changes from Town Attorney Heath Snow. The suggested changes were discussed at the work meeting. Council agreed to move forward with consideration of the new ordinance.

Recommendation

Staff recommends Town Council adopt the Accessory Structures Ordinance with the Town Attorney's suggested changes in mind at the October 20, 2026, regular meeting.

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

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.

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:

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 the 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 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.

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.

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.

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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 (D)(3), (D)(4)(b), and (D)(5):
   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 (D)(4)(b) shall not apply. Such structures remain subject to the combined lot-coverage limits of subsection (D)(4)(a) and (c).
   c. Setbacks and Placement. Such structures shall comply with the setback and placement requirements of subsections (D)(1) and (D)(2) and the applicable zone.
   d. Design. The design standards of subsection (D)(5) 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.

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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.

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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 *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