



## LA VERKIN CITY PLANNING COMMISSION AGENDA

Regular Meeting

Wednesday, January 24, 2024, 6:00 pm.

City Council Chambers, 111 South Main Street

La Verkin, Utah 84745

**A. Call to Order:** Chair Allen Bice

Invocation by Invitation; Pledge of Allegiance

**B. Approval of Agenda:**

**C. Approval of Minutes:** January 10, 2024, regular meeting

**D. Reports:**

City Council and Director of Operations will present updates on meetings and activities.

**E. Business:**

1. Discussion regarding proposed additions to Title 10, Chapter 1, Section 6, Definitions, of the La Verkin City Code.
2. Presentation and discussion on removing condominium and timeshare units as allowed use in the Tourist Commercial Zone.

**F. Adjourn:**

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Christy Ballard, City Recorder, (435) 635-2581, at least 48 hours in advance.

**Certificate of Posting**

The undersigned City Recorder does hereby certify that the agenda was sent to each member of the governing body, sent to the Spectrum newspaper, posted on the State website at <http://pmn.utah.gov> posted on the La Verkin City website at [www.laverkin.org](http://www.laverkin.org) and at the city office buildings

111 S. Main and 435 N. Main on January 19, 2024

Christy Ballard, City Recorder



## LA VERKIN CITY PLANNING COMMISSION

Regular Meeting

Wednesday, January 10, 2024, 6:00 pm.

City Council Chambers, 111 South Main Street

La Verkin, Utah 84745

**Present:** Chair Allen Bice; Commissioners: Sherman Howard, Hugh Howard, Kyson Spendlove, and Matt Juluson; Staff: Derek Imlay, Christy Ballard, and Kyle Gubler; Public: Patricia Wise, John Valenti, and Richard Howard.

**A. Call to Order:** Chair Allen Bice called the meeting to order at 6:02 pm.

The invocation and Pledge of Allegiance were given by Sherman Howard.

**B. Approval of Agenda:**

**The motion was made by Commissioner Hugh Howard to approve the agenda, second by Commissioner Matt Juluson. Spendlove-yes, Juluson-yes, Hugh Howard-yes, Sherman Howard-yes, Bice-yes. The motion carried unanimously.**

**C. Approval of Minutes:** December 13, 2023, regular meeting

**The motion was made by Commissioner Sherman Howard to approve the December 13, 2023, regular meeting, second by Commissioner Kyson Spendlove. Sherman Howard-yes, Bice-yes, Juluson-yes, Spendlove-yes, Hugh Howard-yes. The motion carried unanimously.**

**D. Reports:**

City Council-Councilwoman Wise reported on the January 3, 2024, City Council regular meeting.

Director of Operations-Derek reported on the land use and water conference he attended along with several Commissioners. Staff are planning to schedule multiple work meetings with the Planning Commission and City Council to move forward on the city's water-related goals and to stay current with changing legislation.

The city qualified for a \$14,000 state grant to update our code regarding new subdivision requirements approved by the state. Sunrise Engineering will format those changes, and then it will come to the Commissioners for review.

**E. Business:**

1. Discussion and possible action to reschedule the public hearing for a resolution memorializing and confirming the city's minor amendment (change to the City's General Plan Future Land Use Map) to the 2018 General Plan for the first meeting held in February.

Derek explained the first scheduled meeting in February is Valentine's Day, so we need to know if we will have a quorum. We needed to reschedule all three public hearings so the attorney could review the documents before moving forward.

**The motion was made by Councilman Hugh Howard to reschedule the public hearing for a resolution memorializing and confirming the city's minor amendment (change to the City's General Plan Future Land Use Map) to the 2018 General Plan, for Wednesday, February 14, 2024, second by Councilman Kyson Spendlove. Sherman Howard-yes, Bice-yes, Hugh Howard-yes, Juluson-yes, Spendlove-yes. The motion carried unanimously.**

2. Discussion and possible action to reschedule the public hearing for an ordinance adding Title 10, Chapter 10-6G3 in the La Verkin City Code, creating a new zone called the Luxury Resort (LR) Zone, for the first meeting held in February.

**The motion was made by Commissioner Sherman Howard to reschedule the public hearing for an ordinance adding Title 10, Chapter 10-6G3 in the La Verkin City Code, creating a new zone called the Luxury Resort (LR) Zone, for Wednesday, February 14, 2024, second by Commissioner Matt Juluson. Spendlove-yes, Juluson-yes, Hugh Howard-yes, Bice-yes, Sherman Howard-yes. The motion carried unanimously.**

3. Discussion and possible action to reschedule the public hearing for an ordinance amending the zoning map of and for the City of La Verkin to rezone certain property in the northeast portion of the city (referred to as the topside) from Planned Community Development (PCD)/Open Space Multiple Use (OMSU, OMSU-C) to Luxury Resort (LR), for the first meeting held in February.

Commissioner Hugh Howard mentioned the ordinance states vacation rentals as an allowed use. Is this zone going to be a fancy vacation rental?

Derek will look into it and address it at the meeting.

Kyson explained that Hurricane City's Sand Hollow Resort would be considered a luxury resort; they have condos. He doesn't know why La Verkin City would be against that.

Commissioner Juluson pointed out it says vacation rental resort and lists shops and restaurant services.

There was a discussion on Santa Clara's Paradise Village at Zion vacation rental community the Commissioners visited in 2016 and whether that would be considered a luxury resort with the amenities they offered.

Commissioner Bice mentioned he would be in favor of developments like Paradise Village at Zion on the topside.

**The motion was made by Commissioner Matt Juluson to reschedule the public hearing for an ordinance amending the zoning map of and for the City of La Verkin to rezone certain property in the northeast portion of the city (referred to as the topside) from Planned Community Development (PCD)/Open Space Multiple Use (OSMU, OMSU-C) to Luxury Resort (LR), for Wednesday, February 14, 2024, second by Commissioner Kyson Spendlove. Sherman Howard-yes, Bice-yes, Hugh Howard-yes, Juluson-yes, Spendlove-yes. The motion carried unanimously.**

4. Presentation and discussion regarding proposed additions to Title 10, Chapter 1, Section 6, Definitions, of the La Verkin City Code.

Derek explained a developer had proposed a 600-condominium housing development in La Verkin. The city does not have a definition for condominiums.

We currently have three zones, tourist commercial, retail commercial, and the R-1-14 zone, with the ability to allow things like additional height or "other items that may be beneficial for the city to consider" through a development agreement.

A development agreement is usually an option that benefits both parties, the city, and the developer. He referred to the Sunset View Estates development agreement as an example. The developer wanted to change the lot sizes in exchange for improving 400 North. Both parties benefited. He is not sure a development agreement would work with a project like this, but the mayor was concerned about getting a definition in code.

