



LA VERKIN CITY PLANNING COMMISSION AGENDA

Regular Meeting

Wednesday, February 25, 2026, 6:00 pm.

Gym, 111 South Main Street

La Verkin, Utah 84745

5:00 Work Meeting

1. DADU
2. Mixed-Use

A. Call to Order: Chair Allen Bice

Invocation by Invitation; Pledge of Allegiance

B. Approval of Agenda:

C. Approval of Minutes: February 11, 2026, regular meeting

D. Reports:

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

F. Public Hearing:

1. An ordinance amending the General Commercial Zone.
2. An Ordinance amending the Retail Commercial Zone.
3. An Ordinance amending the Tourist Commercial Zone.
4. An Ordinance amending the Mixed-Use Zone.

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 10,000 sq. ft. or larger in residential zones within the community; and providing an effective date.
2. Discussion and possible action to recommend approval of proposed changes in the General Commercial Zone.
3. Discussion and possible action to recommend approval of proposed changes in Retail Commercial Zone.
4. Discussion and possible action to recommend approval of proposed changes in the Tourist Commercial Zone.
5. Discussion and possible action to recommend approval of proposed changes in the Mixed-Use Zone.
6. Discussion regarding the Top side (East bench) and the development agreement.
7. Discussion regarding a conceptual plan.

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 and at the city office buildings 111 S. Main and 435 N. Main on February 20, 2026

Nancy Cline, City Recorder

LA VERKIN CITY PLANNING COMMISSION

Regular Meeting

Wednesday, February 11, 2026, 6:00 pm.

City Council Chambers, 111 South Main Street

La Verkin, Utah 84745

Present: Chair Allen Bice; Commissioners: Kyson Spendlove, Sherman Howard, Matt Juluson, Richard Howard and Christian Harrison; Staff: Derek Imlay, Fay Reber, and Nancy Cline; Public: John Valenti, Brad Robbins, Kevin Smedley, Patty Wise, James Gubler, Curtis Gubler, Jamie Church, Jeremy Covington, Dave Olson, Christian Harrison, Shayla Miller, Jan McConkie, Jenny Smith, Scott Stratton, Travis Smith, and TJ Dick.

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 Richard Howard.

B. Approval of Agenda:

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

C. Approval of Minutes: January 28, 2026, regular meeting

The motion was made by Commissioner Richard Howard to approve January 28, 2026, regular meeting, second by Commissioner Sherman Howard. Richard Howard-yes, Bice-yes, Sherman Howard-yes, Spendlove-yes, Juluson-yes. The motion carried unanimously.

E. Reports:

1. John Valenti reported on the city council meeting held on February 4, 2026.

F. Public Hearing

1. An ordinance amending the La Verkin city code for allowance of short-term rental in detached accessory dwelling units (DADUs) for lots/parcel that are 8,000 sq. ft. or larger in residential zones within the community, and providing an effective date.

Public Hearing opened at 6:05

Patty Wise: I am opposed to having the short-term rentals in the detached accessory dwelling units for several reasons. Going back to this last year, the city council authorized and the city started a program that the city paid the initial amount of ten thousand dollars to police the illegal short-term rentals that exist now. That has been done, I believe we have shut down about forty or so of them. Right around forty, there are a few hanging out there still that are still taking action. So, we closed these people down for short-term rentals. And now we're talking about letting other people have short-term rentals. To me, it doesn't make a difference whether it's a primary residence by itself or it's an additional building in a backyard that may or may not have tight spacing that would impact neighbors. I see this as a very difficult point for the city to navigate, allowing somebody who's just had to cease and desist their short-term rentals, and then letting somebody else come in and say, "Yep, you can do it." The ongoing cost for that program. We have entered into is seven thousand dollars annually, approximately. The other thing that I would like to say about the way this is written is that it says that short-term rentals, as part of detached accessory dwelling units address the housing shortage issue. The ADUs do Short-term rentals do exactly the opposite. They do not help with the housing situation. They absolutely do not bring in affordable housing opportunities. So, I take issue with the way that the ordinance is issued. And then also at the last planning commission meeting, this public hearing was on the agenda and had to be taken off because not all of the paperwork had printed correctly, if I understand it at that time, and that packet for the

public hearing. Allen Bice, our planning chair, had given his opinion of them. And I think these are valid points because the city council and the planning commission have been addressing this since before 2018. I came on the council in 2019, and that was the first thing we dealt with. There is a financial disincentive for builders to build on small lots, so it makes sense for the ADUs that it could help. And so I would just say that short-term rentals will increase the resale value of the person who has it. It will increase property values and tax burden for those around it. It will benefit very few.

