



## LA VERKIN CITY PLANNING COMMISSION AGENDA

Regular Meeting

Wednesday, December 10, 2025, 6:00 pm.

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:** November 12, 2025, regular meetings.

**D. Reports:**

1. Commissioner Bice

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

**E. Business:**

1. Presentation, discussion, and possible action to set a public hearing for January 14, 2026 regarding the Ordinance No. 2025-[07](#). AN ORDINANCE AMENDING THE LAVERKIN CITY CODE FOR ALLOWANCE OF SHORT-TERM RENTAL IN DETACHED ACCESSORY DWELLING UNITS ("DADUs"); AND PROVIDING AN EFFECTIVE DATE
2. Presentation, discussion, and possible action to set a public hearing for January 14, 2026 regarding the Ordinance No. 2025-[08](#). AN ORDINANCE AMENDING THE LAVERKIN CITY CODE, BY REMOVING, ADDING / INSERTING THE FOLLOWING TERMS AND DEFINITIONS TO SECTION 10-1-6: AND PROVIDING AN EFFECTIVE DATE.
3. Presentation, discussion, and possible action to set a public hearing for January 14, 2026 regarding the Ordinance No. 2025-[09](#). AN ORDINANCE AMENDING THE LAVERKIN CITY CODE BY ADDING / INSERTING THE FOLLOWING PROVISION AND DEFINITIONS TO SECTION 10-7-21: INTERNAL ACCESSORY DWELLING UNIT (IADU'S)
4. Presentation, discussion, and possible action to set a public hearing for January 14, 2026 regarding the Ordinance No. 2025-[10](#). AN ORDINANCE OF THE CITY COUNCIL OF LAVERKIN, UTAH, AMENDING THE MODIFYING REGULATIONS IN SECTION 10-6A-5 (ONE FAMILY RESIDENTIAL R-1-8), SECTION 10-6B-5 (ONE AND TWO-FAMILY RESIDENTIAL R-1-10), SECTION 10-6C-5 (MULTIPLE-FAMILY RESIDENTIAL R-3-6), SECTION 10-6D-5 (RESIDENTIAL-AGRICULTURAL R-A-1), AND SECTION 10-6D-5 (LOW DENSITY RESIDENTIAL R-1-14) OF THE LAVERKIN CITY CODE

**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 Nancy Cline, 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.gov](http://www.laverkin.gov), and at the city office buildings

111 S. Main and 435 N. Main on December 5, 2025

Nancy Cline, City Recorder



La Verkin City Meetings  
Public Sign In





## LA VERKIN CITY PLANNING COMMISSION

Regular Meeting

Wednesday, November 12, 2025, 6:00 pm.

City Council Chambers, 111 South Main Street

La Verkin, Utah 84745

**Present: Chair:** Allen Bice, Commissioners: Kyson Spendlove, Matt Juluson, Sherman Howard, John Valenti, and Richard Howard; Staff: Derek Implay, Fay Reber, and Nancy Cline. Public: Debra Howard.

**A. Call to Order:** Allen Bice called the meeting to order at 6:00 pm.  
The invocation and Pledge of Allegiance were given by Kyson Spendlove

### **B. Approval of Agenda:**

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

### **C. Approval of Minutes:** October 22, 2025.

**The motion was made by Commissioner Kyson Spendlove to approve the Minutes for October 22, 2025, second by Commissioner John Valenti. Spendlove-yes, Juluson-yes, Valenti-yes, Sherman Howard-yes. The motion carried unanimously.**

### **E. Business:**

#### **1. Discussion regarding updates to the zoning codes.**

Commissioner Bice explained that staff have streamlined and clarified some things in zoning code so the first half of your packet is that. The second half they're just removing things from the zone and adding them to the construction standards so there's not really any changes at all there but because it's dealing with the zone it needs to come before us. There are three codes for each of these the existing code, the proposed change and then the clean copy with those proposed changes. They would like to add polypropylene to the materials that vaults can be made of.

Derek explained that it's a cheaper way for people to go rather than being in a vault. All the other cities are allowing it. We can allow it, but it's better to have it spelled out in the code, and then we have whatever the industrial standards are. As we were changing this, we saw how deficient our cemetery code is. So, we're actually going to bring back the entire code. Last time it was updated in 1982. The cemetery has cremations allowed, so people want to put a headstone in front where the first person is and a headstone at the bottom half where the other person is. We want to allow them to do it, but they'll have to be flushed with the ground, so that can happen. Second markers, like veterans, they'll have the main marker and then the veteran marker, sometimes they want to get them taller. They need to be the size of your base, or it becomes a maintenance issue. Planting flowers, live flowers, trees and stuff like that is too much to maintain. Let's say Alan has the certificate and he dies; his wife wants to give it to somebody else. There's no allowance for that. We have always pushed to have the person prove they have the legal power of attorney or they have to get all their siblings to sign off and agree with that. They plan on one meeting in November and one meeting in December. He wanted to focus on the code for those meetings.

Commissioner Bice explained that the proposed change at the bottom of page one is that internal accessory dwelling units must be attached to the primary dwelling unit, which seems intuitive. He is familiar with a case in Hurricane where the guy just ran a two-inch angle iron from his accessory dwelling unit to his house and called it attached. And they ended up getting away with it because they had no definition of what attached was. They have to share a floor and a wall to be attached. On the middle of page three. Shared walls, floor, roof and often includes a door providing interior access. That just clarifies and defines what an internal accessory dwelling unit is. At the bottom of page three, detached accessory dwelling unit has to be outside of a primary dwelling or residence and have its own separate outside entrance and within the appropriate relevant setbacks established by law or ordinance and not encumbering rights of way. That defines what a detached accessory dwelling unit is.

Commissioner Spendlove added that on the bottom of page two accessory building or accessory structure. His understanding per this definition, accessory building would be more of just a shop, a structure or exterior garage. In surrounding cities, they allow for sewer to be connected in case you're going to have a sink or a bathroom in that garage. The definition states it shall not be served by water or sewer services. He thought it made sense because they want to make sure, they don't become building units, but he wondered if there's a way they can clarify or specify that because there's a benefit to having a sink or something in some of these shops and that pretty much completely cuts it out.

Commissioner Bice agreed it did cut it out. Allowing a sink and sewer might make it easier to turn it into residential living and maybe not. But there's really nothing to keep them from turning that shop into a residential living space.

Commissioner Spendlove agreed it creates a problem. At the same time when you say shall not, it's very restrictive if they would like the ability to have a sink.

Commissioner Bice added there is nothing we can do to stop people from breaking the code, but our job is to make the code say what we want it to.

Derek asked if what they wanted was something like a cleaning sink, so they didn't have to run back into the house.

Commissioner Spendlove added like a greenhouse. If people wanted to have water the "shall not" limits them. He didn't know how to word that so they could have water, but no one would make it into a residential living space.

Commissioner Bice suggested that they could run a hose or pipe but not have sewer.

Commissioner Spendlove agreed with that. But the term "shall not" would prohibit it.

Commissioner Sherman Howard added in a lot of shops they would want to clean up and not go into the house to make a mess cleaning up. Working on anything from vehicles to woodwork. It's nice to have a sink.

Commissioner Richard Howard suggested they have separate water billing.

Commissioner Spendlove added that they have a sink in their bathroom that's in their shop, so they don't have to run it at all. But again, the reason it was pulled out was that we didn't want that possibility of someone residing there.



Derek explained the old building code, like if you had a basement, and they added a wet bar, kitchen, or anything like that, that would make it have the ability to be dwelling. He said he would work on the right wording to prohibit people from living there.

Commissioner Bice discussed page 3 definition of a detached accessory dwelling unit. It establishes setbacks like the main dwelling may be used by members of the family or non-paying guests or rented for 30 days consecutive or longer. It specifically excludes those from being vacation rentals.

Commissioner Spendlove questioned the next portion of that contract which says “and may be used for short-term rental purposes.”

Commissioner Juluson asked if they ever approved detached ADU for short term rental.

Derek explained no they have not. This has been pushed by councilman Prince and councilman Micah Gubler. They want detached ADU to be available for short term use. Whether the planning commission wants to or not it will go before city council. Councilman Darren Prince also discussed allowing two vacation rentals on larger pieces of property. For now, they will discuss only one.

Commissioner Richard Howard asked if that would open pandoras box. He was concerned they would turn into a vacation rental town.

Derek added that the councilman argued that the owners would be living in the house so they can control the renters unlike whole house vacation rentals that are owned by people who don't live here or corporations.

Commissioner Bice added that every vacation rental, every ADU that becomes a vacation rental takes workforce housing away and increases property values, increases property taxes, and makes our city less affordable for people to live here, in his humble opinion.

Commissioner Richard Howard added that the ADU was designed to help the elderly live with family or young families to move back home. But now it will be for profit.

Derek added that originally it was designed for senior citizens to bridge the gap between social security and cost of living. To have the ability to rent out an ADU long term. Or if you must have a family member move in for whatever the situation is that would potentially help financially bridge the gap. It was really made to help the individual.

Commissioner Valenti thought this would be a slippery slope allowing this now after shutting down the illegal rentals. They could argue about what is the difference between living there or not. They could argue it's their property and the city shouldn't tell them what they can do with it.

Commissioner Spendlove agreed that if the city council is asking them, then they need to plan what will be allowed. Whether or not we recommend it for approval or not. The city council does have that ability to pass it. He thought it was worth looking at and making sure they have something we're still comfortable with if they push it through.

Commissioner Bice added that he was strongly against it.

Derek agreed with Councilman Spendlove. City Council asked for it and all they can do is structure it the way they are comfortable with. Regardless of how they feel it will go before city council and they will decide.



Commissioner Sherman Howard pointed out that the owner has to occupy the house. It would benefit the citizens of La Verkin unlike the STR that are owned by out of towners.

Commissioner Juluson commented that young couples could rent it long term but if they take that away they have to find a place to live that charges more. It does increase and decrease the cost of living

Commissioner Valenti commented it kind of starts to skirt around a subdivision. If they can have two, maybe they can have three. Depending upon the size of the property, they don't have to go through subdivisions. They could just create a rental unit, maybe a bunch of them.

Debra Howard explained that there are two sides to it. She has a neighbor that built in bed and breakfast rooms to rent out to help pay their mortgage. This would benefit our citizens directly. She also has ADU that she would rent out for short term if she was allowed.

Commissioner Bice replied they would benefit that individual but not their neighbors.

Debra agreed and pointed out that it depends on who manages it. They have good and bad experiences as neighbors to rentals.