Since we are creating a definition for condominiums, staff felt it was a good time to clarify or add other definitions.

The concern is that the condos will become vacation rentals. That would change commercial use into residential use.

He asked the Commissioners to review the information and be prepared to discuss it at the next meeting.

Commissioner Spendlove pointed out that having a definition to refer to is important whether we want to allow it in our city or not. That way, people know what is and is not permitted in La Verkin.

**F. Adjourn:**

**The motion was made by Commissioner Hugh Howard to adjourn, second by Commissioner Sherman Howard. Sherman Howard-yes, Hugh Howard-yes, Bice-yes, Spendlove-yes, Juluson-yes. The motion was carried unanimously at 6:27 pm.**

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Planning Commission Chair

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Date Approved

# **TITLE 10** **ZONING REGULATIONS**

## **CHAPTER 1** **GENERAL PROVISIONS**

### **SECTION:**

[\*\*10-1-1: Title\*\*](#)

[\*\*10-1-2: Purpose\*\*](#)

[\*\*10-1-3: Interpretation\*\*](#)

[\*\*10-1-4: Conflict\*\*](#)

[\*\*10-1-5: Effect On Previous Ordinances And Maps\*\*](#)

[\*\*10-1-6: Definitions\*\*](#)

### **10-1-1: TITLE:**

#### **0-1-6: DEFINITIONS:**

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this title:

- A. Words used in the present tense include the future;
- B. The singular number shall include the plural and the plural the singular;
- C. The word "used" or "occupied" shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used;
- D. The word "shall" is mandatory and not directory, and the word "may" is permissive;

**ABANDONMENT:** A use, building or structure shall be deemed abandoned if said use has not applied to the premises for any period of twelve (12) consecutive months.

**ACCESSORY DWELLING UNIT (ADU):** An adjunct living unit - sometimes known as a casita, guest house, or mother-in-law apartment - (a) which is clearly incidental and secondary to the primary use of the primary dwelling or residence (for residential purposes), and (b) which contains a sleeping area and has access to a bathroom within the structure in which it is located, and (c) which may or may not have its own dedicated kitchen facilities, and (d) which is located either within or detached from the primary dwelling or residence on the same lot or parcel of real property, or (e) which may be used by members of the family or nonpaying guests, or rented for thirty (30) consecutive days or longer, but shall not be used for short-term rental purposes [rentals intended to be rented out for a period of twenty-nine (29) days or fewer]. No more than one ADU per lot or parcel of property, whether designated as detached ("DADU") or internal ("IADU"), is permitted; provided that, a lot or parcel of property that is one- half (½) acre or larger may contain a DADU and an IADU.

**ACCESSORY USE OR STRUCTURE:** A use or structure on the same lot and of a nature customarily incidental and subordinate to the principal use or structure.

**AESTHETICS:** The nature of the appearance of a land use, property or building, in respect to whether it would be considered attractive and pleasing to the eye, or visually displeasing, or a blemish. Aesthetics have an impact on economic and property values.

**AGRICULTURE:** The tilling of the soil, the raising of crops, horticulture and gardening, but not including the breeding, grazing and keeping or raising of domestic animals and fowl, except household pets, and not including agricultural industry or business, such as fruit packing plants, fur farms, stockyards, animal hospitals or similar uses.

**ALLEY OR LANE:** A public or private way affording only secondary means of access to abutting property.

**APARTMENTS:** *A portion of a building consisting of a kitchen, bathroom, one or more rooms and occupied by one or more persons as a Dwelling Unit, separate and set apart from other rooms or groups of rooms within a building, also see Dwelling – Multiple Family*

**ALTERATIONS, STRUCTURAL:** Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

**APPEAL AUTHORITY:** The body designated by this title to decide an appeal on a land use application or a variance.

**ARCADE OR COIN OPERATED AMUSEMENT VIDEO GAME CENTER:** Any business establishment containing greater than three (3) coin operated amusement, electronic or video machines or games.

**AUTOMOBILE SERVICE STATION:** A place where gasoline or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, and where services performed may include tube and tire repair, battery charging, storage of merchandise, lubricating of automobiles, replacement of spark plugs, lights, fans and other small parts, but not including major automobile repair.

**BASEMENT:** A story partly or entirely underground. A basement shall be counted as a story for the purposes of height measurement if its height is one-half (1/2) or more above the ground.

**BED AND BREAKFAST FACILITY (Also Known Herein As A BED AND BREAKFAST ESTABLISHMENT):** Sometimes known as a bed and breakfast home, an overnight transient lodging facility (as that term is defined in section [3-11-1](#) of this code), not constituting a boarding house, where: a) the facility is owner occupied at all times; and b) rooms are rented to overnight guests, who are provided with one or more on site meals served daily (typically breakfast); and c) the entire service, food and lodgings are to be included in one stated price; and d) the facilities are not held out to be a restaurant, and food is only served to the owner's family and overnight guests; and e) the occupancy loads of the applicable international building code(s) are not exceeded, and the facility is in compliance with the applicable rules of such international code(s).

**BOARDING HOUSE:** A building with not more than five (5) guestrooms where, for compensation, meals are provided for at least five (5) but not more than fifteen (15) persons.

**BUILDING:** Any structure used or intended to be used for the shelter or enclosure of persons, animals or property. "Building" shall not include any form of vehicle, even though immobilized.

**BUILDING, HEIGHT OF:** The vertical distance from the average finished grade surface to the highest point of any building roof or coping.

**BUILDING, MAIN:** The principal building or one of the principal buildings upon a lot, or the building or one of the buildings housing a principal use upon a lot.

**CAMPGROUND:** A public area designated by a public agency for camping, or a private area licensed by the city for camping.

**CAMPING:** A temporary establishment of living facilities such as tents or recreational coaches as regulated by this title.

**CARPORT:** A detached accessory structure, or a portion of a main building, with an overhead covering or roof but not completely enclosed on all sides by walls or doors, used or intended to be used for the storage of motor vehicles, trailers, or boats of the occupants of the premises. For purposes of this title, a carport is not a garage.

**CHARTER SCHOOL:** Charter schools are semiautonomous public schools, open to all students that operate under a written contract or charter with the Utah state charter school board. The contract or charter describes the operating procedure of the schools, in ways that may differ from traditional public schools. Charter schools are not private schools, but are public schools which operate on public funds without tuition.

**CHILD NURSERY:** An establishment for the care and/or the instruction of five (5) or more children, other than members of the family residing on the premises.

**CLINIC, DENTAL OR MEDICAL:** A building in which a group of dentists, physicians and allied professional assistants are associated for the conduct of their profession. The clinic may include a dental and/or medical laboratory and pharmacy, but it shall not include inpatient care or operating rooms for major surgery.

**COMMERCIAL PLANNED UNIT DEVELOPMENT:** Commercial development wherein ownership of lots is accomplished by subdivided lots (which may be divided on 0 lot lines, including common walls), in which the balance of the common areas, space, and facilities are owned by a commonly managed owners' association.

**CONDITIONAL USE:** A land use that, because of its unique characteristics or potential impact on the city, the surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

**~~CONDOMINIUM OR TOWNHOUSE PROJECT : A development designed and approved for separate ownership of a single unit in a multiple family development, together with an undivided interest in the common area and facilities. (St George)~~**

**~~CONDO HOTEL~~ Also known as a ~~condotel, hotel condo, or a contel~~, is a building that is legally a condominium but operated as a hotel, offering short term rentals, and which maintains a front desk.**

**CONDOMINIUM PROJECT:** A real estate plan or project whereby two (2) or more units, whether contained in an existing or proposed building or buildings, are separately offered or proposed to be offered for sale. "Condominium project" shall also mean the property when the context so requires. The owner or developer of any condominium project or "time period unit project", as defined in this section, shall comply with the Utah condominium ownership act [1](#) ,

which is hereby incorporated within and made a part of this title by reference. Such owner or developer shall also comply with all pertinent provisions of this title.

~~**CONDOMINIUM UNIT** means a unit together with the undivided interest in the common areas and facilities appertaining to that unit. Any reference in this chapter (Utah Condominium Ownership Act) to a condominium unit includes both a physical unit together with its appurtenant undivided interest in the common areas and facilities and a time period unit together with its appurtenant undivided interest, unless the reference is specifically limited to a time period unit.~~

**CONSTITUTIONAL TAKING:** A governmental action that results in a taking of private property so that compensation to the owner of the property is required by the fifth or fourteenth amendment of the constitution of the United States, or by article I, section 22 of the Utah constitution.

**CORRAL:** A space other than a building, on less than one acre in area or less than one hundred feet (100') in width, used for confinement of animals.

**CULINARY WATER AUTHORITY:** The department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

**DAIRY:** A commercial establishment for the manufacture, processing or packaging and sale of dairy products. For the purpose of this definition, the production of milk on a farm for wholesale marketing on the premises shall not classify the farm as a dairy.

**DETACHED ACCESSORY DWELLING UNIT (DADU):** An accessory dwelling unit created or established and operated or used: (a) outside of a primary dwelling or residence, and having its own separate outside entrance; and (b) within the appropriate and relevant setbacks established by law or ordinance, and not encumbering dedicated rights-of-way; and (c) in accordance with the provisions of Section [10-7-22](#).

**DEVELOPMENT:** Any manmade change in improved and unimproved real estate including, but not limited to, the carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the dividing of land into parcels by any person, including the construction of any principal building or structure; an increase in the intensity of use of land, such as an increase in the number of dwelling units or an increase in nonresidential use that requires additional parking; mining, dredging, grading, paving; the commencement of drilling for purposes other than obtaining soil samples; the driving of piles, or excavation on a parcel of land; demolition of a structure; clearing land as an adjunct of construction, including removal of vegetation or any significant disturbance of vegetation or soil manipulation; the deposit of refuse, solid or liquid waste, or fill on a parcel of land or storage of equipment or materials. Exceptions are utility installations; residential landscaping; and work involving the maintenance of existing landscaped areas and existing rights of way such as setbacks and other planting areas.

**DEVELOPMENT AGREEMENT:** A binding contract between the city and a developer wherein the detailed terms upon which development will proceed are agreed upon. The development agreement specifies any vested rights granted to the developer or its successor or assigns.

**DEVELOPMENT PARCEL:** Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.

**DISABILITY:** A physical or mental impairment that substantially limits one or more of a person's major life activities (self-care, receptive or expressive language, learning, mobility, self-direction, capacity for independent living or economic self-sufficiency), including a person having a record of such an impairment or being regarded as having such an impairment. Disability does not include current illegal use of, or addiction to, any federally controlled substance, as defined in section 102 of the controlled substances act, 21 USC 802. See sections 57-21-2 and 62A-5-101(8), Utah Code Annotated (1953, as amended).

**DISABLED PERSON:** A person who has a severe, chronic disability attributable to a mental or physical impairment or to a combination of mental and physical impairments which is likely to continue indefinitely and which results in a substantial functional limitation in three (3) or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living or economic self-sufficiency; and who requires a combination or sequence of special interdisciplinary or generic care, treatment or other services that are individually planned and coordinated to allow the person to function in, and contribute to, a residential neighborhood.

**DRIVE OR DRIVEWAY:** A private roadway, the use of which is limited to persons residing, employed or otherwise using or visiting the private property on which the driveway is located, or to which the driveway extends.

**DWELLING:** Any building or portion thereof designed or used exclusively as the more or less permanent residence or sleeping place of one or more persons or families, but not including transient residential uses such as a tent, recreational vehicle (RV), motel, hotel, hospital or nursing home.

**DWELLING, FOUR-FAMILY:** A building arranged or designed to be occupied by no more than four (4) families, the structure having only four (4) dwelling units.

**DWELLING GROUP:** A group of two (2) or more detached buildings used as dwellings, located on a lot or parcel of land.

**DWELLING, MULTIPLE-FAMILY:** A building arranged or designed to be occupied by more than four (4) families, the structure having more than four (4) dwelling units.

**DWELLING, ONE-FAMILY:** A building arranged or designed to be occupied by one family, the structure having only one dwelling unit.

**DWELLING, THREE-FAMILY:** A building arranged or designed to be occupied by three (3) families, the structure having only three (3) dwelling units.

**DWELLING, TWO-FAMILY:** A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

**DWELLING UNIT:** One or more rooms in a dwelling, apartment hotel or apartment motel, designed for or occupied by one family for living or sleeping purposes.

**ELDERLY PERSON:** A person who is sixty (60) years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

**FAMILY FOOD PRODUCTION:** The keeping of domestic animals and fowl for the production of food for the sole use of the family occupying the premises.

**FLAG LOT:** An individual lot that does not have the frontage required in the zone in which it is located, with the only means of access through a private driveway. Flag lots are subject to the requirements in section [10-7-12](#) of this title.

**FRONTAGE:** The linear measurement of the front lot line.

**GARAGE, PRIVATE:** A detached accessory building, or a portion of a main building, which is fully enclosed and which has a functional garage door used or intended to be used for the storage of motor vehicles, trailers or boats, of the occupants of the premises.

**GARAGES FOR REPAIR OF AUTOMOBILES:** Any automotive business that relies on vehicle repair for a customer where, upon completion of repair, said vehicle is returned and repairs are charged to the customer.

**GENERAL PLAN:** A document that the city adopts that sets forth general guidelines for proposed future development of the land within the city, also commonly referred to as the "master plan".

**GRADE:** The elevation of the surface of the ground, whether natural or altered.

**HISTORIC PRESERVATION COMMISSION:** A commission formed pursuant to chapter 5 of this title for the purpose of identifying, preserving, protecting and enhancing historic areas and structures lying within the boundaries of the city.

**HOME OCCUPATION:** Any use conducted entirely within a dwelling and carried on by persons residing in the dwelling unit, or by no more than a single employee residing outside the dwelling, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof except by the employment of a single employee. Home occupations are subject to the requirements in chapter 7 of this title.

**HOUSEHOLD PETS:** Animals or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats and canaries, but not including a sufficient number of dogs to constitute a kennel. Household pets shall not include the keeping of normally dangerous animals, such as lions or tigers.

**IDENTICAL PLANS:** Building plans submitted to the city that are substantially identical to building plans that were previously submitted to and reviewed and approved by the city and describe a building that is located on land zoned the same as the land on which the building described in the previously approved plans is located, and subject to the same geological and meteorological conditions and the same law as the building described in the previously approved plans.

**INTERNAL ACCESSORY DWELLING UNIT (IADU):** "IADU" means an accessory dwelling unit created or established and operated or used:

- A. Within a primary dwelling or residence;
- B. Within the footprint of the primary dwelling or residence at the time the internal accessory dwelling unit is created; and
- C. In accordance with the provisions of Section [10-7-21](#).

**LAND USE APPLICATION:** An application required by the city's land use ordinance.

**LAND USE AUTHORITY:** A person, board, commission, agency, or other body designated by the city council to act upon a land use application.

**LAND USE ORDINANCE:** A planning, zoning, development, or subdivision ordinance of the city, but not including the general plan.

**LAND USE PERMIT:** A permit issued by the city, such as a conditional use permit, sign permit, etc.

**LEGISLATIVE BODY:** The LaVerkin City council.

**LODGING HOUSE:** A building where lodging only is provided for compensation to at least three (3) but not more than fifteen (15) persons, but not including motels or hotels.

**LOT:** A parcel, plot, or unit of land described by metes and bounds and held or intended to be held in separate lease or ownership, or shown as a lot or parcel on a recorded subdivision map, or shown on a plat used in the lease or sale or offer of lease or sale of land, resulting from the division of a larger tract into two (2) or more smaller units.

**LOT, CORNER:** A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the street, such streets or parts of the same street forming an interior angle of less than one hundred thirty five degrees (135°).

**LOT LINE:** The property lines bounding a lot or parcel of land.

**LOT LINE ADJUSTMENT:** The relocation of the property boundary line between two (2) adjoining lots with the consent of the owners of record.

**LOT WIDTH:** The horizontal distance between the side lot lines, measured at the required front yard setback line or rear yard setback line, whichever is shorter.

**MANUFACTURED HOME:** A transportable factory built housing unit constructed according to the national manufactured housing construction and safety standards act, 42 USC section 5401 et seq., in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is four hundred (400) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems.

**MINING OPERATIONS:** Any proposed solid mineral mining operation which annually requires the removal or disturbance of solid minerals or overburden. Such removal shall be considered part of the same operation if it is all located within a circle, the radius of which is one mile and the center of which is located in an area of removal of disturbed solid minerals or overburden.

A. The term "overburden" means the natural covering of a solid mineral sought to be mined including, but not limited to, soils, sands, rocks, gravel, limestone, water or peat.

B. The term "solid mineral" includes, but is not limited to, clay, sand, gravel, phosphate rock, limestone, and any rare earths contained in the soils or waters of this state, which have heretofore been discovered or may be hereafter discovered.

This definition does not include crushing, extraction, refining or smelting operations.

**MIXED USE:** Residential uses combined with either or both commercial or office uses.

**MOBILE HOME:** A transportable factory built housing unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the national manufactured housing construction and safety standards act, 42 USC section 5401 et seq.

**MOBILE HOME SUBDIVISION:** A subdivision designed and intended for residential use where the lots are to be occupied by mobile or manufactured homes.

**MODERATE INCOME HOUSING:** Housing occupied or reserved for occupancy by households with a gross household income equal to or less than eighty percent (80%) of the median gross income for households of the same size in Washington County.

**MODULAR HOME OR UNIT:** A structure built from sections which are manufactured in accordance with the construction standards adopted pursuant to section 58-56-4, Utah Code Annotated (1953, as amended) rather than the national manufactured housing construction and safety standards act, 42 USC section 5401 et seq., and transported to a building site and installed on a permanent foundation, for the purpose of human habitation, occupancy, or use. Any such home shall not be included in the definition of a "mobile home" or "manufactured home".

**NONCOMPLYING BUILDING; NONCOMPLYING STRUCTURE:** A structure that legally existed before its current land use designation, but because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations which govern the use of land.

**NONCOMPLYING LOT:** A lot that existed before its current land use designation, but because of one or more subsequent land use ordinance changes, does not conform to the size, area, depth, frontage, or other regulations which govern the use of land.

**NONCONFORMING USE:** A use of land that legally existed before its current land use designation and has been maintained continuously since the time the land use ordinance governing the land changed but, because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

**OFFENSIVE BUSINESSES:** Any business which creates excessive odors, vibrations, fumes, smoke, gases or noises, including, but not limited to, packinghouses, dairies, tanneries, canneries, renderies, junk or salvage yards, bone factories, slaughterhouses, butcher shops, soap factories, foundries, breweries, distilleries, livery stables, gravel pits or blacksmith shops.

**OFFICIAL MAP:** A city map recorded in the Washington County recorder's office that: a) shows actual and proposed rights of way, centerline alignments, and setbacks for highways and other transportation facilities; b) provides a basis for restricting development in designated rights of way or between designated setbacks to allow the city time to purchase or otherwise reserve the land; and c) has been adopted as an element of the city's general plan.

**OWNING/OWNERSHIP:** ~~Sole Ownership - The sole proprietorship firm is owned by a single individual only. All the capital is supplied by the single individual from his own wealth or from borrowed funds or~~ **Divided Ownership** - In a divided co-ownership, each unit is separate from the others and has its own lot/cadaster number. ~~Each co-owner also owns a percentage of common areas proportional to the size of their unit. Divided co-ownership is commonly found in buildings that are duplexes, triplexes, or quadruplexes.~~

**100-YEAR FLOOD:** A flood having a one percent (1%) chance of being equaled or exceeded in any given year.

**PARKING LOT:** An open area, other than a street, used for parking of more than four (4) automobiles and available for public use, whether free, for compensation or accommodation for clients or customers.

**PARKING SPACE:** A permanently surfaced area, enclosed or unenclosed, for the parking of one motor vehicle, not less than eighteen feet (18') in length and not less than nine feet (9') in width. Handicap parking spaces must additionally meet the requirements found in the Americans with disabilities act (ADA).

**PERMITTED USE:** A use of a lot or parcel of land permitted under the restrictions and regulations of the district in which it is situated and, as such, subject to such restrictions and regulations governing use, location, materials and height of buildings, densities, open space and other such regulations and restrictions as might apply within each specific district.

**PERSON:** An individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

**PLAN FOR MODERATE INCOME HOUSING:** A written document adopted by the city council that includes an estimate of the existing supply of moderate income housing located within the city, an estimate of the need for moderate income housing in the city for the next five (5) years as revised and reported biennially, a survey of total residential land use, an evaluation of how existing land uses and zones affect opportunities for moderate income housing, and a description of the city's program to encourage an adequate supply of moderate income housing.

**PLANNED COMMUNITY DEVELOPMENT (PCD):** A proposed development, featuring integrated design for development and construction of residential, commercial, or industrial uses, or combinations of such uses, which, because of the nature of the proposed use and/or size of the proposed development, will substantially impact the entire city, therefore requiring special review in accordance with chapter 15 of this title.

**PLAT:** A map or other graphical representation of lands being laid out and prepared in accordance with section 10-9a-603 (subdivisions), 17-23-17 (boundary adjustments), or 57-8-13 (condominiums), Utah Code Annotated (1953, as amended).

**PRIMARY DWELLING or RESIDENCE:** A single-family (or one-family) dwelling, that:

- A. Is detached;
- B. Is occupied for residential purposes, and
- C. Is located on the lot or parcel of real property upon which the owner (or representative thereof, as provided in Section 10-7-22 hereof) resides as his or her primary residence of record.

**PUBLIC HEARING:** A hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

**PUBLIC MEETING:** A meeting that is required to be open to the public under title 52, chapter 4, Utah Code Annotated (1953, as amended), regarding open and public meetings.

**RECORD OF SURVEY MAP:** A map of a survey of land prepared in accordance with section 17-23-17, Utah Code Annotated (1953, as amended).

**RECREATIONAL VEHICLE:** A vehicular unit other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, or vacation use, which is either self-propelled or is mounted on or pulled by another vehicle, including, but not limited to, a travel trailer, a park

model unit which in all respects resembles and is built as a mobile home except that it has a gross trailer area of under four hundred (400) square feet in the set up mode, a camping trailer, a truck camper, a motor home, a fifth wheel trailer, a customized bus with sleeping areas, and a van.

***RESORT- A place designed to provide recreation, entertainment, and accommodation especially to travelers. Must include amenities that reflect allowance within the permitted use of the Commercial Tourist/ Resort Zone.***

**SANITARY SEWER AUTHORITY:** The department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or on site wastewater systems.

**SETBACK:** The shortest horizontal distance between the boundary line of a lot and the building or structure or part thereof.

**SIGN:** Any writing or pictorial representation, symbol, banner or any other figure of similar character of whatever material which is used to identify, announce, direct attention to or advertise, which is placed on the ground, on any bush, tree, rock, wall, post, fence, building, structure, vehicle or any place whatsoever and which is visible from outside a building. The term "place" shall include constructing, erecting, posting, painting, printing, tacking, mailing, gluing, sticking, carving, stringing or otherwise fastening, affixing or making visible in any manner whatsoever.

**SITE PLAN:** A plan, prepared to scale, showing accurately and with complete dimensioning, all of the buildings, structures and uses and the exact manner of development proposed for a specific parcel or parcels of land as required by this title.

**SLOPE:** A vertical rise in feet measured over a horizontal distance, expressed as a ratio, measured generally at right angles to contour lines.

**SMALL FOWL:** Birds weighing fifty (50) pounds or less. May include chickens, geese, ducks, turkeys, pigeons, doves or similar.

**STORY:** That portion of a building included between the surface of any floor and the floor or ceiling next above it.

**STORY, HALF:** A partial story under a gable, hip or gable roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four feet (4') above the floor of such story; and the floor area of which does not exceed two-thirds ( $\frac{2}{3}$ ) of the floor area of the floor next immediately below it; provided, however, that any partial story used for one or more dwelling units shall be deemed a full story.

**STREET, PRIVATE:** A right of way or easement in private ownership, not dedicated or accepted as a public street, which affords the principal means of access to one or more sites.

**STREET, PUBLIC:** A thoroughfare which has been dedicated or abandoned to the public and accepted by a proper public authority, or a thoroughfare not less than twenty five feet (25') wide which has been made public by right of use and which affords the principal means of access to abutting property. A public street includes a highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other public way.

**STRUCTURE:** Anything constructed, the use of which requires a fixed location on the ground, or attachment to something having a fixed location upon the ground.

**TRANSIENT LODGING FACILITY:** Any establishment that receives payment in any form in exchange for the use of any unit for one to 29 days, including any hotel, motel, time period unit, hostel, boarding house, vacation rental property, or bed and breakfast inn.

**USABLE OPEN SPACE:** Shall include gardens, parks, patios, pavilions or other recreational structures or areas designated and set aside for residents' use whether indoor or outdoor, public or private. Parking lots and driveways that provide access to parking lots, service areas, or required setbacks shall not be considered as usable open space. Other structures, such as sheds or carports not related to enhancing the enjoyment of the usable open space, do not qualify as usable open space.

**VACATION RENTAL:** Sometimes known as a vacation home, vacation condominium (or "condo"), or vacation dwelling, a fully furnished overnight transient lodging facility (as that term is defined in section [3-11-1](#) of this code), other than the owner's primary residency, and not constituting a boarding house, that: a) is rented and used temporarily for recreational purposes (such as vacations), and b) complies with all applicable rules, regulations, and occupancy loads of the international building codes. [VRs are currently limited to Tourist/Resort-Commercial zones.]

**VACATION RENTAL RESORT:** means land which provides independent living as part of a complex that also includes common facilities and amenities. The complex may also provide shops and restaurants which service occupants and also the general public. The independent living units in these complexes may provide a mix of both short-term and permanent accommodation. No divided ownership.

**VARIANCE:** A grant of relief to a person from the requirement of this title when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this title.

**WRECKING/SALVAGE YARD:** Any automotive business that relies on vehicles that are damaged and brought to the business for repair or for salvage by persons who have no interest in the repair or salvage of said vehicle. Resale or salvage value for the business shall not be a consideration of interest in the repair or salvage of the vehicle.

**YARD SALES:** Any sale held, whether in a residential or commercial zone, by a person who is not in the regular business of buying and selling. Such sale may be called a garage sale, a tag sale or any number of similar names. This is not to be confused with a flea market operation or other similar business where a conditional use permit and/or business license must first be obtained in order to operate as a commercial business. Yard/garage sales may be held only four (4) times per year with a duration up to seven (7) days per sale. No sales may be held in such a way that there would be a duration of more than seven (7) days at one time. Any sale held in conjunction with neighbors or others shall be counted as a sale for each party involved.

**ZONING MAP:** A map, adopted as part of a land use ordinance, which depicts land use zones, overlays, or districts. (Ord. 2007-25, 10-3-2007; amd. Ord. 2007-26, 10-3-2007; Ord. 2008-05, 2-20-2008; Ord. 2008-07, 5-7-2008; Ord. 2009-02, 2-18-2009; Ord. 2011-05, 4-20-2011; Ord. 2015-04, 7-1-2015; Ord. 2021-07, 10-6-2021; Ord. 2022-10, 9-21-2022; Ord. 2023-07, 5-3-2023)



## ARTICLE G2. TOURIST/RESORT COMMERCIAL (COMM-T)

SECTION:

[10-6G2-1: Purpose](#)

[10-6G2-2: Permitted Uses](#)

[10-6G2-2.2 Commercial Outdoor Storage Exception Area\(s\) \[Limited Permitted use\]](#)

[10-6G2-3: Prohibited Uses](#) <sup>1</sup> (Rep. by Ord. 2007-26, 10-3-2007)

[10-6G2-4: Height Regulations](#)

[10-6G2-5: Area, Width And Yard Requirements](#)

[10-6G2-6: Screening Requirement](#)

[10-6G2-7: Easement Required](#)

Notes

<sup>1</sup> 1. See subsection 10-1-3B of this title.

### **10-6G2-1: PURPOSE:**

To provide appropriate areas where tourist/resort commercial activities may be established, maintained and protected. (Ord. 2006-04, 1-18-2006)

### **10-6G2-2: PERMITTED USES:**

The following shall be permitted uses:

Accessory buildings: secondary buildings and uses customarily incidental to permitted uses.

Art dealers and galleries, including fine arts, photography, and graphic design.

Automobiles: tourism related automobile rental agencies, for the short term rental of motor vehicles other than (and not including) recreational vehicles (RVs), travel trailers, storage/moving vans and/or trailers, motorized watercraft (except as provided hereinbelow).

Banks and financial offices, including banks, ATM machines, investment and securities agencies, tax service agencies.

Bicycles, ATVs, snowmobiles, motorcycles, mopeds, motor scooters, jet skis, and similar small/portable motorized and nonmotorized transportation, including sales, rental, parts sales, and service and/or repair (where service/repair facilities are conducted inside an enclosed building and constitute an integral part of the sales structure).

Car wash, including hand and automated car wash and car vacuum facilities.

Clothing; includes retail sales/rental, shoes, accessories, screen printing, t-shirt shops.

Communications; includes cable, phone, internet, satellite, and wireless services.

Food; includes restaurants, ice cream parlors, cafes, juice bars, internet cafes, coffee shops, fast food, delis, buffets, bakeries, grocery stores, convenience marts, patio and outdoor eateries.

Health and beauty; includes hair or nail salons, wig sales and styling, barbershops, tanning facilities, consultants, fitness facilities, gyms, spas, outpatient weight control and diet services, yoga, cosmetic sales and production, massage.

Museums; includes art, cultural, history, science and musicology displays.

Parking; includes areas whether underground, in parking structures or open lots for temporary customer parking. Shall not include parking for storage as a business.

Postal and shipping services.

Professional offices, including real estate brokers, title and mortgage companies, property management, insurance offices, offices incident to other permitted uses.

Public or quasi-public area; includes municipal buildings and offices, parks, schools, libraries, and fountains.

Recreation facilities, including golf, minigolf, go-carts, bumper cars, laser tag, bowling, recreation/sports center, skating rinks and parks, movie theaters, theaters for stage productions, amusement parks, water parks, swimming pools, billiards, arcade games, tennis, paintball game centers, hiking and biking trails, festivals, no alcohol dance centers for recreation or instruction.

Recreation sales, rental and service: sports gear; camping, fishing and hunting equipment; outfitters; excursions.

Retail stores and shops: games and game supplies (except gambling devices), trophies and awards, movie sales and rentals, book sales, video device rental and sales, electronics, party supplies, antiques, coins, florists, jewelry, stained glass, variety stores, gifts, crafts sales and supplies, hobby shops, sunglasses, balloons, novelties and toys, not to include pawnbrokers.

Self-service vending facilities, including vending machines and self-service (unmanned) business structures/facilities, subject to the conditions set forth in chapter 7 of this title.

Special events, including wedding/reception centers, banquet halls, convention centers, resort/meeting centers, concert halls and open air concert venues.

Tourist support, including:

1. Hotels, motels, inns, lodges, and bed and breakfast facilities.
2. Tourist information, curio and souvenir shops, camera and photo shops.
3. ~~Condominiums and timeshare units, with a development agreement.~~
4. Recreational vehicles (RVs), and small transient living quarters not specified hereinabove (including, but not limited to, cabins and yurts), subject to the provisions of section [10-6G2-2-5](#) of this article.
5. Vacation rentals (VRs), subject to the following:
  - a. With an approved site plan and development agreement; and
  - b. Limited to developments:
    - (1) That are at least two (2) acres in size; and
    - (2) For which VRs and their private and limited public space do not cumulatively occupy more than fifteen percent (15%) of the acreage of such development; and

c. Within the developable area of the acreage referenced and described in subsection 5.b. hereof:

(1) Landscaping: Landscaping is required in the front and sides of the buildings, and shall follow the City's currently adopted landscaping requirements.

(2) Construction and Setbacks of VRs: VRs units shall not front on SR9 or SR17, and buildings containing such units shall be constructed in conjunction with or after, and located behind, the development's main building(s) fronting on SR9 and/or SR17.

(3) Hillside: The VR development area of 15% cannot include any portion of a hillside as defined in the City hillside ordinance codified at Chapter 7A of this Title.

(4) Parking: Parking areas shall adhere to the requirements of Chapter 10 of this Title, and may (i) be situated totally within the fifteen percent (15%) development area or (ii) totally or partially situated within the remainder of the 2+ acreage referenced in subsection 5.b.(1) above. Shared parking is allowed if the criteria in Section [10-10-5-G](#) of this are met.

(5) Height: Notwithstanding any other provision of this Code to the contrary, the height of no VR shall exceed forty-five feet (45') in height.

Transportation: taxis, shuttles, bus stops.