James Gubler: I have a building on my lot that was built in 1904, that I fixed up and it's able to be used. And so far, the only time it gets used is when my children show up on the holidays. And then the rest of the year or in between all those holidays, it sits empty. And I would like the opportunity if things were presented, to be able to utilize that building other times of the year rather than just sitting empty. Because I am still doing the upkeep and making sure it is maintained on the weekends and flushing toilets every now and again in between holidays. But it just sits there as a usable space that isn't being used. The second caveat is you put a minimum lot size of 8,000 square feet. But for those of us that live on lots that are much larger than that, why wouldn't you say at 16,000 you could have two units or some such matter as long as you have the acres and lot size to support it. Thank you.

Curtis Gubler: I support this short-term thing. Anyway, I don't really have anything to put with it other than to, I just support it and would love to see it in place. And it helps out the people that need a second income. Thank you.

Jamie Church: I am in support of the short-term rentals and some of the key points that I wanted to make is we have kids that are looking for housing right now, and so they said, we're trying to get a place for them to help them out. It does help our families out and then having it be an option to have income later on is great as well. And then I also feel like it not only helps the homeowner have that income, it also helps people that are cleaning, people that are doing the contracting. It creates more jobs for everybody else. Why not have people in our community be the ones that are getting income from having people come and stay? Thank you.

Jeremy Covington: I've actually been in the real estate mortgage industry for almost thirty years now. I was an appraiser with National Appraisal Group in Vegas, where we were doing over three hundred appraisals a month. So, actually, there is a misnomer that ADUs are going to drive up prices. So when you do an appraisal the appraisal where you can't put the ADU in the grid actually is down on the bottom portion of the appraisal. You don't get a dollar for dollar that you would give on the top portion for the primary residence. So actually, it's good and bad, but ADUs actually help to lower home prices versus dragging home prices up because you are not getting it at the exact same value as you would in the main dwelling unit. So that would be one thing I would say definitely helps preserve property values and keep them lower. And then to piggyback on affordability, when I am showing my customers, you know, a way to buy a home in an affordable way, ADUs is the perfect way to do that because it offsets the mortgage. So, it does allow for affordable housing. And then also, you know it helps our community in providing jobs for mothers who have children going to school they can walk next door and clean a house and make, you know, a decent amount of money in a very short time. So definitely advocating for this as well. Thank you.

Dave Olson: We are at birth free individuals, given to love freedom and love for one another. And we are given a tremendous blessing of agency, the ability to choose for ourselves. Then over the years, we take that blessing of agency and enslave ourselves out of ignorance or fear. I will keep my remarks on a local level. Fear in the city or small community, we are told without government and zoning laws, someone will build a hog farm next to our house. Ignorance comes into play. Most people don't know that in common law, court property rights come into play, and that would be a slam dunk against the would-be pig farmer. Most citizens would have a hard time. Dictating to their neighbors what they can or cannot do with their property, but if we form up into a government, it is easy perhaps profitable. I know that in this city government all are patriots and love freedom. Nevertheless, it is so seductive and easy to get sucked into dictating to citizens what can or cannot be done with their property. I put myself in your place, trying to figure out what can be done here. Because after we all know, as leaders, what's best for the people in the community, right? After all, that's why they elected. Zoning regulations have the ability to bring wealth to one and poverty to another. In 2026 it is my belief that full restitution of constitutional laws, common law will occur and unconstitutional laws like zoning will be done

away with. For La Verkin, it's time to decide. Whether we want to be a city charged with protecting property rights or an HOA charged with restricting property rights. Thank you.

Christian Harrison: I just wanted to get up to express my concern about allowing the attached accessory buildings to be turned into Airbnbs. My concern is what it could do to property prices. Having a built-in business in the back would lead to property prices and property rates and housing affordability. Everyone that is an Airbnb is going to be more profitable than a long-term rental. And I think the incentive, once it's allowed, will be to just do that and not do any of those. They could be long-term rentals, but we switch to the short-term instead for the individual profit of it. It would make the most sense to do so. Why would you have a long-term when you have another option? So, I'm concerned; I would be concerned about what we do to housing availability and affordability for those who don't have one on their property and can't have access to one because someone would do for the others who want to. To be able to live in the market and can't afford a property with one. