



## LA VERKIN CITY PLANNING COMMISSION AGENDA

### Regular Meeting

Wednesday, January 28, 2026, 6:00 pm.

Gym, 111 South Main Street

La Verkin, Utah 84745

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

Invocation by Invitation; Pledge of Allegiance

### B. Appointments:

1<sup>st</sup> Alternate-Richard Howard

Swearing in of Commissioner

### C. Approval of Agenda:

### D. Approval of Minutes: January 14, 2026, regular meeting

### E. Reports:

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

### F. Public Hearing:

1. An ordinance amending the definition of the detached accessory dwelling units (DADUs) to allow short-term rentals (vacation rentals) for lot/parcel that are 8,000 sq. ft. or larger in residential zones within the community; and providing an effective date.

### G. Business:

1. Discussion and possible action to recommend approval of an Ordinance amending the definition of the detached accessory dwelling units (DADUs) to allow short-term rentals (vacation rentals) for lot/parcel that are 8,000 sq. ft. or larger in residential zones within the community; and providing an effective date.
2. Discussion regarding proposed changes in the General Commercial, Retail Commercial, and Tourist Commercial zones.
3. Discussion regarding Mixed Use zone.
4. Discussion regarding priority list.

### H. 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, posted on the State website at <http://pmn.utah.gov> posted on the La Verkin City website at [www.laverkin.org](http://www.laverkin.org) and at the city office buildings 111 S. Main and 435 N. Main on January 23, 2026  
Nancy Cline, City Recorder



## **Planning Commission meeting January 28<sup>th</sup>**

- 1) *Public hearing on the DADUs short term rental allowance*
- 2) *Review Proposed Changes in the General Commercial Zone, Retail Commercial Zone, and the Tourist Commercial Zone*
  - a) *We have added Uses Subject To Similar Findings: The planning commission, based on its own discretion, can find that other proposed uses similar with those listed above are consistent with the intent of this land use classification.*  
*This will give the Planning Commission more charge of uses not listed but similar*
  - b) *Change to help regulate the number of buildings that can be placed on the property*
  - c) *Inclusion of the Development standards*
  - d) *An addition to the Commercial Design Guidelines: Planning Commission review/approval is required to establish any new development on commercially zoned property*
  - e) *Inclusion of the Application Requirements*
- 3) *The creation and formatting of the Mixed-Use Zone*
- 4) *Review of Brad's updated priority list*



## LA VERKIN CITY PLANNING COMMISSION

Regular Meeting

Wednesday, January 14, 2026, 6:00 pm.

City Council Chambers, 111 South Main Street

La Verkin, Utah 84745

**Present:** Chair Allen Bice; Commissioners: Hugh Howard, Kyson Spendlove, Sherman Howard, Matt Juluson, and Christian Harrison; Staff: Derek Imlay, Fay Reber, and Nancy Cline; Public: John Valenti and Patricia Wise.

**A. Call to Order:** Chair Allen Bice called the meeting to order at 6:00 pm.

The invocation and Pledge of Allegiance were given by Allen Bice.

### **B. Appointments:**

Commission Bice was reinstated for a 5-year term, Richard Howard was reappointed for a 1-year alternate term, and Christian Harrison was reappointed for a 1-year alternate term. Richard Howard was absent and will be sworn in the next meeting.

### **C. Election of Chair and Chair Pro-Tempore:**

The motion was made by Commissioner Matt Juluson to elect Allen Bice as chair, second by Commissioner Sherman Howard. Hugh Howard-yes, Sherman Howard- yes, Bice-yes, Spendlove-yes, and Juluson-yes. The motion carried unanimously.

The motion was made by Commissioner Allen Bice to elect Kyson Spendlove as chair pro-tempore, second by Commissioner Matt Juluson. Juluson-yes, Spendlove-yes, Bice-yes, Hugh Howard-yes, Sherman Howard-yes. The motion carried unanimously.

### **D. Approval of Agenda:**

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

### **E. Approval of Minutes:** December 10, 2025, regular meeting

The motion was made by Commissioner Sherman Howard to approve December 10, 2025, regular meeting, second by Commissioner Matt Juluson. Hugh Howard-yes, Bice-yes, Sherman Howard-yes, Spendlove-yes, Juluson-yes. The motion carried unanimously.

### **F. Reports:**

City Council-Councilman Valenti reported on the City Council regular meeting on January 7, 2026.

Director of Operations Derek had nothing to report.

### **G. Presentation:**

1. Kevin Smedley with Five County general plan.

Moved to the end of the meeting.

### **H. Public Hearing**

1. An ordinance amending the La Verkin city code by deleting, changing, or adding certain terms and definitions to Section 10-1-6.

Commissioner Bice suggested they combine the public hearing for #1 and #2 because they are related.

Derek explained that the first two ordinances are concerning the definitions of accessory buildings or accessory structures attached to the primary building, which we didn't have the definition for attached. So, when people

are trying to build internal dwelling units, some people try to pass a piece of wood, or something attached from one building to the other. We created a definition for that and the meaning of lot coverage.

*Public Hearing opened at 6:10*

*No comments made.*

*Public Hearing closed at 6:11*

2. An ordinance amending the La Verkin city code by deleting, changing or adding certain terms and definitions to Section 10-7-21.

Derek explained this includes the definitions for internal dwelling units. The caveat to the reason we have is attached. Letter C. Must be attached to primary dwelling and then in parentheses it says see definition. We're just trying to keep it simple, so we only have to have it put into one location, so it doesn't get confusing.

*Public hearing opened at 6:10*

*No comments made*

*Public Hearing closed at 6:11*

3. An ordinance amending the modifying regulations in Section 10-6A-5, Section 10-6B-5, 10-6D-5 of the La Verkin City Code.

Derek explained that this ordinance was modified to deal with all of our residential zones. That basically prior to that, it allowed the side yards, if you had ten feet behind the main house, you could put in a structure within two feet. They could build in the corner, within two feet of each property line. The concern here was that we have a lot of our utilities, especially in the older part of town, in backyards. Irrigation runs down everybody's property. We start to get a lot of people that are building buildings on top of that. But if we ever have to go in and repair it, we have the ability under the code to go in and tear apart, remove, and do whatever we need to do to get in there and make the repair on our system. It is their responsibility to fix their structure after we are done. We started to get more and more people trying to do that so we thought this might be a good thing. The five feet set back makes us in compliance with the fire code. There has already been a fire on 320 North where they set two feet away from each other. One caught on fire and then the other one did too because of it's close proximity to the property. But we also allow that if there are no utilities there, then they have to build new within five feet of the property line. If they have utilities, it's seven and a half feet; if they don't, then it's five feet.

*Public Hearing opened at 6:13*

Patricia Wise Strongly disagreed with allowing short term rentals in detached ADU's. After realizing this was not what the public hearing was about, she had no objections to public hearing #3.

*Public Hearing closed at 6:18*

## **I. Business:**

1. Discussion and possible action to recommend approval of an Ordinance amending the La Verkin city code by deleting, changing, or adding certain terms and definitions to Section 10-1-6.

**The motion was made by Commissioner Sherman Howard to recommend approval of an ordinance amending the La Verkin city code by deleting, changing, or adding certain terms and definitions to Section 10-1-6, seconded by Commissioner Kysen Spendlove. Hugh Howard-yes, Bice-yes, Juluson-yes, Sherman Howard-yes, Spendlove-yes. The motion carried unanimously.**

2. Discussion and possible action to recommend approval of an ordinance amending the La Verkin city code by deleting, changing or adding certain terms and definitions to Section 10-7-21

**The motion was made by Commissioner Hugh Howard to recommend approval of an ordinance amending the La Verkin city code by deleting, changing, or adding certain terms and definitions to Section 10-7-21, seconded by Commissioner Matt Juluson. Hugh Howard-yes, Bice-yes, Juluson-yes, Sherman Howard-yes, Spendlove-yes. The motion carried unanimously.**

3. Discussion and possible action to recommend approval for an ordinance amending the modifying regulations in Section 10-6A-5, Section 10-6B-5, 10-6D-5 of the La Verkin City Code.

**The motion was made by Commissioner Kysen Spendlove to recommend approval of an ordinance amending the modifying regulations in Section 10-6A-5, Section 10-6B-5, 10-6D-5 of the La Verkin City Code, seconded by Commissioner Matt Juluson. Hugh Howard-yes, Bice-yes, Juluson-yes, Sherman Howard-yes, Spendlove-yes. The motion carried unanimously.**

4. Presentation, discussion, and possible action to set a public hearing for January 28, 2026, regarding an Ordinance amending the La Verkin city code for allowance of short-term rental in detached accessory dwelling units (DADUs): and providing an effective date.

Commissioner Bice explained this is what Patricia Wise objected to. We are being asked to set a public hearing for this topic. They did discuss it last meeting but tabled it so more commissioners would be present.

Derek explained that in the packet, those are the changes from our discussion last time. The changes are in red. The allowance was made for 8,00 square feet. And it doesn't have to be zoned R-1-8; it just has to be 8,000 square feet. So, if you had a big lot in a smaller zone, it would be authorized. We also added or enacted in the ordinance the city requires a business license. So, we changed number four B to read that a business license would be required. We added each annual license renewal for short term rentals; applicants must show proof they own and live on the property. This can be done by a warranty deed, or a deed. And also confirm that either the main house or the ADU will continue to be their house if it is rented. And then we just specified from the code the penalties that would be associated with it. We tried to get them to at least prove residence because we do have people who try to say that's the main residents and that's not the main house. We're trying to limit the amount of work and research that staff has to do. So those were the additions that we added to it, just trying to do what we could to make it the best for the concerns.

Commissioner Hugh Howard agreed with Patty's view. It will open a can of worms again and policing it will be difficult.

Commissioner Bice reminded them tonight they are only asked to set a public hearing. A concerned citizen advised that we have the public hearing, which will allow the city council to see those comments and have a week to consider them before they take action on it. Members of the city council are anxious to make this happen. If we opt to not have a public hearing on it, they will. And then they may not have the time to consider between public hearing and action like we did with our public hearings tonight. He was not shy about his opinion on the subject he felt they ought to have a public hearing about it. There will be a public hearing; it's just a matter of here or in the city council. And doing it here would give them the opportunity to review it before they meet on it.

Commissioner Spendlove agreed with Commissioner Bice that after we do the public hearing, we then have that opportunity to make a recommendation, and we can still voice our concerns during that recommendation as well.

**The motion was made by Commissioner Hugh Howard to recommend they set a public hearing on January 28, 2026, regarding an Ordinance amending the La Verkin city code for allowance of short-term rental in detached accessory dwelling units (DADUs): and providing an effective date, seconded by Commissioner Sherman Howard. Hugh Howard-yes, Bice-yes, Juluson-yes, Sherman Howard-yes, Spendlove-yes. The motion carried unanimously.**

5. Discussion regarding offsite signage.

Brad explained that there is a definition for directional signage, and essentially it's just pointing people in the right direction as to where you want them to go, find whatever you are trying to advertise or as part of a city. It's a fairly simple definition. He thought about bringing a whole bunch of designs now. Most of these types of signs, they all have the city prominently displayed somewhere or another, and then they have directional arrows pointing wherever you need to go. They can be a single pole or double pole. There's a lot of options. Design is not the major issue. He mentioned some criteria. Like all the directional signs should be owned by the city. You don't want private people owning directional signs. No directional signs should be located in corner cut-off area. No signs should be located in a manner to obscure other signs that are actually directing traffic and those types of things. They shall all be located in the public right of way. There should only be one design, one official design for directional signage for the city. And signage which includes illumination, flashing lights, those certain things should not be part of a directional sign. Regarding regulations, signs advertising activities that are illegal under federal, state, or city laws should not be allowed. There should be no vulgar phrases, cuss words, those types of things. The message on the directional signs should be limited to the identification of the attraction or activity. It's for the traveling public; it's not just for advertising, so to speak. All directional signage shall be in the interest of the traveling public. And the city should utilize these signs to advertise or at least point to where your parks, fire stations, city hall, and those kinds of things. The more difficult part when cities get involved in these kind of things is who actually is allowed to be on the sign. You should probably not have home-based business on a sign. You already have restrictions for home-based businesses. You don't want a lot of traffic to be directed to home-based businesses, so it's pretty safe to say no home-based businesses. Now, once you get past that, the question is. The Hot Springs was probably one of the reasons for the directional sign. But do you allow Dad's flower shop to be on the directional sign, or hotels, or those types of things? He gave an example in the city that he managed in California. They used to allow banners. Events for churches, and charity events. And it all worked fine until we got a church that was a devil worshiping church that came in and wanted to have their name on this banner. And we ended up allowing it. And then right after that, we got rid of the program because once you are in these situations, you are a governmental agency, you can't just pick and choose. There could be First Amendment issues with this, depending on how you want to do it. This is something that Fay's going to have to be involved in. It's going to be the harder issue with this. The design, all that we can figure out. It's who's going to go on these signs and how you're going to restrict if you can restrict. If you just kept it to just the parks, city hall, that kind of stuff, you're one hundred percent good. When cities start becoming advertising agencies that creates some problems. The second problem might be they get tagged and beat up all the time. That would be a maintenance issue.

Commissioner Bice asked if the sign the Hot Springs had is on their property.

Brad explained if they want a sign on the public right away that's where all the questions need answered.

Derek explained the request came from the Hot Springs and the RV resort. The RV resort is pretty much hidden because of the block wall requirements and the non-access off of SR9 from UDOT. They have to go down Main Street and turn and get into their business. The Hot Springs sits back so far, you're not really going to see it. That's why we've got Brad presenting this because he didn't anticipate that they would have to be potentially open to every business on the SR9 and SR17 corridors if that's how we wanted to go about it. They requested it due to the fact that it's so hard to find and they wanted to enhance their business.

Commissioner Hugh Howard objected to the current Hot Springs sign because it blocks the view of traffic from SR9. He suggested it should be off the ground so they could see under the sign.

Commissioner Spendlove asked if that's what the corner cut off area is. He asked for a definition of that, but in his mind, it's in an area where it's a potential hazard. It's where you're trying to see traffic and so forth.

Brad explained that normally there's a cut off. It depends on the city how they define it. Sometimes it's 10 or 20 feet. It depends on the size of the road as to where there should not be a sign.

Derek replied that it's a thirty measurement from the center line go thirty feet and arc it, and so anything beyond the arc which is considered the clear portion of the intersection the sign can set down in there. Anything inside that arc would have to be up to ten feet high so you have visual view through. If they want to rectify that it would be another change that they would need to make because the arc code is compliant with our sign ordinance as it's written currently.

Commissioner Hugh Howard suggested a traffic light.

Commissioner Juluson suggested they approve one or two signs. If they approved businesses on the signs, then run out of room they would end up with a lot more signs around town.

Brad replied they could limit the number of signs but how do they decide who gets to be on the signs.

Commissioner Spendlove commented that the directional signage came up more because of the businesses requesting them, that's where this is coming from. He had a hard time saying that we're going to allow directional signage for businesses for advertising. He thought it made sense as a city for signage for parks and for historic sites, those types of things. He believed it's going to open up a can of worms if we go further than that, and he didn't know if we want that for our city.

Brad agreed those signs involving the city locations are easy. It's the business part that is difficult.

Commissioner Bice agreed maybe the size of the business and how hidden they are, how inaccessible they are. But he wasn't sure they wanted to go there.

Brad added that churches are another hard spot. Which churches are allowed on the sign.

Commissioner Spendlove asked Derek if the two businesses had any specific idea what they wanted to do for signage. He understood the Hot Springs setback for them but if they were to have signage on their own property at the entrance of their parking lot, he didn't know how else they can really put more signage out unless they're trying to put it across the street.

Derek replied that they're both intending to try to capture or get information out to the tourists. At the intersection or heading to Zion. He thought more so for the off-ramp. The RV would be more of this location because it's really about setting up frontage off of SR9. Then they could put signage up there and be in a better situation for them. We don't allow billboards and this seemed like an idea that might work. They were just looking for some help trying to find their businesses. This was more difficult than he anticipated.

Commissioner Juluson suggested they partner with other businesses and advertise that way. Not bring it to the city.

Brad added they would have to start regulating the picking and choosing.

Commissioner Spendlove was concerned about there's very few businesses along State Street in this lower portion, but especially as you start developing the Top side, it's going to get way more intense with all the businesses that could go up there. It could get really messy.

Derek asked if they would consider him and Brad working to see if there's any possibility. Try to resolve this through this situation, or we just do not even want to attempt to try to go down this road at all. We would let the businesses know that they're on their own.

Commissioner Sherman Howard added he agreed with city signs. But other than that, it could be a problem if we start advertising businesses on directional signs, just like we've been saying. He didn't agree with the advertising part.

Derek replied they could use it for the parks, the fire stations, the city office, the police department, and council chambers but not address anything with the businesses.

Brad suggested he bring back some design with that possibly. He asked for guidance on the size of signs they would like to see. He will bring back several examples.

Commissioner Spendlove added it'd be nice to see some examples similar to this one, and then maybe, because in his mind, this is something that's going to be on more of a major road, but they may have some additional directional signs that are smaller as you're traveling down some of the smaller roads. He thought it would be nice to see those other signage options as well.

#### 6. Discussion regarding zoning allowances for R-1-6, HDR-14 (High Density Residential), MDR (Medium Density Residential), and Mixed Use.

Derek explained this was given to them so they could study it and have some input at the next meeting. They want to put these zones together, but they have not been assigned anywhere in town. Our anticipation is this will be used more on the top side, which he thought Matt and Kysen had talked about preparing for the top side. They have them formatted and ready to go. He wanted them to take time to read through it, see if there's any other changes or changes that were made that weren't what they wanted it to be, and then they could have a discussion in two weeks.

#### J. Future considerations:

1. Parking
2. PUDS
3. Signage
4. Development Agreement

Commissioner Bice explained that every year they set an agenda of things they would like to get to and occasionally do. One is parking we've discussed that at some length, but never really put it in an ordinance. He asked for an explanation of a PUD

Derek explained that it's a planned unit development. For example, Hillside Terrace was a PUD. They are allowed to potentially get away with less requirements than the city has.

Commissioner Spendlove added sometimes bonus density if you do a certain amount of open space, sometimes you can get additional density, additional units.

Commissioner Bice continued to discuss the list. Signage and Development agreements. He explained these new zones require development agreements. Not the R-1-6. But the others.

Derek agreed. They need a massive overhaul. The development agreements are included in the R-3-6 and CPD, which is the commercial planning development. Brad would like to include the development agreement in the ordinances so we will need those attached.

**G. Presentation:**

1. Kevin Smedley with Five County general plan

Kevin explained he was here a couple of months ago. The last general plan was updated in 2018. He was contacted last year by the city about helping with the update. He works for the County Association of Governments, and his services are free to the city. He helps with shepherding them through any needed changes to the general plan. Basic statistics will need to be updated. The biggest thing that was brought up was really looking at the Top Side and nailing down what they would like to see happening up there. Put in language that could then be incorporated into the development agreement. They did a community survey. He gave them a copy of the community survey and the summary. There wasn't a lot of participation which would indicate that people are generally happy with the way the city is functioning now, the way things are at this time. There were 17 people who took the survey, so it's not really representative, but it gives you an idea. He wondered if it would be helpful to go through and just kind of redline the sections of the document with suggested edits? Bringing the language up to date in the different sections, or would they like to have a work meeting where they sit down and go through it as a group, a combination of both?