Travel agencies. (Ord. 2007-26, 10-3-2007; amd. Ord. 2008-14, 8-6-2008; Ord. 2015-04, 7-1-2015; Ord. 2017-01, 2-1-2017; Ord. 2017-02, 2-15-2017; Ord. 2018-01, 1-3-2018; Ord. 2022-10, 9-21-2022; Ord. 2023-01, 2-1-2023)

## **10-6G2-2-5: RECREATIONAL VEHICLE RESORTS AND SMALL TRANSIENT LIVING QUARTERS:**

A. Definitions: Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this section:

**OPEN SPACE:** Any area within an RV resort and/or a development containing "small transient living quarters" (as defined herein) that is primarily intended for the common enjoyment and recreational use of occupants and users of the RV resort and/or small transient living quarters. Open space is not to include park buffers, interior roads, parking areas, service buildings or resort offices.

**RV RESORT:** A short term rental property (or "transient lodging facility" under section [3-11-1](#) of this Code) in which RV pads, alone or in conjunction with small transient living quarters such as cabins and yurts, and/or vacation rentals, are designated for temporary/transient occupancy for recreational, camping, travel, seasonal and/or other use of limited duration (not to exceed 29 consecutive days).

**RECREATIONAL VEHICLE (OR RV):** A vehicle which is: 1) designed to be self-propelled or towable by a light vehicle, and 2) designed primarily for use as a transient living quarters for recreational, camping, travel, seasonal use and/or other use of limited duration (not to exceed 29 consecutive days).

**RESORT BUFFER:** A designated space, inside and along the RV resort's boundaries, in which no structure, parking areas or recreational equipment shall be erected, maintained, or stored.

**SANITARY DUMP STATION:** A properly designed and constructed facility intended to receive the discharge of wastewater from any holding tank or similar device installed in any recreational

vehicle, and having a means of discharging the contents - in an acceptable manner - to an approved wastewater disposal system.

**SERVICE BUILDING:** A building or room housing utility facilities, personal hygiene ("restroom") facilities (to include operable sinks, flush toilets, urinals, and showers), and such other facilities as may be required for the use of resort patrons and guests.

**SHORT TERM RENTAL PROPERTY:** A parcel of property which is used by any person or entity for hotel, inn, lodging, motel, resort, or other transient lodging uses where the term of occupancy, possession, or tenancy of the property by the person is for twenty nine (29) consecutive calendar days or less, for direct or indirect remuneration. For this section, "remuneration" means compensation, money, rent, or other consideration (including free gratis), given for occupancy, possession or use of real property.

**SMALL TRANSIENT LIVING QUARTERS:** For purposes of this section, small permanent structures, such as cabins and yurts, that are not otherwise specified in the definition of "tourist support" in section [10-6G2-2](#) of this article and that comply with the provisions of subsection B of this section.

**VACATION RENTAL:** See definition in section [10-1-6](#) of this title.

**WASTEWATER:** Discharges from all plumbing facilities, such as restrooms, kitchen, and laundry fixtures, either separately or in combination.

B. **Uses:** For uses provided for in this section:

1. **Size Of Development Containing Small Transient Living Quarters/Areas And/Or RV Resorts:** Such developments or resorts:

- a. May not be smaller than five (5) acres in size.
- b. Shall be located not less than one thousand feet (1,000') from the intersection of State Route (SR) 9 and SR 17, and-with respect to RV resorts-not more than three thousand feet (3,000') from said intersection.
- c. Shall front on or be situated within two hundred feet (200') of SR-9 and/or SR-17.

2. **Applicable Law:** The development and/or resort, and associated structures, infrastructure, amenities, utilities, and services, if any, shall comply, operate and be maintained, provided, or disposed of in accordance with:

- a. All applicable state, federal law, and local law, and administrative code requirements, for such transient lodging; and
- b. All applicable building related, fire, licensing, taxation, nuisance, and zoning provisions and restrictions of the city (see titles 3, 4, 9, and 10 of this code).

3. **Stormwater And Wastewater:** Stormwater and wastewater emanating from the development or resort shall be disposed of in accordance with applicable federal, state, and local law and ordinance.

4. **Caretaker And Resident Employees:** An on site caretaker (and his or her household, if any) may reside within the development or resort. Additionally, not more than one resort employee per fifteen (15) RV pads, and/or small transient living quarters may be permitted to reside in the development or resort. Provided that, such longer term caretaker/employee

accommodations shall not consume more than five percent (5%) of the development or resort property.

C. Small Transient Living Quarters/Areas:

1. Requirements: "Small transient living quarters" (as defined in subsection A of this section) may be included as a permitted use, but only as an ancillary use to one of the uses specifically specified in said definition, provided that they:

- a. Are consistent with and an integral part of the specified primary permitted use; and
- b. Are built upon a permanent foundation; and
- c. Contain safe and adequate drinking water, sewer facilities, and personal hygiene ("restroom") facilities (to include, at a minimum, operable sinks and flush toilets); and shall contain or have reasonable and convenient access to operational shower facilities; and
- d. Do not exceed four hundred (400) square feet in size; and
- e. Or the area set aside for such quarters (collectively) occupy no more than thirty percent (30%) of the land comprising the resort development; and
- f. Comply, operate and are maintained in accordance with:
  - (1) All applicable state and federal law and administrative requirements for such transient lodging; and
  - (2) All applicable building related, licensing, taxation, nuisance, and zoning provisions and restrictions of the city, as set forth in titles 3, 4, 9, and 10 of this code; and
  - (3) Limit occupancy to not more than twenty nine (29) consecutive days; and
- g. Are not advertised, let out, or otherwise made (or permitted to be) available for occupancy for a period in excess of twenty nine (29) consecutive days.

2. Kitchen Facilities: Such quarters may but need not include kitchen facilities.

3. Setbacks: There shall be a minimum setback of not less than ten feet (10') between structures containing such quarters; and

4. Required Open Space: Where not a part of an RV resort, one or more common areas equal to at least fifteen percent (15%) of the land area of the development (of which such quarters are a part) shall be set aside for the joint use and enjoyment of occupants. Land covered by vehicular roadways, sidewalks and off street parking shall not be included in calculating this fifteen percent (15%) common area requirement.

D. RV Resort: Recreational vehicle (RV) pads may only be permitted within a recreational vehicle (RV) resort. It is the intent of the city council that only moderate to higher end RV parks be allowed within the city; hence they are referred to herein as resorts, and must be maintained in a manner consistent with the council's stated intent and shall offer multiple resort quality amenities to their patrons. To be an allowable use herein, the development containing RV pads, or RV pads and small transient living quarters, must comply with the following requirements and restrictions:

1. Setbacks: There shall be a minimum setback of not less than:

- a. Ten feet (10') between RV units parked side by side; and

- b. Ten feet (10') between RV units parked end to end; and
- c. Twenty feet (20') between RV pads and any building.

2. Traffic Circulation And Street Design:

a. Street width, circulation, exiting, fire hydrant spacing, and district approved turnaround radii (or "radiiuses") shall comply with the most current fire code adopted by the city.

- b. To provide for adequate emergency vehicle access and travel:

(1) Except as may otherwise be required by the adopted fire code of the city, all interior roadways shall be at least:

- (A) Thirty two feet (32') in width for two-way traffic, and
- (B) Twenty six feet (26') for one-way traffic.

(2) No on street parking shall be allowed within the resort; and

(3) All roads shall be paved.

3. Parking Requirements And Restrictions:

- a. All parking shall be confined to:

(1) The designated parking areas of each RV site and the parking area(s) for the small transient living quarters (as designated or posted).

(2) Additional parking areas within the resort reserved for employees, patrons and/or guests, which shall consist of individual parking spaces measuring not less than nine feet by eighteen feet (9' x 18') in size.

b. No visitor parking shall be permitted in the individual RV sites and/or areas in the immediate vicinity of the small transient living quarters. The resort shall provide remote parking facilities within the resort, for visitor parking, which shall consist of not less than one parking space per five (5) RV pads and/or small transient living quarters.

c. All parking areas in the resort shall be constructed of concrete or asphalt.

d. No on street parking - or parking within landscaped areas of RV pads, area(s) containing small transient living quarters, or common areas - shall be allowed anywhere within the resort.

4. RV Pads:

a. Hookups: At least eighty percent (80%) of all RV pads ("pads") shall be fully equipped with operable sewer, water, and electrical hookups ("utility hookups").

b. Pad Size:

(1) Pads with utility hookups shall be not less than one thousand five hundred (1,500) square feet in size; and

(2) Pads without utility hookups shall be not less than nine hundred (900) square feet in size.

c. Hard Surface: All pads shall be equipped with a surface area of not less than ten feet by forty feet (10' x 40'), which shall consist of concrete or asphalt.

- d. Access: Sufficient access shall be provided to each pad to allow for the safe maneuvering of RVs and any associated vehicles into position.
- e. Identification: Each pad site shall be marked and numbered for identification.
- f. Water: Each pad site without hookups shall have reasonable and convenient access to safe and adequate drinking water, sewer facilities, and personal hygiene ("restroom") facilities (to include operable sinks, flush toilets, urinals, and showers).

5. Open Space And Landscaping:

- a. One or more common areas equal to at least fifteen percent (15%) of the land area of the resort shall be set aside for the joint use and enjoyment of occupants. Land covered by vehicular roadways, sidewalks and off street parking shall not be included in calculating this fifteen percent (15%) common area requirement.
- b. All areas of the resort not covered by RVs, buildings, structures, or hard surfacing, shall be landscaped. Appropriate landscaping may include trees, shrubs, grass, and other vegetation, including xeriscape, as well as rock and water features. Prior to approval of the resort development, a landscape plan shall be provided to the building official of the city for review and approval; and resort landscaping shall conform to the approved plan.

6. Sanitary Dump Station: One or more on site sanitary dump stations, as approved by the Ash Creek special service district and capable of adequately servicing the discharge needs of the RVs using the resort, shall be required within the resort.

7. Amenities: The resort shall provide not less than three (3) amenities commonly associated with RV resorts. Such amenities may include, but are not limited to, a clubhouse, swimming pools, spas and/or hot tubs, playgrounds, picnic tables in the common areas, tennis courts, basketball courts, golf and/or mini-golf courses, Wi-Fi access, game rooms, enhanced RV pads, etc.

8. Miscellaneous Provisions:

- a. Structural Additions: No temporary structures - such as canvas awnings, screened enclosures, platforms, or stairs - may be erected on RV pads, unless such structures come attached to and are manufactured as a part of the RV.
- b. Storage Shed: No storage sheds shall be allowed in an RV pad.
- c. Outside Lighting: All outside lighting shall comply with the requirements set forth in title 4, chapter 7 of this code. (Ord. 2017-02, 2-15-2017; amd. Ord. 2017-05, 4-19-2017; Ord. 2022-02, 3-2-2022)

**10-6G2-3: PROHIBITED USES<sup>1</sup>:**

(Rep. by Ord. 2007-26, 10-3-2007)

Notes

1 1. See subsection 10-1-3B of this title.

**10-6G2-4: HEIGHT REGULATIONS:**

- A. Except as provided in subsection B below, or as permitted in an approved development agreement under the terms and conditions of Section 10-12-5 of this Code, no building shall be erected to a height greater than thirty-five feet (35') as measured from its tallest side or point,

except that facades, rooflines and other non-occupied building improvements may be constructed to a maximum height of forty-five feet (45') inclusive of the underlying building structure. However, the City shall not impose or restrict the height of a structure in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the City demonstrates that imposition of the burden on that person, assembly or institution:

1. Is in furtherance of a compelling governmental interest; and
  2. Is the least restrictive means of furthering that compelling governmental interest.
  3. Except as permitted in an approved development agreement under the terms and conditions of Section 10-12-5 of this Code, no hotels, motels, inns, and lodges (sometimes known as tourist transient lodging facilities) shall be erected to a height greater than fifty-five feet (55'), as measured from its tallest side or point, except that facades, rooflines, and other non-occupied building improvements may be constructed to a maximum height of sixty-six feet (66'), inclusive of the underlying building structure.
- B. Modification: Modification of height restrictions may be made through a development agreement as outlined in chapter 12 of this title. (Ord. 2007-16, 4-4-2007; amd. Ord. 2023-02, 2-1-2023; Ord. 2023-05, 4-5-2023)

#### **10-6G2-5: AREA, WIDTH AND YARD REQUIREMENTS:**

<b>District</b>	<b>Area</b>	<b>Lot Width In Feet</b>	
Comm-T	$\frac{1}{2}$ acre (21,780 square feet) <sup>2</sup>	70	35 for commercial buildin

Notes:

1. Side and rear setbacks shall be 10 feet where abutting a residential zone which may be reduced, provided proper visual and sound screening, along with construction per the applicable building related code(s), and provided drainage is not allowed to cross property lines.
2. Commercial condominium projects shall meet the  $\frac{1}{2}$  acre minimum requirement for the project, but buildings may be divided into subunits and platted for individual ownership within the project.

(Ord. 2007-16, 4-4-2007; amd. Ord. 2007-24, 8-15-2007)

#### **10-6G2-6: SCREENING REQUIREMENT:**

As a condition of any use granted under this article, an eight foot (8') masonry or concrete wall shall be required when abutting a residential zone for proper visual and sound screening; provided that where a masonry or concrete wall of at least six feet (6') already exists, no new wall shall be required. (Ord. 2008-07, 5-7-2008)

#### **10-6G2-7: EASEMENT REQUIRED:**

All lots shall have easements on side and rear property lines of a minimum of seven and one-half feet ( $7\frac{1}{2}'$ ) and on a street side property line of ten feet (10') minimum, to be used for utilities and drainage. (Ord. 2006-04, 1-18-2006)