Commissioner Juluson was concerned that everyone starts building them and all of a sudden they're not making enough income because the market is flooded. They've had to put in another \$300,000 or more into building these accessory dwelling units that only added to their monthly payments, and yet they're not being able to recoup anything because there's so many Airbnb's out there.

Commissioner Spendlove replied that there's risk and reward, and that's a decision that the homeowner will have to make. The commission will have to face it, either way.

Derek suggested they think about what they want in the code and come back with suggestions in the December meeting. Creating the code has been difficult in terms of defining everything. He thought the new houses are being designed to have an attached mother-in-law suite and it meets the criteria because it attached. He would like to clarify some choices like whether it should have a doorway going in, or a separate doorway, an only doorway through the exterior part of the house. They are changing the dynamic of residential neighborhoods. He has a daughter living at home and there is her car and 3 others and then if they had people over it changes the neighborhood.

Commissioner Bice suggested they contact Derek with any of their recommendations before the next meeting. He wanted to talk about the picture on page 5.

Derek explained that the diagram on page 5 shows a citizen's property. There is a primary house, and he want to add an ADU that is connected through roofs to the main house. He wants to add basketball and pickleball to his back yard. He wants to do MMA training. First of all, does that meet the definition of a home occupation. He would have a few guys at a time live there and train there. The only thing that we really have opposing this is they can only use up eight percent of their property for accessory buildings. This piece of land is big and that doesn't stop them from having a lot of buildings on a singular piece of property. To some point they can do what they want on their property, but this is not normal in residential areas. He was proposing an actual percentage allowance within property so this particular concept, wouldn't work. The eight percent doesn't prohibit him, but his ideas are not a fit with the definition of residential. The lot size is 150 to 175 wide.

Commissioner Valenti added if this was a detached dwelling wouldn't you have to have some means of allowance for fire apparatus.



Derek explained that kind of stuff the only thing the fire department would probably make him do depending on accessibility would maybe put a fire sprinkler and that would really be it.

Commissioner Spendlove added that most of the time, you just have to be within 250 feet of a hydrant.

Derek explained that he may have to put something different in his yard. But really, as far as them being able to get emergency vehicles back here there's no room.

Commissioner Valenti asked if he had to have parking.

Derek replied that for each ADU, or internal dwelling, there would be one parking spot. He would have to have, and he may have a lot of that already at the front where it's already concrete.

Commissioner Bice explained page six is a proposed change of five feet setbacks for side yard. Setbacks of five feet if no utility exists or seven and a half feet if there's a utility. The rear yards of the same accessory building shall be a maximum of one story in height. Lot area coverage by single-story building structures or accessory buildings shall not exceed 40% of the total lot area. Two-story buildings or structures shall not exceed 35% of the total lot area. Accessory structure lot coverage shall be included in the maximum lot coverage. That would prevent this. That also means that on an 8,000 square foot lot, you can't have more than a 3,200, 3,600 square foot house. That would exceed 40%. On some of these smaller lots, the Eves little cul-de-sac, he thought those exceed 40% and they fill most of the lot. We would be excluding large houses. This is R-1-8. We have R-1-6, and those houses would even have to be smaller.

Derek replied he didn't include R-1-6 or R-3-6. He thought it should be 10,000 sq ft or bigger. The fire code says ADU has to be five feet separation. The building drainage is another issue because most people build and then the roof line extends over and then it dumps drainage onto the next property. Allowing those in parts of town where our irrigation runs through there so we're allowing them to build within two feet of the corner right on top of our irrigation line other utilities. There are phone lines and power that could be in the backyard. We are proposing if the utilities are there then the setback is seven and a half feet off of the property line. That's what is required by normal city code. If they don't have that then we're allowing them to move up to five feet. That is compliant with fire. Making drainage a lot easier and it keeps everything under their own guard. As more and more people are moving in from larger cities this is becoming a bigger problem. We had a fire on 220 North. The guy built a shed within two feet, and the other guy on the other side was two feet. Last winter, one caught on fire, and it caught the other guy on fire. We aren't trying to stop people from utilizing their property but we need to protect the utility lines. If they build a shed in the backyard and there is a utility running through there. We can go in there and tear your building down, and you have to put it back because you're building on top of our utility. That doesn't make much sense. The city approved you building there. And now we're going to tear it down because of our irrigation. He also thought most younger couples don't want yards and build set back to set back.

Commissioner Spendlove added that most of the small homes will have an internal unit. Instead of doing accessory dwelling.

Commissioner Bice commented because of the housing crisis Ephram city is allowing an alleyway behind that they park in and they're really close together they've abandoned setbacks and requirements and there's no lawn. He thought they were 1,300 square feet that would go up to 1,700 square feet houses on like a 2,300 square foot lot. We're not necessarily bound by the way we thought we'd always done things, but that made sense to him. He was okay with us not having an Ephram complex. Page 7, R110. A says private garages and other accessory



buildings are located at least 10 feet behind the main building. Is that 10 feet behind the front of the main building or 10 feet behind the back of the main building.

Derek replied it could be 10 feet to the side of 10 feet. They can be 10 feet behind the front of the main building.

Commissioner Bice asked if they are 10 feet behind the front of the main building, they are kind of beside it.

Derek explained that frontage is 25 feet. You can't put any buildings in the 20 feet. But once you step back in the 25 and you can clear 10 feet and meet all the site requirements, you can do that.

Commissioner Sherman Howard added that it would be parallel with the front as long as you're 10 feet to the side

Derek added that nobody uses the front yard much, like for kids to play. A lot of times they want everybody in the back where it's a little safer and kids can be safer. There has been contemplation of moving the house from 25 to 20 or 15 but keeping the garage 25 because of parking. Having parking and sidewalks, limiting the front that could provide a bigger back yard. There's a big shift coming.

Commissioner Bice commented that if you are R-1-10 and have 16,000 square feet you can have two buildings on it. Two residences.

Derek replied yes, but they must be attached.

Commissioner Bice asked about each of those have to have a 45-foot frontage with the street what about these cul-de-sacs.

Derek replied that it is in a different part of the code and as long as they meet the 25-foot setback. He explained that it has been difficult to catch all the different areas of code that affect other codes and making sure the changes are made all over.

Commissioner Bice reads that section E states no accessory building or group of accessory buildings shall cover more than eight percent of the total lot area which is kind of what we were talking about.

Derek commented it would be land that is 10,000 square feet or larger. They have areas that are R-1-8 but have a huge lot.

Commissioner Spendlove added this would give about 4,000 square foot single story house. And a two story about 3500 square feet. That would be total between the main building and accessory building.

Derek added they would make a provision that the lot needs to be at least 10,000 square feet. 8% wouldn't work with the smaller lots.

Commissioner Spendlove suggested they need to add that to the R-1-8 zones because some of the lots will be larger than 8,000 square feet.

Commissioner Valenti suggested that the attached DADUs also. Make sure the parking is correct because right now the DADUs have two 8x19 spots. He didn't think they could be right off the street either. He recommended checking the language regarding the location.

Derek agrees it has to be off street parking. It's got to be concrete or asphalt.

Commissioner Bice reads page ten R-3-6, number D talks about usable open space. He wanted that defined. item number D says usable open space, a minimum of 1,000 square feet per dwelling unit of usable open space to be used, common with all units in a development, shall be provided for multifamily developments. What is usable open space.

Derek replied to it could be parks, playground areas, barbecue spaces.

Commissioner Spendlove agrees it would be better to have a definition. There's going to be a lot of developers that will try to twist what usable open space is.

Derek replied usually how they have interpreted it like Spanish Gardens did a park because they enough housing to require open space. He agreed to a do definition.

Commissioner Bice reads section E states that this gives them structures or accessory buildings shall not exceed 50% of the total area, which made sense to him because it's a bigger lot. Page 11. R-A-1, the same setback requirements.

Commissioner Spendlove asked about page 10, on a multifamily residential. He wanted a good example of what would be used as an accessory building. Because they're saying it can't be more than 8% of the total lot area.

Derek replied that R-3-6 basically on a 4,000 square foot lot it could be a shed. He suggested changing the language to a tough shed and the size. There is not much room left after building a housing unit. He thought maybe this wouldn't work at all for R-3-6. They won't be 10,000 square foot lots. They might define a small, shed allowance.

Commissioner Bice suggested unless the developer has individual storage unit area.

Derek replied he would work that out.

Commissioner Bice continues on to page 12. the single-story buildings along with accessory buildings shall not exceed 40% again, and then 8% for accessory buildings again. R-1-14 on page 13 is the same, setbacks and lot coverage size.

Derek explained they try to get zones to mimic each other with setbacks and percentages.

Commissioner Bice continues to page 14. Mobile home zone number A says the development plan will be reviewed by the building review board. Who is that?

Derek explained that the board means that there are people that are called. Possibly an engineer, or construction worker. Different people in different areas of life or professions that make up this board. They haven't had to call on that board for many years.

Commissioner Bice added that they are limited to where a mobile home could be. And Stowl's is zoned commercial also.

Derek explained years ago they went through and added commercial zone in the front of that mobile home park. They are grandfathered in with non-conforming. In the future if they don't want to continue the mobile home park it is zoned for commercial purposes.



Commissioner Bice reads page 15 adds two requirements to that mobile home zone. Area coverage by coach and outdoor areas covered shall not exceed 75 percent of the lot or rentable area. Accessory structure coverage shall not be included in the maximum lot coverage limitation, and accessory buildings no accessory building or group of accessory buildings shall cover more than eight percent of the total or lot or rental area. Page 17, through page 54 the city's wanting to move this from the zone into the construction standards. The water design system, street and sidewalk construction and excavations.

Derek explained that we did the last construction one prior was 2002. We did them in 2020. We found out as we were going through the construction standards, and he was comparing it side to side. It's easier because the construction standards are done by Resolution. They're easier to change and to modify than the ordinance. We just need one place to go and make more sense to do the construction standards. The staff went over them and made all the changes; we're having our engineers go through and verify that everything we did is up to date. Like our sidewalks are four feet now, our sidewalks are going to go to five feet. They are changing to become more ADA compliant. He did include a reference to the code and left all the bonding requirements in the code. He will make the changes discussed and encourages them to email or call him if they have more suggestions they think of later.

**F. Adjourn:**

**The meeting was adjourned at 7:00 p.m.**

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Planning Commission Chair

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Date Approved

**DRAFT**

**ORDINANCE NO. 2025-**

**AN ORDINANCE AMENDING THE LaVERKIN CITY CODE FOR ALLOWANCE OF SHORT-TERM RENTAL IN DETACHED ACCESSORY DWELLING UNITS (“DADUs”); AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, though not mandated by State law, the City has also been interested (for some time) in allowing short-term rentals in detached accessory dwelling units” (“DADUs”), in some form and with appropriate regulation, within the City; and

**WHEREAS**, the Planning Commission has researched, discussed, and requested the preparation of a DADU ordinance that could receive public input and a recommendation of the Planning Commission; and

**WHEREAS**, those efforts have resulted in this proposed Ordinance, which was set for public hearing on \_\_\_\_, 2025; and

**WHEREAS**, a duly-noticed public hearing was held on the proposed Ordinance on \_\_\_\_, 2025, and

**WHEREAS**, upon recommendation of City Staff, and having heard, considered, and discussed any input received at said public hearing, the Planning Commission \_\_\_\_\_ the proposed Ordinance (as amended, as deemed necessary or appropriate, to incorporate such input as was received); and

**WHEREAS**, the City desires to provide for the availability of short-term rental’s in DADUs, under certain conditions and to regulate DADUs so as to maintain the nature and feel of the City’s residential neighborhoods, prevent unnecessary parking issues and clustering, and ensure safety to those who occupy and inhabit the DADUs and the primary homes housing such within the City; and

**ORDINANCE NO. 2025-\_\_\_\_**

**WHEREAS**, having reviewed and carefully considered the proposed Ordinance, the City Council approves the Ordinance (as written or as further modified by the City Council), and deems it to be in the best interests of the City and its residents, guests, and businesses to amend the City Code as provided herein.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF LaVERKIN, UTAH:**

**SECTION I:** AMENDMENT OF THE CODE OF THE LaVERKIN CITY CODE, BY ADDING /INSERTING THE FOLLOWING TERMS AND DEFINITIONS TO SECTION 10-7-22:





**SECTION 10-7-22 IS HEREBY AMENDED IN IT ENTIRETY TO READ AS FOLLOWS**

**10-7-22: DETACHED ACCESSORY DWELLING UNITS:**

Add

Definition: *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. (DADU) may be used by members of the family or nonpaying guests or rented for thirty (30) consecutive days or longer, **and may 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 (DADU) per lot or parcel of property is permitted, provided that a lot or parcel of property is 10,000 sq ft or larger.*

Enact

(4) DADUs used for short-term rental purposes must obtain and maintain a current city business license.

PASSED AND ADOPTED by the City Council of LaVerkin City, Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Kelly B. Wilson, Mayor

ATTEST:

\_\_\_\_\_  
Nancy Cline, City Recorder

The foregoing Ordinance was presented at a regular meeting of the LaVerkin City Council held in the LaVerkin City Council Chambers, located at 111 South Main Street, LaVerkin, Utah, on the \_\_\_\_\_ day of \_\_\_\_\_, 2025, whereupon a motion to adopt said Ordinance was made by \_\_\_\_\_ and seconded by \_\_\_\_\_.

A roll call vote was then taken with the following results:

NAME	VOTE
_____	_____
_____	_____



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Nancy Cline, City Recorder





## 10-7-22: DETACHED ACCESSORY DWELLING UNITS:

(We added this definition)

*Definition: **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. (DADU) may be used by members of the family or nonpaying guests or rented for thirty (30) consecutive days or longer and **may 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 (DADU) per lot or parcel of property is permitted, provided that a lot or parcel of property is 10,000 sq ft or larger.*

A. Purpose: Detached Accessory Dwelling Units ("DADUs") can be a valuable tool in addressing housing needs, allowing for alternative and flexible housing options for owner-occupied single-family residences, and broadening the range of affordable housing opportunities within and throughout the City. They:

1. Create new housing units while respecting the appearance, neighborhood character, and scale of single-family residential development.
2. Provide more housing choices in residential zones.
3. Allow more efficient use of existing housing and large underutilized yards.
4. Provide housing options for family caregivers, adult children, aging parents, and families seeking smaller households.
5. Offer a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and to obtain extra income, security, companionship, and services.

B. A Permitted Use in Residential Zones: In any area zoned primarily for residential use, except mobile home subdivisions, the use of a detached accessory dwelling unit ("DADU") is a permitted use on any lot or parcel of property that is at least ten thousand square feet (10,000 sq. ft.) in size and contains a single-family dwelling or residence, subject to the conditions, restrictions, limitations, and regulations established by this Section and by other applicable provisions of this Code and State and Federal law.

C. Minimal Requirements for Detached Accessory Dwelling Units (DADUs):

1. A DADU shall comply with the International Residential Code ("IRC") and all other applicable City, State or Federal building, health, fire, nuisance, and business license codes (including but not limited to Chapters 3, 4, and 9 of this Code).
2. The City:



- a. Prohibits the severance, sale, or subdivision of the DADU from the lot or parcel of property on which the primary dwelling or residence is situated.
- b. Prohibits the rental of any part of the residential dwelling or DADU if the lot or parcel of property on which the DADU is located is not occupied as the owner's primary dwelling or residence.
  - (1) Subject to the provisions of subsection b(2) below, "owner occupancy" or "owner occupied" means that any one or more of the following individuals are residing on the subject property for the entire time during which a DADU or primary dwelling or residence on the lot or parcel of property is rented or otherwise occupied:
    - (a) An individual who is listed in a recorded deed as an owner of the property.
    - (b) An individual who is a trustor of a family trust who possesses legal ownership of the property.
  - (2) When an owner of the lot or parcel of property has a bona fide, temporary absence of not more than three (3) consecutive years, for activities, assignments, or work, such as a temporary job assignment, sabbatical, or voluntary humanitarian or church service, and another record owner of said lot or parcel of property cannot reside on the property as his or her primary residence: the requirements of this subsection shall be satisfied if a person residing on the lot or parcel of property possesses legal authority to make decisions, and enforce judgments and legal determinations, concerning the property or structures thereon, including but not limited to a holder of a Durable General Power of Attorney, a Trustee of a Family Trust, or court-ordered representative or designee. Indefinite periods of absence and absences for more than three (3) years from the dwelling do not qualify under this subsection.
  - (3) To be considered "owner occupied," an owner may live in either the principal dwelling or the DADU on the lot or parcel of property.
- c. Requires compliance with the following size, height, and setback requirements:
  - (1) The DADU must meet the setback requirements for the applicable zone, as well as the required separation from the primary dwelling unit for an accessory structure, and may not encroach upon or interfere with any public easement or right-of-way on or across the lot or parcel of property.
  - (2) The DADU shall not be less than two hundred fifty square feet (250 sq. ft.) in size, but shall not exceed one-third (1/3) of square footage of the footprint of the primary dwelling or residence (structure).
  - (3) DADUs are limited to a height not in excess of (a) the roofline of the primary dwelling residence and (b) twenty feet (20'), whichever is smaller.
  - (4) The total square footage of all accessory structures, including those containing a DADUs, is limited to a maximum of eight percent (8%) of the total square footage of the lot or parcel of property.





d. Prohibits the installation of a separate electric, water, and/or sewer utility meter for an DADU; but it may assess applicable and legally-supportable impact fees, as may be established and imposed from time to time.

e. Requires that an DADU be designed in a manner that does not substantially change the appearance of the lot or parcel of property as a single-family residence.

f. Requires the installation of two (2) additional on-site parking spaces for an DADU, regardless of whether the primary dwelling or residence on the property is "existing" or "new construction".

(1) Parking spaces shall be not less than nine feet (9') wide and eighteen feet (18') long.

(2) Parked vehicles shall not be allowed to encroach upon the City's sidewalks.

(3) Parking surfacing shall consist of either asphalt or cement.

g. To the extent any may exist within the City, prohibits the creation of an DADU if the primary dwelling is served by a failing septic tank.

h. Establishes the following design standards and criteria with regards to DADUs:

(1) Architectural design, materials, and construction shall be consistent with and reasonably match the existing primary residential structure.

(2) All submitted building plans shall be accompanied by an engineer's stamp.

(3) Plan shall be submitted through the City's online building permit process.

(4) All structures containing or comprising DADUs shall follow the provisions and requirements of the current IRC as well as any other applicable code.

(5) No existing nonresidential structures (except detached garages), including but not limited to sheds and metal structures, may be converted to DADUs.

(6) All DADUs must be "slab on grade"-meaning that they are attached to a slab on grade, with footings, as required by the IRC; no basements shall be allowed

(7) An outside entrance shall be required.

(8) A landscaping plan of the lot or parcel of property, including that portion fronting on a city street, shall be submitted to and approved by the director of operations, or his or her designee, and shall be complied with and adhered to, and the property maintained in accordance therewith, in order (1) to minimize potential negative impacts on neighboring properties, (2) to retain the residential character of the lot or parcel of property, and (3) to provide a visual buffer for onsite parking in relation to adjacent properties and the street.

(9) Addressing:





- (a) The primary dwelling or residence and the DADU shall have the same address, except for the use of lettering to differentiate between the primary dwelling or residence and the DADU for mail or emergency-response purposes.
- (b) The address identification shall be legible, attached to a permanently-fixed structure, and positioned to be visible from the street fronting the property.
- (c) Address identification characters shall contrast with their background and shall contain Arabic numbers or alphabetical letters, provided that numbers shall not be spelled out. Each character shall be not smaller than four inches (4") (or 102 mm) in height and one-half inch (1/2") (or 12.7 mm) in width.
- (d) Additional mailboxes will only be allowed for the principal dwelling.

### 3. DADU Application Requirements:

- a. Generally: Any property owner of property who meets the requirements of this Section and desires to construct, expand, renovate, or convert a structure to contain a DADU on his or her lot or parcel of property shall first obtain a DADU permit, which shall be acquired in addition to any other building permits that may be necessary to create the DADU.
- b. The applicant shall submit the following as part of the application for a DADU:
  - (1) A site plan drawn accurately to scale-showing showing the property lines and dimensions; the location of and entrances to any existing buildings or structures, and entrances; any proposed building or structure, its dimensions, and its distance from other buildings and structures, and property lines; and the location of parking stalls (current and proposed).
  - (2) Detailed floor plans, drawn to scale, with labels on rooms indicating current and proposed uses
  - (3) To be provided to the City prior to the issuance of the building permit: written verification (e.g., a copy of a warranty deed, affidavit, a recorded deed restriction, etc.) showing (a) that the applicant is the owner of the property, (b) that he or she has or intends to have permanent residency on the lot or parcel of property where the request is being made, and (c) that either the primary dwelling or residence or the DADU will remain owner-occupied if structure is to be or remain rented out.
  - ~~(4) A rental dwelling business license, if and to the extent that such is or shall be required by law. (Ord. 2023-07, 5-3-2023)~~
  - (4) DADUs used for short-term rental purposes must obtain and maintain a current city business license. (Title 3 Chapter 1 Section 3-1-3)



**AN ORDINANCE AMENDING THE LaVERKIN CITY CODE, BY REMOVING, ADDING / INSERTING THE FOLLOWING TERMS AND DEFINITIONS TO SECTION 10-1-6: AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City recognizes the importance of continually improving its code by updating, clarifying, and introducing new provisions and definitions to ensure that the citizens of LaVerkin have a clear and comprehensive understanding of the code.