Commissioner Bice replied yes, he would like the redlines. He remembered last time they updated the general plan that is how they tackled it.

Kevin replied he would be happy to go through and just redline it. He talked with Derek and Kyle, and the Top Side is the biggest part to get details of. So that will require some just sitting down, vetting out the details of what they would like to include. Having that sort of discussion and then putting that draft as a new section of the general plan. He believed it would be a month to go through and get redlined. Then they could pace themselves. Go through and make any of those adjustments that they see, and then they can hammer out the Top Side details.

Commissioner Spendlove suggested it would be helpful to have a work meeting to discuss the details and not do it in a regular meeting.

Kevin suggested he could have it done for the first meeting in February if that works for them. He will send the redline version to them. He encouraged them to think about the Top Side since there has been interest in that land.

**K. Adjourn:**

**Commissioner Allen Bice adjourned the meeting at 6:55.**

---

Planning Commission Chair

---

Date Approved



**ORDINANCE NO. 2026 \_\_\_\_\_**

**AN ORDINANCE AMENDING THE LaVERKIN CITY CODE AMENDING THE DEFINITION OF THE DETACHED ACCESSORY DWELLING UNITS (“DADUs”) TO ALLOW SHORT-TERM RENTALS (VACATION RENTALS) FOR LOT/PARCEL THAT ARE 8,000 SQ. FT. OR LARGER IN RESIDENTIAL ZONES WITHIN THE COMMUNITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City has been interested (for some time) in allowing short-term rental (vacation rentals) as a use within detached accessory dwelling units (“DADUs”), in some form and with appropriate regulation, within the City; and

**WHEREAS**, those efforts have resulted in this proposed which was set for public hearing on January 28, 2026; and

**WHEREAS**, a duly-noticed public hearing was held on the proposed Amendment to the definition of a Detached Accessory Dwelling Unit (DADU) to allow short-term rentals (vacation rentals) on January 28, 2026, 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 Amendment to the definition of a Detached Accessory Dwelling Unit (DADU) to short-term rentals (vacation rentals), as deemed necessary or appropriate, to incorporate such input as was received; and

**WHEREAS**, having reviewed and carefully considered the proposed Amendment to the definition of Detached Accessory Dwelling Unit (DADU), to allow short-term rentals (vacation rentals) 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: ORDINANCE AMENDMENT/ADDING OF THE CODE OF THE LaVERKIN CITY CODE, BY AMENDING THE DEFINITION OF A DETACHED DWELLING UNIT (DADU) TO ALLOW SHORT-TERM RENTAL (VACATION RENTAL), INSERTING THE FOLLOWING TERMS AND DEFINITIONS TO SECTION 10-1-6 (DEFINITIONS):**

**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 8,000 sq ft or larger.*



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.

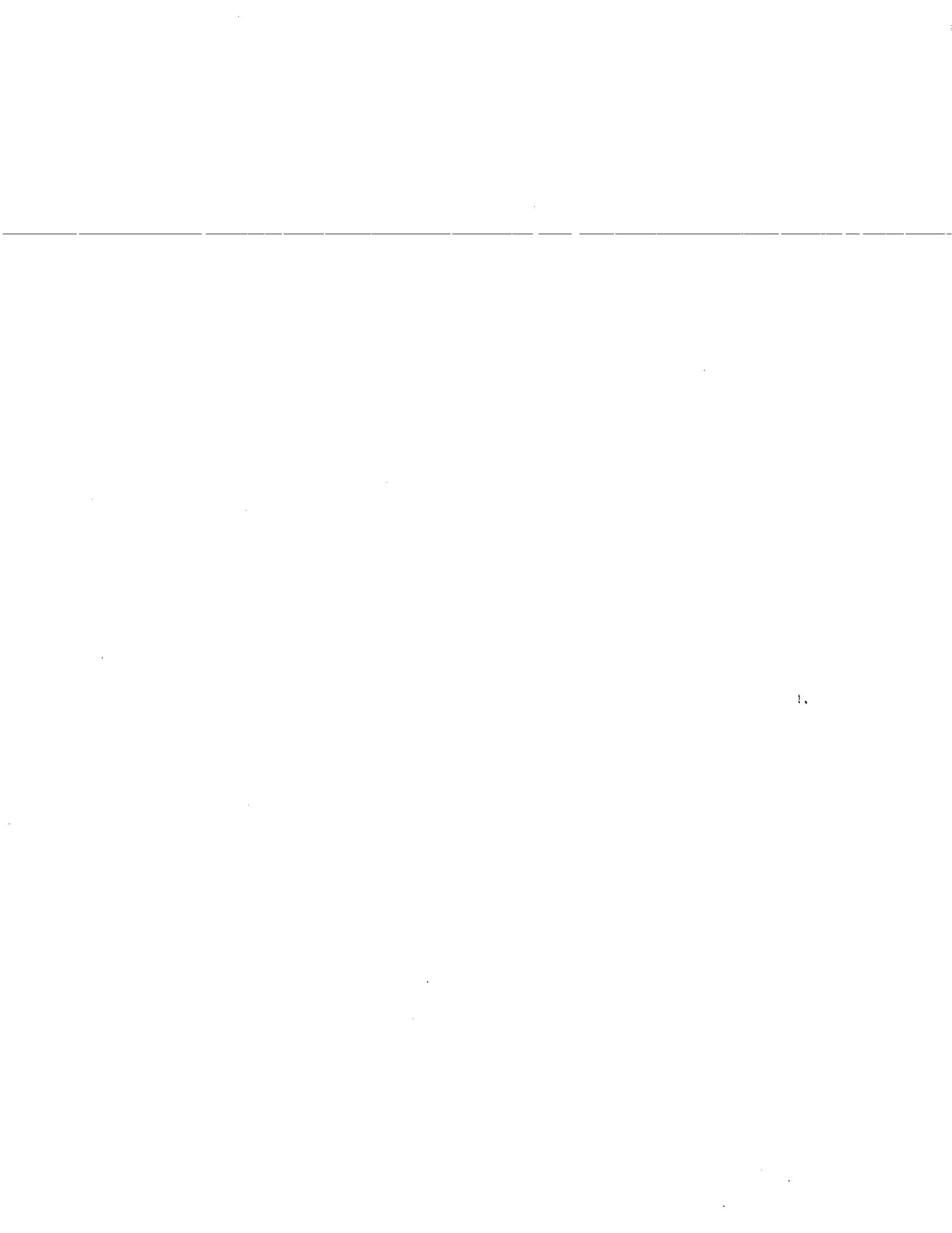
Having back yards in residential zones become commercial spaces will adversely affect the nature of the neighborhood. No matter how careful the homeowners are about screening and policing their guests, there is a difference between how we treat property and neighbors in a short term "hotel room" and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