**WHEREAS**, the Planning Commission has researched, discussed, and requested the removing, adding/inserting the terms and definitions in section 10-1-6 (definitions) an ordinance that could receive public input and a recommendation of the Planning Commission; and

**WHEREAS**, those efforts have resulted in this proposed Ordinance, which was set for public hearing on -----, 2025; and

**WHEREAS**, a duly-noticed public hearing was held on the proposed Ordinance on \_\_\_\_\_, 2025, and

**WHEREAS**, upon recommendation of City Staff, and having heard, considered, and discussed any input received at said public hearing, the Planning Commission recommended the proposed Ordinance (as amended, as deemed necessary or appropriate, to incorporate such input as was received); and

**WHEREAS**, the City desires to remove, add/replace the following terms and definitions provide for in section 10-1-6 (definitions); and

**ORDINANCE NO. 2025 - \_\_\_\_\_**

**WHEREAS**, having reviewed and carefully considered the proposed Ordinance, the City Council approves the Ordinance (as written or as further modified by the City Council), and deems it to be in the best interests of the City and its residents, guests, and businesses to amend the City Code as provided herein.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF LaVERKIN, UTAH:**

**SECTION I:** AMENDMENT OF THE CODE OF THE LaVERKIN CITY CODE, BY REPLACING THE FOLLOWING TERMS AND DEFINITIONS TO SECTION 10-1-6:



SECTION 10-1-6 IS HEREBY AMENDED IN ITS ENTIRITY TO READ AS FOLLOWS

**ACCESSORY BUILDING OR ACCESSORY STRUCTURE:** - Means a building or structure located on the same lot as the primary structure that is subordinate to, and the use of which is incidental to, that of the primary building or structure. An accessory building or structure is a non-habitable building or structure.. Accessory buildings or structures in residential zones shall be a maximum of one story in height

**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. (DADU) may be used by members of the family or nonpaying guests, or rented for thirty (30) consecutive days or longer, and may 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 (DADU) per lot or parcel of property is permitted, provided that a lot or parcel of property is 10,000 sq ft or larger.

**SECTION II:** AMENDMENT OF THE CODE OF THE LaVERKIN CITY CODE, BY REMOVING THE FOLLOWING TERMS AND DEFINITIONS TO SECTION 10-1-6:

**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.

**SECTION III:** AMENDMENT OF THE CODE OF THE LaVERKIN CITY CODE, BY ADDED THE FOLLOWING TERMS AND DEFINITIONS TO SECTION 10-1-6:

**ATTACHED TO THE PRIMARY BUILDING:** means a structure or unit is physically connected to the main building by a shared wall, floor, roof, and often includes a door providing interior access. This connection makes it an extension of the main house rather than a separate, standalone structure.

**LOT COVERAGE** - Means the total area of a lot covered by any structure or building on the lot. Lot coverage does not mean or is defined as typical lot landscaping, a pool or patio cove

PASSED AND ADOPTED by the City Council of LaVerkin City, Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Kelly B. Wilson, Mayor

ATTEST:

\_\_\_\_\_  
Nancy Cline, City Recorder

The foregoing Ordinance was presented at a regular meeting of the LaVerkin City Council held in the LaVerkin City Council Chambers, located at 111 South Main Street, LaVerkin, Utah, on the \_\_\_\_ day of \_\_\_\_\_, 2025, whereupon a motion to adopt said Ordinance was made by \_\_\_\_\_ and seconded by \_\_\_\_\_.

A roll call vote was then taken with the following results:

NAME	VOTE
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

\_\_\_\_\_  
Nancy Cline, City Recorder





## Replace definitions

*(Existing code)*

**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.

*(Replace with)*

**ACCESSORY BUILDING OR ACCESSORY STRUCTURE:** - Means a building or structure located on the same lot as the primary structure that is subordinate to, and the use of which is incidental to, that of the primary building or structure. An accessory building or structure is a non-habitable building or structure.. Accessory buildings or structures in residential zones shall be a maximum of one story in height

*(Existing Code)*

**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](#)

*(Replace with)*

**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](#). (DADU) may be used by members of the family or nonpaying guests, or rented for thirty (30) consecutive days or longer, and may 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 (DADU) per lot or parcel of property is permitted, provided that a lot or parcel of property is 10,000 sq ft or larger

## Remove Definition

**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.

## Add Definitions

**ATTACHED TO THE PRIMARY BUILDING:** means a structure or unit is physically connected to the main building by a shared wall, floor, roof, and often includes a door providing interior access. This connection makes it an extension of the main house rather than a separate, standalone structure.

**LOT COVERAGE** - Means the total area of a lot covered by any structure or building on the lot. Lot coverage does not mean or is defined as typical lot landscaping, a pool or patio cove

ORDINANCE NO. 2025-\_\_\_\_\_

DRAFT

**AN ORDINANCE AMENDING THE LaVERKIN CITY CODE BY ADDING /  
INSERTING THE FOLLOWING PROVISION AND DEFINITIONS TO SECTION  
10-7-21: INTERNAL ACCESSORY DWELLING UNIT (IADU'S)**

**WHEREAS**, the City recognizes the importance of continually improving its code by updating, clarifying, and introducing new provisions and definitions to ensure that the citizens of LaVerkin have a clear and comprehensive understanding of the code.

**WHEREAS**, in accordance with the mandates of H.B. 82, the City Council adopted Ordinance No. 2021-07 in October 2021; and

**WHEREAS**, the Planning Commission has researched, discussed, and requested the preparation and inclusion of the provision within the IADU ordinance that could receive public input and a recommendation of the Planning Commission; and

**WHEREAS**, those efforts have resulted in this proposed Ordinance, which was set for public hearing on \_\_\_\_\_, 2025; and

**WHEREAS**, a duly-noticed public hearing was held on the proposed Ordinance on \_\_\_\_\_, 2025, and

**WHEREAS**, upon recommendation of City Staff, and having heard, considered, and discussed any input received at said public hearing, the Planning Commission recommended the proposed Ordinance (as amended, as deemed necessary or appropriate, to incorporate such input as was received); and

**WHEREAS**, the City desires to provide for the provision of attached as it pertains to an IADU'S; and

**ORDINANCE NO. 2025, \_\_\_\_\_**

**WHEREAS**, having reviewed and carefully considered the proposed Ordinance, the City Council approves the Ordinance (as written or as further modified by the City Council), and deems it to be in the best interests of the City and its residents, guests, and businesses to amend the City Code as provided herein.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF  
LaVERKIN, UTAH:**



**SECTION I:** AMENDMENT OF THE CODE OF THE LaVERKIN CITY CODE, BY ADDING / INSERTING THE FOLLOWING PROVISION AND DEFINITIONS TO SECTION 10-7-21: INTERNAL ACCESSORY DWELLING UNIT (IADU'S)

SECTION 10-7-21 IS HEREBY AMENDED IN ITS ENTIRITY TO READ AS FOLLOWS

**B.Minimal Requirements for Internal Accessory Dwelling Units (IADUs):**

1. An IADU shall comply with all applicable building, health, and fire codes.
2. The City:
  - a. Prohibits the installation of a separate utility meter for an IADU;
  - b. Requires that an IADU be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling;
  - c. *Must be attached to the primary dwelling (see definitions)*
  - d. Requires a primary dwelling:

PASSED AND ADOPTED by the City Council of LaVerkin City, Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Kelly B. Wilson, Mayor

ATTEST:

\_\_\_\_\_  
Nancy Cline, City Recorder

The foregoing Ordinance was presented at a regular meeting of the LaVerkin City Council held in the LaVerkin City Council Chambers, located at 111 South Main Street, LaVerkin, Utah, on the \_\_\_\_\_ day of \_\_\_\_\_, 2025, whereupon a motion to adopt said Ordinance was made by \_\_\_\_\_ and seconded by \_\_\_\_\_.

A roll call vote was then taken with the following results:

NAME	VOTE
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

\_\_\_\_\_  
Nancy Cline, City Recorder





## 0-7-21: INTERNAL ACCESSORY DWELLING UNITS:

A. A Permitted Use in Residential Zones: In any area zoned primarily for residential use:

1. The use of an internal accessory dwelling unit ("IADU") is a permitted use; and
2. Except as provided herein, the City does not establish any restrictions or requirements for the construction or use of one IADU within a primary dwelling, including a restriction or requirement governing:
  - a. The size of the internal accessory dwelling unit in relation to the primary dwelling;
  - b. Total lot size; or
  - c. Street frontage.

B. Minimal Requirements for Internal Accessory Dwelling Units (IADUs):

1. An IADU shall comply with all applicable building, health, and fire codes.
2. The City:
  - a. Prohibits the installation of a separate utility meter for an IADU;
  - b. Requires that an IADU be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling;
  - c. *Must be attached to the primary dwelling (see definitions)*
  - d. Requires a primary dwelling:
    - (1) To include one additional on-site parking space for an IADU, regardless of whether the primary dwelling is existing or new construction; and
    - (2) To replace any parking spaces contained within a garage or carport if an IADU is created within the garage or carport;
  - e. Prohibits the creation of an IADU within a mobile home as defined in Section 57-16-3, Utah Code Annotated (1953, as amended) and Section [10-1-6](#) of this Code;
  - f. To the extent any may exist within the City, prohibits the creation of an IADU if the primary dwelling is served by a failing septic tank;
  - g. Prohibits the creation of an IADU if the lot containing the primary dwelling is six thousand (6,000) square feet or less in size;
  - h. Except in accordance with the provisions of Section [10-7-20](#) of this Code relative to Bed and Breakfast facilities, prohibits the rental or offering the rental of an IADU for a period of less than thirty (30) consecutive days; and

h. Prohibits the rental of an IADU if the IADU is located in a dwelling that is not occupied as the owner's primary residence. (Ord. 2021-07, 10-6-2021)

## ORDINANCE NO. 2025- \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF LAVERKIN, UTAH, AMENDING THE MODIFYING REGULATIONS IN SECTION 10-6A-5 (ONE FAMILY RESIDENTIAL R-1-8), SECTION 10-6B-5 (ONE AND TWO-FAMILY RESIDENTIAL R-1-10), SECTION 10-6C-5 (MULTIPLE-FAMILY RESIDENTIAL R-3-6), SECTION 10-6D-5 (RESIDENTIAL-AGRICULTURAL R-A-1), AND SECTION 10-6D-5 (LOW DENSITY RESIDENTIAL R-1-14) OF THE LAVERKIN CITY CODE

WHEREAS, the City Council of LaVerkin, Utah deems it necessary and desirable for the preservation of private property/accessory buildings, protection of the public health, safety, and welfare of the residents of LaVerkin, Utah, to approve and adopt amendments to Section 10-6a-5 (one-family residential R-1-8), Section 10-6B-5 (One and two-family residential R-1-10), Section 10-6C-5 (Multiple-family residential R-3-6), Section 10-6D-5 (Residential Agricultural R-A-1), and Section 10-6D-5 (Low density residential R-1-14) of the LaVerkin City Code,

BE IT HEREBY ORDAINED by the City Council of LaVerkin, Utah, that Sections 10-6a-5 (one-family residential R-1-8), Section 10-6B-5 (One and two-family residential R-1-10), Section 10-6C-5 (Multiple-family residential R-3-6), Section 10-6D-5 (Residential Agricultural R-A-1), and Section 10-6D-5 (low-density residential R-1-14) 10 6G2-4 of the LaVerkin City Code is hereby amended and modified.

BE IT FURTHER ORDAINED that this Ordinance shall take effect at the earliest possible date allowed by law after publication and posting and shall supersede all other ordinances in conflict with the terms and conditions contained herein.

SECTIONS 10-6A-5 (ONE FAMILY RESIDENTIAL R-1-8), SECTION 10-6B-5 (ONE AND TWO-FAMILY RESIDENTIAL R-1-10), SECTION 10-6C-5 (MULTIPLE-FAMILY RESIDENTIAL R-3-6), SECTION 10-6D-5 (RESIDENTIAL-AGRICULTURAL R-A-1), AND SECTION 10-6D-5 (LOW DENSITY RESIDENTIAL R-1-14) IS HEREBY AMMENDED IN ITS ENTIRITY TO READ AS FOLLOWS

## ARTICLE A. ONE-FAMILY RESIDENTIAL (R-1-8)

### 10-6A-5: MODIFYING REGULATIONS:

A. Side Yards: Private garages and other accessory buildings located at least ten feet (10') behind the main building may have a side setback of *Five feet (5') if no utility's exist in the setback or Seven and Half feet (7.5) if utility exist* except that the street side setback on a corner lot shall be the same as the front setback required for the zoning district.

B. Rear Yards: Private garages and accessory buildings located at least ten feet (10') behind the main building may have a rear setback of *Five feet (5') if no utilities exist in the setback or Seven and a Half feet (7.5) if utilities exist* (Ord. 2008-07, 5-7-2008)



## ARTICLE B. ONE- AND TWO-FAMILY RESIDENTIAL (R-1-10)

### 10-6B-5: MODIFYING REGULATIONS:

A. Side Yard: Private garages and other accessory buildings located at least ten feet (10') behind the main building may have a side setback of *Five feet (5') if no utility's exist in the setback or Seven and Half feet (7.5) if utility exist* except that the street side yard of a corner lot shall be the same as the front setback required for the zoning district.

B. Rear Yards: Private garages and accessory buildings located at least ten feet (10') behind the main building may have a rear setback of *Five feet (5') if no utility's exist in the setback or Seven and Half feet (7.5) if utility exist* provided, that on corner lots rearing on the side of another lot, the minimum rear yard for all buildings shall be ten feet (10'). (Ord. 2008-07, 5-7-2008)

## ARTICLE C. MULTIPLE-FAMILY RESIDENTIAL (R-3-6)

### 10-6C-5: MODIFYING REGULATIONS:

A. Side Yard: Private garages or other accessory buildings located at least ten feet (10') behind the main building may have a side setback of *Five feet (5') if no utility's exist in the setback or Seven and Half feet (7.5) if utility exist*

B. Rear Yard: Private garages and accessory buildings located at least ten feet (10') behind the main building may have a rear setback of *Five feet (5') if no utility's exist in the setback or Seven and Half feet (7.5) if utility exist*

## ARTICLE D. RESIDENTIAL-AGRICULTURAL (R-A-1)

### (10-6D-5: MODIFYING REGULATIONS:

A. Side Yards: Accessory buildings shall have a minimum side yard of ten feet (10'). Private garages located at least ten feet (10') behind the main building may have a side yard of, *Five feet (5') if no utility's exist in the setback or Seven and Half feet (7.5) if utility exist* except on the street side of a corner lot, which shall be the same as the front yard setbacks.

B. Rear Yards: Private garages and accessory buildings located at least ten feet (10') behind the main building may have a rear setback of *Five feet (5') if no utility's exist in the setback or Seven and Half feet (7.5) if utility exist* (Ord. 2008-07, 5-7-2008)

## ARTICLE D1. LOW DENSITY RESIDENTIAL (R-1-14)

### 10-6D1-5: MODIFYING REGULATIONS:

A. Side Yard: Private garages and other accessory buildings located at least ten feet (10') behind the main building may have a side setback of *Five feet (5') if no utility's exist in the setback or Seven and Half feet (7.5) if utility exist* except that the street side yard of a corner lot shall be the same as the front setback required for the zoning district.

B. Rear Yards: Private garages and accessory buildings located at least ten feet (10') behind the main building may have a rear setback of *Five feet (5') if no utility's exist in the setback or Seven and Half feet (7.5) if utility exist* (Ord. 2008-07,



DATED this \_\_\_\_ day of \_\_\_\_ 2025

CITY OF LAVERKIN

\_\_\_\_\_  
Kelly B. Wilson, Mayor

Attest:

\_\_\_\_\_  
Nancy Cline, City Recorder

The foregoing Ordinance was presented at a regular meeting of the LaVerkin City Council held in the LaVerkin City Council Chambers, located at 111 South Main Street, LaVerkin, Utah, on the \_\_\_\_ day of \_\_\_\_ 2025, whereupon, a motion to adopt said Ordinance was made by \_\_\_\_\_ and seconded by \_\_\_\_\_.

A roll call vote was then taken with the following results:

NAME	VOTE
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____



## ARTICLE A. ONE-FAMILY RESIDENTIAL (R-1-8)

### *(Proposed change)*

#### **10-6A-5: MODIFYING REGULATIONS:**

A. Side Yards: Private garages and other accessory buildings located at least ten feet (10') behind the main building may have a side setback of ~~two feet (2')~~, *Five feet (5') if no utility's exist in the setback or Seven and Half feet (7.5) if utility exist* except that the street side setback on a corner lot shall be the same as the front setback required for the zoning district.

B. Rear Yards: Private garages and accessory buildings located at least ten feet (10') behind the main building may have a rear setback of ~~two feet (2')~~, *Five feet (5') if no utilities exist in the setback or Seven and a Half feet (7.5) if utilities exist* (Ord. 2008-07, 5-7-2008)

### *(Clean copy)*

#### **10-6A-5: MODIFYING REGULATIONS:**

A. Side Yards: Private garages and other accessory buildings located at least ten feet (10') behind the main building may have a side setback of *Five feet (5') if no utility's exist in the setback or Seven and Half feet (7.5) if utility exist* except that the street side setback on a corner lot shall be the same as the front setback required for the zoning district.

B. Rear Yards: Private garages and accessory buildings located at least ten feet (10') behind the main building may have a rear setback of *Five feet (5') if no utilities exist in the setback or Seven and a Half feet (7.5) if utilities exist* (Ord. 2008-07, 5-7-2008)

## ARTICLE B. ONE- AND TWO-FAMILY RESIDENTIAL (R-1-10)

### *(Proposed change)*

#### **10-6B-5: MODIFYING REGULATIONS:**

A. Side Yard: Private garages and other accessory buildings located at least ten feet (10') behind the main building may have a side setback of ~~two feet (2')~~, *Five feet (5') if no utility's exist in the setback or Seven and Half feet (7.5) if utility exist* except that the street side yard of a corner lot shall be the same as the front setback required for the zoning district.

B. Rear Yards: Private garages and accessory buildings located at least ten feet (10') behind the main building may have a rear setback of ~~two feet (2')~~, *Five feet (5') if no utility's exist in the setback or Seven and Half feet (7.5) if utility exist* provided, that on corner lots rearing on the side of another lot, the minimum rear yard for all buildings shall be ten feet (10'). (Ord. 2008-07, 5-7-2008)

### *(Clean copy)*

#### **10-6B-5: MODIFYING REGULATIONS:**

A. Side Yard: Private garages and other accessory buildings located at least ten feet (10') behind the main building may have a side setback of *Five feet (5') if no utility's exist in the setback or Seven and Half feet (7.5) if utility exist* except that the street side yard of a corner lot shall be the same as the front setback required for the zoning district.

B. Rear Yards: Private garages and accessory buildings located at least ten feet (10') behind the main building may have a rear setback of *Five feet (5') if no utility's exist in the setback or Seven and Half feet (7.5) if utility exist* provided, that on corner lots rearing on the side of another lot, the minimum rear yard for all buildings shall be ten feet (10'). (Ord. 2008-07, 5-7-2008)

## ARTICLE C. MULTIPLE-FAMILY RESIDENTIAL (R-3-6)

*(Proposed change)*

### 10-6C-5: MODIFYING REGULATIONS:

- A. Side Yard: Private garages or other accessory buildings located at least ten feet (10') behind the main building may have a side setback of ~~two feet (2')~~ *Five feet (5') if no utility's exist in the setback or Seven and Half feet (7.5) if utility exist*
- B. Rear Yard: Private garages and accessory buildings located at least ten feet (10') behind the main building may have a rear setback of ~~two feet (2')~~ *Five feet (5') if no utility's exist in the setback or Seven and Half feet (7.5) if utility exist*

*(Clean copy)*

### 10-6C-5: MODIFYING REGULATIONS:

- A. Side Yard: Private garages or other accessory buildings located at least ten feet (10') behind the main building may have a side setback of *Five feet (5') if no utility's exist in the setback or Seven and Half feet (7.5) if utility exist*
- B. Rear Yard: Private garages and accessory buildings located at least ten feet (10') behind the main building may have a rear setback of *Five feet (5') if no utility's exist in the setback or Seven and Half feet (7.5) if utility exist*

## ARTICLE D. RESIDENTIAL-AGRICULTURAL (R-A-1)

*(Proposed change)*

### 10-6D-5: MODIFYING REGULATIONS:

- A. Side Yards: Accessory buildings shall have a minimum side yard of ten feet (10'). Private garages located at least ten feet (10') behind the main building may have a side yard of ~~two feet (2')~~ *Five feet (5') if no utility's exist in the setback or Seven and Half feet (7.5) if utility exist* except on the street side of a corner lot, which shall be the same as the front yard setbacks.
- B. Rear Yards: Private garages and accessory buildings located at least ten feet (10') behind the main building may have a rear setback of ~~two feet (2')~~ *Five feet (5') if no utility's exist in the setback or Seven and Half feet (7.5) if utility exist* (Ord. 2008-07, 5-7-2008)

*(Clean copy)*

### 10-6D-5: MODIFYING REGULATIONS:

- A. Side Yards: Accessory buildings shall have a minimum side yard of ten feet (10'). Private garages located at least ten feet (10') behind the main building may have a side yard of *Five feet (5') if no utility's exist in the setback or Seven and Half feet (7.5) if utility exist* except on the street side of a corner lot, which shall be the same as the front yard setbacks.
- B. Rear Yards: Private garages and accessory buildings located at least ten feet (10') behind the main building may have a rear setback of *Five feet (5') if no utility's exist in the setback or Seven and Half feet (7.5) if utility exist* (Ord. 2008-07, 5-7-2008)



## ARTICLE D1. LOW DENSITY RESIDENTIAL (R-1-14)

*(Proposed change)*

### **10-6D1-5: MODIFYING REGULATIONS:**

A. Side Yard: Private garages and other accessory buildings located at least ten feet (10') behind the main building may have a side setback of ~~two feet (2')~~ *Five feet (5') if no utility's exist in the setback or Seven and Half feet (7.5) if utility exist* except that the street side yard of a corner lot shall be the same as the front setback required for the zoning district.

B. Rear Yards: Private garages and accessory buildings located at least ten feet (10') behind the main building may have a rear setback of ~~two feet (2')~~ *Five feet (5') if no utility's exist in the setback or Seven and Half feet (7.5) if utility exist* (Ord. 2008-07, 5-7-2008)

*. (Clean copy)*

### **10-6D1-5: MODIFYING REGULATIONS:**

A. Side Yard: Private garages and other accessory buildings located at least ten feet (10') behind the main building may have a side setback of *Five feet (5') if no utility's exist in the setback or Seven and Half feet (7.5) if utility exist* except that the street side yard of a corner lot shall be the same as the front setback required for the zoning district.

B. Rear Yards: Private garages and accessory buildings located at least ten feet (10') behind the main building may have a rear setback of *Five feet (5') if no utility's exist in the setback or Seven and Half feet (7.5) if utility exist* (Ord. 2008-07,





Vacation rentals in Detached Accessory Dwelling units in residential zones in LaVerkin City.

I have serious concerns about allowing short term rentals (29 days or less) in DADUs in LaVerkin City.

One of LaVerkin's most serious challenges right now is a marked lack of affordable housing. There is a financial disincentive for builders to make smaller houses. LaVerkin is attempting to create a R – 1 – 6 zone hoping that smaller lots will result in smaller and more affordable houses. A better solution would be to encourage residents to offer detached Accessory Dwelling units as long term rentals, or “mother-in-law” housing for family or others who are struggling with affordability. Allowing those DADUs to be vacation rentals financially disincentivizes homeowners from making them available for long term rentals and will exacerbate not alleviate our affordable housing crisis.

Having back yards in residential zones become commercial spaces will adversely affect the nature of the neighborhood. No matter how careful the homeowners are about screening and policing their guests, there is a difference between how we treat property and neighbors in a short term “hotel room” and how we treat them where we live.

Having vacation units in back yards will increase the resale value of the property which will increase assessed value of the property around it and neighbors, many of whom are on fixed incomes will pay more in property taxes.

Vacation properties cause dramatically more infrastructure impact. In commercial zones business owners pay for that increased impact through higher taxes and fees. In residential zones other citizens who get no financial benefit will have to pay for the increased impact on utilities and services.

If LaVerkin City proceeds to allow vacation rentals in residential zones we will create a situation from which we cannot go back, profiting the few affluent enough to invest in them at the expense of the rest of the residents. I think it most unwise and urge the city council to carefully consider the unforeseen ramifications of opening this particular pandora’s box.



## Types of off-site signage not considered billboards

- **Monument Signs:** Ground-level, often shorter (eye-level), built with sturdy materials (stone, brick, concrete) for an elegant, permanent look, ideal for subdivisions, businesses, or schools.
- **Pole Signs:** Very tall, single poles, similar to pylons but usually for one business, good for high visibility from afar.
- **Post & Panel Signs:** Simple, freestanding signs with one or more panels attached to posts, great for temporary or directional needs.
- **Pylon Signs:** Tall, freestanding signs supported by poles, designed for high visibility from a distance, such as on highways or near large retail complexes. They often list multiple businesses in one location.
- **Directional/Wayfinding Signs:** Smaller signs with simple text and arrows that are strategically placed at junctions or along roadsides to guide people to a specific destination.
- **Street Pole Banners:** Banners attached to street light poles, often used in commercial districts or on campuses to provide direction or promote a business to pedestrians and drivers.





Setbacks from the back of the curb

District	Area In Square Feet	Lot Width In Feet	Setback In Feet			
			Front	Garage	Side	Rear
R-1-8	8,000	80	*15	*30	8 and 10	10

NOTES

- Setbacks from the back of the curb

Setbacks from the back of the sidewalk

District	Area In Square Feet	Lot Width In Feet	Setback In Feet			
			Front	Garage	Side	Rear
R-1-8	8,000	80	*15	*25	8 and 10	10

NOTES

- Setbacks from back of sidewalk

These setbacks would be for all the residential zones



## Derek Imlay

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**From:** Bradly Robbins <brobbins@sunrise-eng.com>  
**Sent:** Sunday, December 7, 2025 10:56 AM  
**To:** Derek Imlay  
**Cc:** Kyle Lovelady  
**Subject:** Commercial Zones - Modifications  
**Attachments:** La Verkin Commercial Zones - Modifications.docx

Derek,

Attached are draft modifications to two of the city's four commercial zones. I did not touch the Tourist Resort or the Luxury Resort zones because they really are specialty zones and not applicable to what we had discussed as necessary changes to the commercial zones. In the C zone there exists a section totally dedicated to "commercial outdoor storage exceptions". It seems as though this was some sort of a carve out provided to a developer in the past. I did not touch anything related to this section but can if you want me to. Also, I did not add any language in regard to commercial buildings requiring a separation. I did a bit of research into zoning building separations in commercial zones and it just keeps referring to building code required separations. We can put any type of separation into the ordinance you want, but we should probably discuss it. All changes are shown in yellow. Please take a look and we can discuss on my return from Malta.

Thanks, Brad



### **BRADLY ROBBINS**

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## ARTICLE G. GENERAL COMMERCIAL (C)

### SECTION:

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

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

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

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

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

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

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

[10-6G-7: Commercial Design Guidelines](#)

### Notes

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

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

To provide appropriate areas where commercial activities may be established, maintained and protected. (Ord. 2006-09, 3-1-2006)

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

The following shall be permitted uses within the general commercial zone:

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

Animal services; includes veterinarian clinics and hospitals, pet grooming, fish and aquarium retail shops. No outside kennels or hoofed animals.

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

Automobiles, including rental, sales and related repair including tire sales, glass replacement and repair; motorcycle sales, rental and service; auto repair shops; packaged automobile parts stores. All repair facilities are inside and in the case of sales or rental shops, repair facilities are an integral part of the sales structure.

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

Bicycles, ATVs; includes sales, rental, parts sales and service where repair facilities are inside and are an integral part of the sales structure.

Building materials; includes lumber, brick, bagged concrete, PVC, pipe, other yard type building material where storage is screened. Shall not include ready mix concrete or hot mix asphalt.

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

Childcare: daycare, preschool.

Clothing; includes retail sales, tailoring and clothing repair, shoes, accessories, screen printing, t-shirt shops, cleaners, laundry, formal wear rental and sales, costume sales and rental.

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

Entertainment services, including recording studios/services, instrument sales/rental/repair, talent/art studios, supplies.

Equipment: small equipment sales and rentals, including nonagricultural, noncommercial, for residential use, lawn mowers, tractors, weed implements, and accessories; small engine repair where repair facilities are inside.

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





Funeral houses and mortuaries.

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.

Home improvements, including retail lighting and service, appliance sales/rental/repair where repair facilities are inside and are an integral part of the sales structure, decorating services, cabinetry sales, upholstery, carpet and floor treatments, window treatments, wallpaper, paint.

Janitorial, including housecleaning, emergency cleaning services and supply.

Landscape and gardening, including pest and weed control service and supplies; lawn, garden, yard supplies/equipment/repair; tree service; greenhouses; nurseries; landscape supplies including rock, wall and waterfall materials; patio furniture and supplies.

Light industrial, including mechanical contractors and supplies, insulation contractors and supplies, carpenters and supplies, plumbing contractors and supplies, electrical contractors and supplies, welding and sheet metal shops where any supplies are stored inside or behind screening (not to be confused with storage facilities).

Light manufacturing: furniture construction, cabinetry construction where work is performed on site and the final result is a value added product.

Medical services, including doctor clinics, hospitals, laboratories, chiropractors, dermatologists, plastic surgery, pharmacy, eye specialists - opticians, ophthalmologists, eye corrections services, dentists, dental specialists and laboratories, audiologists, hearing aid sales, ear specialists and ambulance service. No oxygen storage with any medical service provided.

Museums, including art, cultural, history, science and musicology displays.

Office supplies: office supplies, office machines, computer, fax or copy service, computer sales/service.

Outdoor storage units: except as set forth in Section 10-6G-2.2 below, facilities or yards utilized for outdoor storage use, provided that there shall be not more than one thousand five hundred (1,500) square feet dedicated to said use per one-half (½) acre [on a commercial lot not smaller than one-half (½) acre].

Parking, including 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.

Printing and publishing, including lithographic, magazines, newspapers, and similar publications.

Professional offices, including engineering, drafting, design, real estate brokers, accounting offices, CPAs, tax agencies, consultants, employment agencies, attorneys, title and mortgage companies, property management, insurance offices, offices incidental to other permitted uses.

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

Recreation facilities: hiking and biking trails.

Recreation sales, rental and service, including swimming pools; Jacuzzis; hot tubs; saunas; watercraft; jet skis; lake and snow ski equipment; sports gear; camping, fishing and hunting equipment; outfitters; excursions; paintballs; trampolines; other sporting goods. Service facilities shall be located inside and shall be an integral part of the sales structure.

Retail stores and shops: department stores, 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, hardware, light building supply, florists, jewelry, fabric shops including sewing machine sales and service, stained glass, vacuum dealers, variety stores, gifts, crafts sales and supplies, hobby shops, sunglasses, balloons, novelties and toys, not to include pawnbrokers.

Rocks, including rock shops for retail sales and landscaping.



Schools and studios, including dance, music, art, photography, martial arts, charter schools, business and technical schools, schools for any permitted health and beauty services.

Security service: alarms services, locks, locksmiths.

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 hotels, motels, inns, lodges, tourist information, curio and souvenir shops, camera and photo shops.

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. 2018-01, 1-3-2018; Ord. 2018-02, 2-7-2018; Ord. 2023-08, 6-7-2023)

#### **10-6G-2.2: COMMERCIAL OUTDOOR STORAGE EXCEPTION AREA(S) [LIMITED PERMITTED USE].**

A. Subject to an approved site plan and any additional site-specific conditions placed thereon to effectuate the purpose and intent of this Section, an "outdoor storage units" facility/yard (not subject to the general square-footage limitations specified in Section 10-6G-2, LVCC) may be a permitted use for and on commercial properties of or more acres subject to special conditions limiting their safe use for other commercial uses permitted in the zone, as determined and designated by the city council, upon recommendation of the planning commission, and subject to the terms, conditions, and limitations of this section.

##### **B. Scope, Purpose, And Intent:**

1. This section establishes the requirements for the outdoor storage of goods and materials.
2. The purpose of these regulations is to provide adequate and convenient areas for semi- or fully-covered storage of goods and materials; open, uncovered storage is not allowed.
3. It is the intent of these regulations to minimize visual impacts to adjacent properties and public rights-of-way and to protect the public health, safety, and welfare.

C. Definitions. For purposes of this section, the following words and phrases shall be defined as follows:

<b>"COVERED ONLY" AREAS: OUTDOOR STORAGE USE:</b>	Areas (a) designated for the storage of boats, recreational vehicles (RVs), camp clothing, or other items that would typically be stored in an enclosed storage unit  Covered or fully enclosed area, room, or space that is primarily intended for the s
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##### **D. Allowances:**

1. Storage units or facilities shall not be used for manufacturing, retail or wholesale selling, office functions, other business or service uses, any use proscribed by law, and/or human or animal habitation.

2. The following shall not be stored in any storage unit or facility:

- a. Hazardous, flammable, or explosive materials;
- b. Hazardous or extremely hazardous waste; and
- c. Any material which creates obnoxious dust, odor, or fumes.

##### **E. Development Standards; Site And Architectural Design Standards.**

1. Surfacing of outdoor storage areas:

- a. All access, parking, and outdoor storage areas shall be paved with asphalt, concrete, True Grid (an eco-friendly permeable paving alternative to concrete and asphalt that provides





stability and storm water detention), or other product of similar quality and useful life, as approved by the director of operations, or his or her designee.

b. No certificate of occupancy shall issue until all areas of the developed site have been finished with a permanent surface or permanent landscaping materials and irrigation.

2. Sufficient space:

a. No queuing, stacking, loading, unloading, or parking of vehicles will be allowed on city streets.

b. On-site overflow areas shall be provided to provide for and accommodate all necessary maneuvering, queuing, stacking, loading, unloading, and parking of owner-, employee-, customer-, patron-, or guest-owned or operated vehicles.

3. Parking shall be provided, installed, maintained, and regulated in accordance with the provisions of Chapter 10 of this Title.

4. Specific access and turnaround requirements shall be addressed in the site plan provided to and approved by the City Council to the property being developed for the use provided for herein.

5. Signage:

a. Directional guidance for vehicles entering and exiting the outdoor storage facility/yard shall be provided on-site.

b. All other signage shall be provided, installed, maintained, and regulated in accordance with the provisions of Chapter 11 of this Title.

6. Lighting: All lighting shall conform to and be provided, installed, maintained, and regulated in accordance with the city's night sky ordinance (i.e., Chapter 11 of Title 4 of this Code).

7. Setbacks: Except as specifically required and provided for in the approved site plan, all setbacks shall comply with Section 10-6G-5.

8. Residence above office space: A single residence shall be allowed above the office to (a) accommodate access to the storage facility and (b) provide for property security.

F. Screening Standards (Commercial/Residential Zone interface).

1. Areas abutting residential zones shall have, as a minimum, an eight-foot (8') block wall for screening. No building erected in place of or adjacent to this block wall shall exceed twelve feet (12') in height.

2. Areas abutting commercial zones can use the metal of the storage units as the barrier if it contains a constant flow, style, and color, and does not exceed a height of eighteen feet (18').

3. All buildings or structures situated on or against the property line shall be completely enclosed to provide sufficient screening from public view (including oblique views).

4. Access gates and doors may be constructed of open wrought iron if a perforated metal screen or other durable material is incorporated into the design that obscures views through the gate.

G. Landscape Standards. A landscaping strip containing a combination of trees, shrubs, groundcover, decorative rock, and boulders for and along the length of the property frontage (minus access points), eight feet (8') wide from the back of sidewalk, will be required.

H. Maintenance.

1. All areas of the storage unit yard/facility shall be maintained in good repair, and in a clean, neat, and orderly condition.

2. The storage area shall be kept free and clear of weeds and debris of all kinds, both inside and outside the fence or wall.

3. Any graffiti shall be removed within twenty-four (24) hours of occurrence.

4. Diseased, damaged, and/or dead shrubs and vines shall be replaced in a timely manner. (Ord. 2023-08, 6-7-2023)

**10-6G-3: PROHIBITED USES:**

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



## Notes

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

### 10-6G-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.

B. 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. (Ord. 2006-09, 3-1-2006; amd. Ord. 2023-02, 2-5-2023)

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

District	Area	Lot Width In Feet	Setback In Feet		
			Front	Side	Rear
C See note 3	1/2 acre (21,780 square feet) <sup>2</sup>	70	35 for commercial buildings abutting SR-9 and SR-17; 25 when abutting City streets – 15 feet of which shall be landscaped.	See note 1	See note 1

#### Notes:

1. Building setbacks adjacent to residentially zoned areas shall be 20 feet. 10 feet of the setback area adjacent to residentially zoned property shall be landscaped. Maximum height of structure adjacent to a residential zone shall not exceed 18 feet.
2. Commercial condominium projects shall meet the 1/2 acre minimum requirement for the project, but buildings may be divided into subunits and platted for individual ownership within the project.
3. Structures on a lot shall not exceed 50% of the total lot area.  
(Ord. 2007-16, 4-4-2007; amd. Ord. 2007-24, 8-15-2007)

### 10-6G-6: DEVELOPMENT STANDARDS:

1. **Block Walls:** 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)

2. **Vehicular access/parking:** All facilities/uses shall have driveways, points of vehicular ingress and egress and parking. The parking requirement shall be one nine (9) foot by 18 foot parking space for every 200 square feet of commercial floor area. One nine (9) foot by 18 foot parking space required for each 3.5 seats or one parking space for 100 square feet of restaurant floor area (excluding kitchen, storage, etc.), whichever is greater. All drive aisles shall be a minimum of 25 feet in width.
3. **Loading areas:** Loading spaces shall be provided at a ratio of one for every 15,000 square feet of commercial floor area or as determined by the city. Loading space size shall be 10 feet by 20 feet.
4. **Trash enclosures:** Trash dumpster bins located in a decorative enclosure shall be provided for a development. Size and quantity of trash bins shall be determined by the city.
5. **Streets:** All streets in or adjacent to the C zone shall meet the requirements of the city's construction and development standards including curb, gutter and sidewalk.
6. **Curb, gutter, sidewalk and paving:** All facilities/uses shall have curb, gutter and sidewalk, and shall have asphalt paving from the curb and gutter out to any existing street asphalt subject to city approval.

#### **10-6G-7: COMMERCIAL DESIGN GUIDELINES:**

The foregoing rules and regulations contained in Exhibit A as attached to Ordinance 2024-17 shall be construed and interpreted in such a manner so as to achieve the goals and objectives contained in the Commercial Design Guidelines attached to Ordinance 2024-17 and incorporated into this Article as if fully set forth. **Planning Commission review/approval is required to establish any new development on commercially zoned property.** (Ord. 2024-17, 10-16-2024)

#### **10-6G-8: APPLICATION REQUIREMENTS:**

Commercial developments in the C zone shall comply with the following application requirements:

- A. **Precise Plan:** A precise plan application shall be submitted to the city for review and approval. A dimensioned site plan(s) must show the entire development under consideration including building location(s), setbacks, lot coverage, access locations, parking lot design, required parking calculations, perimeter wall(s) locations and design, loading spaces, lighting location and type, preliminary landscape plan trash enclosures design and locations, storage locations (if any), utilities plan (including fire hydrant locations), equipment locations and screening, phasing (if any) and any other pertinent design features or aspect of the development. The site plan shall provide the location of all existing and proposed main buildings and accessory buildings as well as distance and contemplated uses.
- B. **Architectural drawings:** Architectural drawings shall be included as part of the precise plan application. Plans shall consist of building elevation/façade renderings with exterior materials clearly depicted, proposed colors, identification of building massing and design and roof type and color and any other design feature. Material and color palettes shall be included as part of the submission.





- C. **Studies:** The city may require studies to analyze the impact of a project. Studies may consist of traffic, noise, drainage, geotechnical or any other study the city requires in order to properly analyze the impact of the project.
- D. **Landscaping:** A landscape plan shall be reviewed at the time of precise plan approval. All landscaping shall be maintained by means of an automatic sprinkling system. The use of drought tolerant landscaping and sprinkler fixtures shall be incorporated into the landscape plans. Compliance with Washington County Water Conservancy planting materials and guidelines is required.
- E. **Signage:** A comprehensive sign plan shall be submitted and approved by the city at the time of precise plan approval. The comprehensive sign plan shall include and where applicable comply with the following:
1. **Site plan:** Site plans shall include locations, dimensions of the sign area and structure, building materials and colors and sketches and elevations of the signs to scale showing the architectural detail and overall size of the proposed signage.
  2. **Sign structures:** Sign structures shall incorporate the design theme, materials, colors and elements of the center's architecture.
  3. **Building signs:** A ratio of 1.25 square feet of sign area for each linear foot of building or tenant space frontage is required.
  4. **Under canopy:** Under canopy signs are allowed for tenant identification. The maximum size shall be eight square feet and be consistent with the design theme of the center.
  5. **Monument signs:** Monument signs shall be permitted for shopping centers adjacent to a public street and be spaced 300 feet apart. The overall area of a sign shall not exceed forty-eight (48) square feet, and the overall height of the sign shall not exceed six (6) feet. All monument signs shall be placed outside of corner cut-off areas. Monument signs shall match the architecture of the center.
  6. **Pylon signs:** Pylon signs are not permitted.
  7. **Temporary signs:** Temporary signs are permitted but must be approved by the city and be consistent with the design standards of the sign program.
- F. **Lighting:** Lighting, including parking lot lights, security lights and illuminated signs, shall be designed and directed in a manner to prevent glare on adjacent properties and into the sky. In order to more fully implement this requirement, a photometric lighting plan may be required to show that there will be no significant overflow lighting.



## ARTICLE G1. RETAIL COMMERCIAL (COMM-R)

### SECTION:

[10-6G1-1: Purpose](#)

[10-6G1-2: Permitted Uses](#)

[10-6G1-3: Prohibited Uses](#)<sup>1</sup> (Rep. by Ord. 2007-26, 10-3-2007)

[10-6G1-4: Height Regulations](#)

[10-6G1-5: Area, Width, And Yard Requirements](#)

[10-6G1-6: Screening Requirement](#)

[10-6G1-7: Easement Required](#)

[10-6G1-8: Commercial Design Guidelines](#)

### Notes

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

### **10-6G1-1: PURPOSE:**

To provide appropriate areas where pedestrian oriented retail commercial activities may be established, maintained and protected. (Ord. 2006-03, 1-18-2006)

### **10-6G1-2: PERMITTED USES:**

The following shall be permitted uses:

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

Animal services: fish and aquarium retail shops.

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

Automobiles: packaged automobile part stores.

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

Bicycles, ATVs; includes sales, rental, parts sales and service where repair facilities are inside and are an integral part of the sales structure.

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

Clothing; includes retail sales, tailoring and clothing repair, shoes, accessories, screen printing, t-shirt shops, formal wear rental and sales, costume sales and rental.

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

Convenience stores; includes gas stations, gas and goodie stores.

Entertainment services, including recording studios/services, instrument sales/rental/repair, talent/art studios, supplies.

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

Home improvements, including retail lighting and service, decorating services, appliance sales, upholstery, carpet and floor treatments, window treatments, wallpaper, paint.

Landscape and gardening: landscape supplies including rock, wall and waterfall materials; patio furniture and supplies.

Medical services, including doctor clinics, hospitals, laboratories, chiropractors, dermatologists, plastic surgery, pharmacy, eye specialists - opticians, ophthalmologists, eye corrections





services, dentists, dental specialists and laboratories, audiologists, hearing aid sales, ear specialists and ambulance service. No oxygen storage with any medical service provided. Museums; includes art, cultural, history, science and musicology displays.

Office supplies: office supplies, office machines, computer, fax or copy service, computer sales/service.

Parking, including 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 engineering, drafting, design, real estate brokers, accounting offices, CPAs, tax agencies, consultants, employment agencies, attorneys, title and mortgage companies, property management, insurance offices, offices incidental to other permitted uses.

Public or quasi-public area, including 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; paintballs; trampolines; packaged sporting goods.

Retail stores and shops: department stores, 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, hardware, light building supply, florists, jewelry, fabric shops including sewing machine sales and service, stained glass, vacuum dealers, variety stores, gifts, crafts sales and supplies, hobby shops, sunglasses, balloons, novelties and toys, not to include pawnbrokers.

Rocks, including rock shops for retail sales and landscaping.

Schools and studios, including dance, music, art, photography, martial arts and charter schools, business and technical schools, schools for any permitted health and beauty services.

Security service: alarms services, locks, locksmiths.

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 hotels, motels, inns, lodges, tourist information, curio and souvenir shops, camera and photo shops.

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. 2018-01, 1-3-2018)

### **10-6G1-3: PROHIBITED USES<sup>1</sup>:**

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

#### **Notes**

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

### **10-6G1-4: 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.

B. 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. (Ord. 2007-16, 4-4-2007; amd. Ord. 2023-02, 2-1-2023)

#### 10-6G1-5: AREA, WIDTH, AND YARD REQUIREMENTS:

District	Area	Lot Width In Feet	Setback In Feet		
			Front	Side	Rear
Comm-R See Note 3	1/2 acre (21,780 square feet) <sup>2</sup>	70	35 for commercial buildings abutting SR-9 and SR-17; 25 when abutting city streets, – 15 feet of which shall be landscaped.	See note 1	See note 1

Notes:

1. Building setbacks adjacent to residentially zoned areas shall be 20 feet. 10 feet of setback area adjacent to residentially zoned property shall be landscaped.
  2. Commercial condominium projects shall meet the 1/2 acre minimum requirement for the project, but buildings may be divided into subunits and platted for individual ownership within the project.
  3. Structures on a lot shall not exceed 50% of the total lot area.
- (Ord. 2007-16, 4-4-2007; amd. Ord. 2007-24, 8-15-2007)

#### 10-6G1-6: DEVELOPMENT STANDARDS:

1. **Block Walls:** 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)
2. **Vehicular access/parking:** All facilities/uses shall have driveways, points of vehicular ingress and egress and parking. The parking requirement shall be one nine (9) foot by 18 foot parking space for every 200 square feet of commercial floor area. One nine (9) foot by 18 foot parking space required for each 3.5 seats or one parking space for 100 square feet of restaurant floor area (excluding kitchen, storage, etc.), whichever is greater. All drive aisles shall be a minimum of 25 feet in width.
3. **Loading areas:** Loading spaces shall be provided at a ratio of one for every 15,000 square feet of commercial floor area or as determined by the city. Loading space size shall be 10 feet by 20 feet.
4. **Trash enclosures:** Trash dumpster bins located in a decorative enclosure shall be provided for a development. Size and quantity of trash bins shall be determined by the city.





5. **Streets:** All streets in or adjacent to the Comm-R zone shall meet the requirements of the city's construction and development standards including curb, gutter and sidewalk.
6. **Curb, gutter, sidewalk and paving:** All facilities/uses shall have curb, gutter and sidewalk, and shall have asphalt paving from the curb and gutter out to any existing street asphalt subject to city approval.

#### **10-6G1-7: EASEMENT REQUIRED:**

All lots shall have easements on side and rear property lines of a minimum of seven and one-half feet (7½') and on a street side property line of ten feet (10') minimum, to be used for utilities and drainage. (Ord. 2008-07, 5-7-2008)

#### **10-6G1-8: COMMERCIAL DESIGN GUIDELINES:**

The foregoing rules and regulations contained in Exhibit A as attached to Ordinance 2024-17 shall be construed and interpreted in such a manner so as to achieve the goals and objectives contained in the Commercial Design Guidelines attached to Ordinance 2024-17 and incorporated into this Article as if fully set forth. **Planning Commission review/approval is required to establish any new development on commercially zoned property.** (Ord. 2024-17, 10-16-2024)

#### **10-6G1-9: APPLICATION REQUIREMENTS:**

Commercial developments in the Comm-R zone shall comply with the following application requirements:

- A. **Precise Plan:** A precise plan application shall be submitted to the city for review and approval. A dimensioned site plan(s) must show the entire development under consideration including building location(s), setbacks, lot coverage, access locations, parking lot design, required parking calculations, perimeter wall(s) locations and design, loading spaces, lighting location and type, preliminary landscape plan trash enclosures design and locations, storage locations (if any), utilities plan (including fire hydrant locations), equipment locations and screening, phasing (if any) and any other pertinent design features or aspect of the development. The site plan shall provide the location of all existing and proposed main buildings and accessory buildings as well as distance and contemplated uses.
- B. **Architectural drawings:** Architectural drawings shall be included as part of the precise plan application. Plans shall consist of building elevation/façade renderings with exterior materials clearly depicted, proposed colors, identification of building massing and design and roof type and color and any other design feature. Material and color palettes shall be included as part of the submission.
- C. **Studies:** The city may require studies to analyze the impact of a project. Studies may consist of traffic, noise, drainage, geotechnical or any other study the city requires in order to properly analyze the impact of the project.
- D. **Landscaping:** A landscape plan shall be reviewed at the time of precise plan approval. All landscaping shall be maintained by means of an automatic sprinkling system. The use of drought tolerant landscaping and sprinkler fixtures shall be incorporated into the





landscape plans. Compliance with Washington County Water Conservancy planting materials and guidelines is required.

E. Signage: A comprehensive sign plan shall be submitted and approved by the city at the time of precise plan approval. The comprehensive sign plan shall include and where applicable comply with the following:

1. Site plan: Site plans shall include locations, dimensions of the sign area and structure, building materials and colors and sketches and elevations of the signs to scale showing the architectural detail and overall size of the proposed signage.
2. Sign structures: Sign structures shall incorporate the design theme, materials, colors and elements of the center's architecture.
3. Building signs: A ratio of 1.25 square feet of sign area for each linear foot of building or tenant space frontage is required.
4. Under canopy: Under canopy signs are allowed for tenant identification. The maximum size shall be eight square feet and be consistent with the design theme of the center.
5. Monument signs: Monument signs shall be permitted for shopping centers adjacent to a public street and be spaced 300 feet apart. The overall area of a sign shall not exceed forty-eight (48) square feet, and the overall height of the sign shall not exceed six (6) feet. All monument signs shall be placed outside of corner cut-off areas. Monument signs shall match the architecture of the center.
6. Pylon signs: Pylon signs are not permitted.
7. Temporary signs: Temporary signs are permitted but must be approved by the city and be consistent with the design standards of the sign program.

F. Lighting: Lighting, including parking lot lights, security lights and illuminated signs, shall be designed and directed in a manner to prevent glare on adjacent properties and into the sky. In order to more fully implement this requirement, a photometric lighting plan may be required to show that there will be no significant overflow lighting.