- Commissioner Bice



## 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: Uses Subject To Similar Findings**

**10-6G-5: Height Regulations**

**10-6G-6: Area, Width, And Yard Requirements**

**10-6G-6: Screening Requirement**

**10-6G-7: Development Standards**

**10-6G-8: Commercial Design Guidelines**

**10-6G-9: Application Requirements**

### 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 hooved 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.
2. It is the intent of these regulations to minimize visual impacts to adjacent properties and
3. 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"</b>	Areas (a) designated for the storage of boats, recreational vehicles (RVs), campers, trailers, etc., but (b) not to be used for the storage of boxes, appliances, decorations, electronics, furniture, clothing, or other items that would typically be stored in an enclosed storage unit.
<b>AREAS:</b>	
<b>OUTDOOR STORAGE USE:</b>	Covered or fully enclosed area, room, or space that is primarily intended for the storage of personal property.

### **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.

F. 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.

G. 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<sup>1</sup>:**

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

Notes

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

**10-6G-4: USES SUBJECT TO SIMILAR FINDING**

1. The planning commission, based on its own discretion, can find that other proposed uses similar with those listed above are consistent with the intent of this land use classification.

#### 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 6: AREA, WIDTH, AND YARD REQUIREMENTS:

District	Area	Lot Width In Feet	Setback In Feet		
			Front	Side	Rear
C See note 3	$\frac{1}{2}$ 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  $\frac{1}{2}$  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: SCREENING REQUIREMENT:

~~As a condition of any use granted under this article, an eight foot (8') masonry or concrete wall shall be required when abutting a residential zone for proper visual and sound screening;~~

provided that where a masonry or concrete wall of at least six feet (6') already exists, no new wall shall be required. (Ord. 2008-07, 5-7-2008)

## **10-6G-6 7: 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 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)

## **10-6G-8 9: 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: Use Subject To Finding**

**10-6G1-5: Height Regulations**

**10-6G1-6: Area, Width, And Yard Requirements**

**10-6G1-6: Screening Requirement**

**10-6G1-7: Development Standards**

**10-6G1-8: Easement Required**

**10-6G1-9: Commercial Design Guidelines**

**10-6G1-10: Application Requirements**

### 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: USE SUBJECT TO SIMILAR FINDING**

1- The planning commission, based on its own discretion, can find that other proposed uses similar with those listed above are consistent with the intent of this land use classification.

#### **10-6G1-5: 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)

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

District	Area	Lot Width In Feet	Setback In Feet		
			Front	Side	Rear
Comm-R <b>See Note 3</b>	$\frac{1}{2}$ acre (21,780 square feet) <sup>2</sup>	70	35 for commercial buildings abutting SR-9 and SR-17; 25 when abutting city streets, – <b>15</b> 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  $\frac{1}{2}$  acre minimum requirement for the project, but buildings may be divided into subunits and platted for individual ownership within the project. (Ord. 2007-16, 4-4-2007; amd. Ord. 2007-24, 8-15-2007)
3. Structures on a lot shall not exceed 50% of the total lot area.

#### **10-6G1-6: SCREENING REQUIREMENT:**

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

#### **10-6G1-7: 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.

#### **10-6G1-8: 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)

#### **10-6G1-9: 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)

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





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

SECTION:

**10-6G2-1: Purpose**

**10-6G2-2: Permitted Uses**

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

**10-6G2-4: Prohibited Uses**<sup>1</sup> (Rep. by Ord. 2007-26, 10-3-2007)

**10-6G2-5: Uses Subject To Finding**

**10-6G2-6: Height Regulations**

**10-6G2-7: Area, Width And Yard Requirements**

**10-6G2-8: Screening Requirement**

**10-6G2-8: Development Standards**

**10-6G2-9: Easement Required**

**10-6G2-10: 10-6G2-8: Commercial Design Guidelines**

**10-6G2-11: Application Requirements**

Notes

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

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

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

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

The following shall be permitted uses:

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

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

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

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

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

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

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

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

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

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

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

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

Postal and shipping services.

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

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

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

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

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

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

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

Tourist support, including:

1. Hotels, motels, inns, lodges, and bed and breakfast facilities.
2. Tourist information, curio and souvenir shops, camera and photo shops.
3. Recreational vehicles (RVs), and small transient living quarters not specified hereinabove (including, but not limited to, cabins and yurts), subject to the provisions of section 10-6G2-2-5 of this article.

4. Vacation rentals (VRs), subject to the following:
  - a. With an approved site plan and development agreement; and
  - b. Limited to developments:
    - (1) That are at least two (2) acres in size; and
    - (2) For which VRs and their private and limited public space do not cumulatively occupy more than fifteen percent (15%) of the acreage of such development; and
  - c. Within the developable area of the acreage referenced and described in subsection 5.b. hereof:
    - (1) Landscaping: Landscaping is required in the front and sides of the buildings, and shall follow the City's currently adopted landscaping requirements.
    - (2) Construction and Setbacks of VRs: VRs units shall not front on SR9 or SR17, and buildings containing such units shall be constructed in conjunction with or after, and located behind, the development's main building(s) fronting on SR9 and/or SR17.
    - (3) Hillside: The VR development area of 15% cannot include any portion of a hillside as defined in the City hillside ordinance codified at Chapter 7A of this Title.
    - (4) Parking: Parking areas shall adhere to the requirements of Chapter 10 of this Title, and may (i) be situated totally within the fifteen percent (15%) development area or (ii) totally or partially situated within the remainder of the 2+ acreage referenced in subsection 5.b.(1) above. Shared parking is allowed if the criteria in Section 10-10-5-G of this are met.
    - (5) Height: Notwithstanding any other provision of this Code to the contrary, the height of no VR shall exceed forty-five feet (45') in height.

Transportation: taxis, shuttles, bus stops.

Travel agencies. (Ord. 2007-26, 10-3-2007; amd. Ord. 2008-14, 8-6-2008; Ord. 2015-04, 7-1-2015; Ord. 2017-01, 2-1-2017; Ord. 2017-02, 2-15-2017; Ord. 2018-01, 1-3-2018; Ord. 2022-10, 9-21-2022; Ord. 2023-01, 2-1-2023; Ord. 2024-11, 3-20-2024)

### **10-6G2-3: RECREATIONAL VEHICLE RESORTS AND SMALL TRANSIENT LIVING QUARTERS:**

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

**OPEN SPACE:** Any area within an RV resort and/or a development containing "small transient living quarters" (as defined herein) that is primarily intended for the common enjoyment and recreational use of occupants and users of the RV resort and/or small transient living

quarters. Open space is not to include park buffers, interior roads, parking areas, service buildings or resort offices.

**RV RESORT:** A short term rental property (or "transient lodging facility" under section [3-11-1](#) of this Code) in which RV pads, alone or in conjunction with small transient living quarters such as cabins and yurts, and/or vacation rentals, are designated for temporary/transient occupancy for recreational, camping, travel, seasonal and/or other use of limited duration of twenty-nine (29) days or fewer unless designated for extended occupancy in accordance with § 10-6G2-2-5.D.8.d.

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

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

**SANITARY DUMP STATION:** A properly designed and constructed facility intended to receive the discharge of wastewater from any holding tank or similar device installed in any recreational vehicle, and having a means of discharging the contents - in an acceptable manner - to an approved wastewater disposal system.

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

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

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

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

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

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

1. **Size Of Development Containing Small Transient Living Quarters/Areas And/Or RV Resorts:** Such developments or resorts:
  - a. May not be smaller than five (5) acres in size.

- b. Shall be located not less than one thousand feet (1,000') from the intersection of State Route (SR) 9 and SR 17, and with respect to RV resorts-not more than three thousand feet (3,000') from said intersection.
  - c. Shall front on or be situated within two hundred feet (200') of SR-9 and/or SR-17.
- 2. Applicable Law: The development and/or resort, and associated structures, infrastructure, amenities, utilities, and services, if any, shall comply, operate and be maintained, provided, or disposed of in accordance with:
  - a. All applicable state, federal law, and local law, and administrative code requirements, for such transient lodging; and
  - b. All applicable building related, fire, licensing, taxation, nuisance, and zoning provisions and restrictions of the city (see titles 3, 4, 9, and 10 of this code).
- 3. Stormwater And Wastewater: Stormwater and wastewater emanating from the development or resort shall be disposed of in accordance with applicable federal, state, and local law and ordinance.
- 4. Caretaker And Resident Employees: An on site caretaker (and his or her household, if any) may reside within the development or resort. Additionally, not more than one resort employee per fifteen (15) RV pads, and/or small transient living quarters may be permitted to reside in the development or resort. Provided that, such longer term caretaker/employee accommodations shall not consume more than five percent (5%) of the development or resort property.

C. Small Transient Living Quarters/Areas:

- 1. Requirements: "Small transient living quarters" (as defined in subsection A of this section) may be included as a permitted use, but only as an ancillary use to one of the uses specifically specified in said definition, provided that they:
  - a. Are consistent with and an integral part of the specified primary permitted use; and
  - b. Are built upon a permanent foundation; and
  - c. Contain safe and adequate drinking water, sewer facilities, and personal hygiene ("restroom") facilities (to include, at a minimum, operable sinks and flush toilets); and shall contain or have reasonable and convenient access to operational shower facilities; and
  - d. Do not exceed four hundred (400) square feet in size; and
  - e. Or the area set aside for such quarters (collectively) occupy no more than thirty percent (30%) of the land comprising the resort development; and
  - f. Comply, operate and are maintained in accordance with:

- (1) All applicable state and federal law and administrative requirements for such transient lodging; and
- (2) All applicable building related, licensing, taxation, nuisance, and zoning provisions and restrictions of the city, as set forth in titles 3, 4, 9, and 10 of this code; and
- (3) Limit occupancy to not more than twenty nine (29) consecutive days; and

- g. Are not advertised, let out, or otherwise made (or permitted to be) available for occupancy for a period in excess of twenty nine (29) consecutive days.

- 2. Kitchen Facilities: Such quarters may but need not include kitchen facilities.
- 3. Setbacks: There shall be a minimum setback of not less than ten feet (10') between structures containing such quarters; and
- 4. Required Open Space: Where not a part of an RV resort, one or more common areas equal to at least fifteen percent (15%) of the land area of the development (of which such quarters are a part) shall be set aside for the joint use and enjoyment of occupants. Land covered by vehicular roadways, sidewalks and off street parking shall not be included in calculating this fifteen percent (15%) common area requirement.

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

- 1. Setbacks: There shall be a minimum setback of not less than:
  - a. Ten feet (10') between RV units parked side by side; and
  - b. Ten feet (10') between RV units parked end to end; and
  - c. Twenty feet (20') between RV pads and any building.
- 2. Traffic Circulation And Street Design:
  - a. Street width, circulation, exiting, fire hydrant spacing, and district approved turnaround radii (or "radiiuses") shall comply with the most current fire code adopted by the city.
  - b. To provide for adequate emergency vehicle access and travel:
    - (1) Except as may otherwise be required by the adopted fire code of the city, all interior roadways shall be at least:
      - (A) Thirty two feet (32') in width for two-way traffic, and
      - (B) Twenty six feet (26') for one-way traffic.

- (2) No on street parking shall be allowed within the resort; and
- (3) All roads shall be paved.

3. Parking Requirements And Restrictions:

- a. All parking shall be confined to:
  - (1) The designated parking areas of each RV site and the parking area(s) for the small transient living quarters (as designated or posted).
  - (2) Additional parking areas within the resort reserved for employees, patrons and/or guests, which shall consist of individual parking spaces measuring not less than nine feet by eighteen feet (9' x 18') in size.
- b. No visitor parking shall be permitted in the individual RV sites and/or areas in the immediate vicinity of the small transient living quarters. The resort shall provide remote parking facilities within the resort, for visitor parking, which shall consist of not less than one parking space per five (5) RV pads and/or small transient living quarters.
- c. All parking areas in the resort shall be constructed of concrete or asphalt.
- d. No on street parking - or parking within landscaped areas of RV pads, area(s) containing small transient living quarters, or common areas - shall be allowed anywhere within the resort.

4. RV Pads:

- a. Hookups: At least eighty percent (80%) of all RV pads ("pads") shall be fully equipped with operable sewer, water, and electrical hookups ("utility hookups").
- b. Pad Size:
  - (1) Pads with utility hookups shall be not less than one thousand five hundred (1,500) square feet in size; and
  - (2) Pads without utility hookups shall be not less than nine hundred (900) square feet in size.
- c. Hard Surface: All pads shall be equipped with a surface area of not less than ten feet by forty feet (10' x 40'), which shall consist of concrete or asphalt.
- d. Access: Sufficient access shall be provided to each pad to allow for the safe maneuvering of RVs and any associated vehicles into position.
- e. Identification: Each pad site shall be marked and numbered for identification.
- f. Water: Each pad site without hookups shall have reasonable and convenient access to safe and adequate drinking water, sewer facilities, and personal hygiene ("restroom") facilities (to include operable sinks, flush toilets, urinals, and showers).

5. Open Space And Landscaping:

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

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

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

7. Miscellaneous Provisions:

- a. Structural Additions: No temporary structures - such as canvas awnings, screened enclosures, platforms, or stairs - may be erected on RV pads, unless such structures come attached to and are manufactured as a part of the RV.
- b. Storage Shed: No storage sheds shall be allowed in an RV pad.
- c. Outside Lighting: All outside lighting shall comply with the requirements set forth in title 4, chapter 7 of this code
- d. Period Of Occupancy: All RV resort rentals shall be limited to a period of occupancy which shall not exceed twenty-nine (29) consecutive days, unless such RV resort rental pad has been approved for extended occupancy in accordance with the following:
  - (1) On or before May 1 of each year, the RV resort owner shall submit an application to the LaVerkin City Council, requesting that specified RV resort pads be designated for extended occupancy.
  - (2) If, after review by the LaVerkin City Council, the application is approved, the period of extended occupancy shall be limited to a maximum of six (6) months, commencing on October 1 and ending on March 31.
  - (3) The number of RV resort pads approved for extended occupancy shall be limited to twenty-five percent (25%) of a development's RV rental pads or twenty-one (21) RV resort rental pads, whichever is less.

- (4) The use of small transient living quarters, cabins or yurts for extended stay is strictly prohibited.
- (5) Within five (5) days of the end of each month of the extended occupancy period, the RV resort owner shall provide a written report to the city stating:
  - (i) The total number of RV resort pads being used for extended occupancy;
  - (ii) The name, RV resort pad number and date of check in/check out for each extended occupancy guest; and
  - (iii) The make, model and license plate number of each guest's RV or trailer used for extended occupancy.
- (6) In the event that the RV resort owner fails or refuses to submit to the city on a timely basis the report required by (5) above, all use of RV resort rental pads for extended stay shall, at the election of the city, be terminated.
- (7) At the end of the extended use period on March 31, all RV resort rental pads used for extended stay shall revert to a period of occupancy not exceeding twenty-nine (29) consecutive days.
- (8) The RV resort owner shall take all steps necessary to ensure that at the end of the extended occupancy period all RV resort rental pads used for extended stay shall revert to a period of occupancy not exceeding twenty-nine (29) days. (Ord. 2017-02, 2-15-2017; amd. Ord. 2017-05, 4-19-2017; Ord. 2022-02, 3-2-2022; Ord. 2024-20, 10-16-2024)

#### **10-6G2-4: PROHIBITED USES <sup>1</sup>:**

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

Notes

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

#### **10-9G2-5: USE SUBJECT TO CONDITIONS**

- 1- The planning commission, based on its own discretion, can find that other proposed uses similar with those listed above are consistent with the intent of this land use classification.

## 10-6G2-5 6: HEIGHT REGULATIONS:

- A. Except as provided in subsections B and C below, no building or structure 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 or structures may be constructed to height of forty-five feet (45') inclusive of the underlying building structure. However, the City shall not impose or restrict the height of a building or structure in a manner that imposes a substantial hardship 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: (i) is in furtherance of a compelling governmental interest, and (ii) is the least restrictive means of furthering that compelling governmental interest
- B. Hotels, motels, inns, lodges or other tourist transient lodging facilities approved pursuant to a development agreement in accordance with Section [10-12-5](#) of this Code shall be erected to a height not to exceed fifty-five feet (55'), as measured from its tallest side or point, except that facades, rooflines, and flagpoles may be constructed to a maximum height of sixty-six feet (66'), inclusive of the underlying building.
- C. Notwithstanding the foregoing, a flag pole exceeding sixty-six feet (66') feet in height may be approved by the City Council on a case by case basis; provided that: (i) such flagpole is in compliance with Title [10-11-1](#) et. seq. of the LaVerkin City Code, and (ii) the terms and conditions of such approval are contained in a development agreement. (Ord. 2007-16, 4-4-2007; amd. Ord. 2023-02, 2-1-2023; Ord. 2023-05, 4-5-2023; Ord. 2024-08, 3-6-2024)

## 10-6G2-6 7: AREA, WIDTH AND YARD REQUIREMENTS:

District	Area	Lot Width In Feet	Setback In Feet		
			Front	Side	Rear
Comm-T See Note 3	$\frac{1}{2}$ acre (21,780 square feet) <sup>2</sup>	70	35 for commercial buildings abutting SR-9 and SR-17; 25 when abutting city streets	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.

~~Side and rear setbacks shall be 10 feet where abutting a residential zone which may be reduced, provided proper visual and sound screening, along with construction per the applicable building related code(s), and provided drainage is not allowed to cross property lines.~~

2. Commercial condominium projects shall meet the  $\frac{1}{2}$  acre minimum requirement for the project, but buildings may be divided into subunits and platted for individual ownership within the project. (Ord. 2007-16, 4-4-2007; amd. Ord. 2007-24, 8-15-2007)

3. ~~Structures on a lot shall not exceed 50% of the total lot area.~~

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

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

#### **10-6G2-7 8: 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.

#### **10-6G2-8 9: EASEMENT REQUIRED:**

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

## **10-6G2-9 10: 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)

## **10-6G2-10 11: 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: A lighting plan, 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. All lighting shall follow 4-7-1 et. seq. LaVerkin City Code (city's outdoor lighting/night sky ordinance).



## ARTICLE G5. MIXED USE (MU)

### SECTION:

[\*\*10-6G5-1: Purpose\*\*](#)

[\*\*10-6G5-2: Permitted Uses\*\*](#)

[\*\*10-6G5-3: Prohibited Uses\*\*](#) 1 (Rep. by Ord. 2007-26, 10-3-2007)

[\*\*10-6G5-4: Uses Subject To Similar Findings\*\*](#)

[\*\*10-6G5-5: Height Regulations\*\*](#)

[\*\*10-6G6-6: Area, Width, And Yard Requirements\*\*](#)

[\*\*10-6G5-7: Development Standards\*\*](#)

[\*\*10-6G5-8: Commercial Design Guidelines\*\*](#)

[\*\*10-6G5-9: Application Requirements\*\*](#)

### Notes

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

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

The intent of the Mixed Use (MU) zone is to provide for a mix of commercial uses (lower floor generally facing a public right-of-way) with multi-family residential uses (apartments, condominiums) above and possibly surrounding the commercial lower level area processed as a planned unit development. Mixed use development is intended to be high-quality urban development that is pedestrian friendly and complementary to the surrounding area. Commercial uses and professional/artisan uses must be a part of the overall design of any development. All provisions of the La Verkin Municipal Code not specifically stated in this zoning section shall apply where applicable.

### **10-6G5-2: PERMITTED USES:**

Accessories shop

Antique shop

Appliance sales, including electronics

Art school

Bakery products

Bank, savings and loan or other financial institution

Barber shop

Beauty and/or nail salon

Beauty school

Bicycle shop  
Blueprinting and copying  
Book and stationery store  
Business college  
Camera shop  
Cards/gifts shop  
Check cashing shop  
Childcare center  
Clothing and wearing apparel shop  
Clothes cleaning  
Computer/electronics store  
Confectionery store  
Convenience store  
Cosmetics store  
Crafts and supplies store  
Custom dressmaking shop  
Cutlery shop  
Dance studio  
Decorating or drapery shop  
Delicatessen  
Doughnut shop  
Eyeglass and lens store  
Fabric store  
Fitness center  
Flower shop

Food specialties store  
Furniture store  
General merchandise store  
Gift shop  
Grocery store – neighborhood  
Hardware and appliance store  
Health/nutrition store  
Hobby shop  
Home furnishings store  
Home occupations subject to LVMC Section 10-7-17  
Indoor recreational facilities  
Interior decorator  
Jewelry store  
Kitchenware store  
Leather goods shop  
Library  
Locksmith  
Mail center  
Martial arts studio  
Medical office  
Medical supplies sales  
Microbrewery  
Music instruments shop  
Nursery or day care  
Offices, business or professional

Office products and supply store  
Paint store  
Parking structures  
Party goods store  
Pet shop  
Post office and related services  
Printing, photocopying  
Radio, television and appliance store  
Residential (condominiums, apartments). Must be associated with a bottom floor commercial component subject to PUD overlay requirements  
Restaurant or other eating place, including ice cream, yogurt, cookies  
Retail sales  
Shoe store  
Sporting goods store  
Studio, art or music  
Supermarket  
Swimming pool/supplies store  
Tailor shop  
Thrift store  
Toys/hobbies store  
Variety store

**10-6G5-3: PROHIBITED USES<sup>1</sup>:**  
(Rep. by Ord. 2007-26, 10-3-2007)

Notes

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

#### 10-6G5-4: USES SUBJECT TO SIMILAR FINDING

1. The planning commission, based on its own discretion, can find that other proposed uses similar with those listed above are consistent with the intent of this land use classification.

#### 10-6G5-5: 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)

District	Area	Density	Lot Width	Setback In Feet		
				Front	Side	Rear
MU See note 3	1/2 acre (21,780 square feet) <sup>2</sup>	The maximum residential units shall be 14 dwelling units per acre	70ft	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: (Ord. 2007-16, 4-4-2007; amd. Ord. 2007-24, 8-15-2007)
3. Structures on a lot shall not exceed **50%** of the total lot area.

## **10-6G5-7: DEVELOPMENT STANDARDS:**

- A. 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)
- B. Balconies:** Balconies shall be enclosed with a solid material (wall) to a height prescribed by the International Building Code if such balconies are facing exterior property lines of the overall development as well as the first ten (10) feet turning back into the interior. Wrought iron or open fencing is permitted on balconies if the balconies face the interior of the project. Balconies separating the units must be enclosed with a solid material wall up to the roofs edge.
- C. Bicycle Racks:** E.V. ready bicycle parking racks (one bicycle parking space for each unit) shall be provided at a centralized location.
- D. Buildings:** All buildings shall front a street unless determined otherwise by the city.
- E. Common recreation area:** Amenities in the common recreation area may consist of a pool, play area, tennis courts, barbeque areas, canopies, enclosed gym and workout areas, recreation rooms or any combination of the aforementioned and/or alternatives as approved by the city.
- F. 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.
- G. Development agreement:** A development agreement is required for review and approval in the MU zone (Reference LVMC Section 10-6G3-7).
- H. Homeowner's association – for sale housing/property owner's association:** Establishment of a homeowner's association/property owner's association is required for attached units, condominium housing and commercial development as determined by the city.
- I. 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. This loading space requirement is in addition to the resident/tenant parking requirement outlined in the parking requirement above.
- J. Open space:** Two hundred (200) square feet of active open space is required per dwelling unit. One hundred (100) square feet shall be in a private patio area for the exclusive use of each dwelling unit occupant. One hundred (100) square feet shall be provided in a common recreation area.

- K. Outdoor Storage:** Outdoor storage is prohibited. In addition, balconies shall not be used for storage or for hanging laundry or other materials.
- L. Residences:** Minimum dwelling unit square footage shall be 600 feet.
- M. Streets:** All streets in or adjacent to the MU zone shall meet the requirements of the city's construction and development standards including curb, gutter and sidewalk.
- N. Storage areas:** If no enclosed garage is provided for each unit, 250 cubic feet of enclosed storage shall be provided per unit. This storage is in addition to room closets, coat closets, water heater closets, etc.
- O. 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.
- P. 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. Each residential dwelling unit shall have a minimum of two dedicated parking spaces per unit with one being covered or enclosed. One additional nine (9) foot by 18 foot parking space shall be required for every three dwelling units for guest parking.

#### **10-6G5-8: 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)

#### **10-6G5-9: APPLICATION REQUIREMENTS:**

Commercial developments in the MU 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: A lighting plan, 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. All lighting shall follow 4-7-1 et. seq. LaVerkin City Code (city's outdoor lighting/night sky ordinance).

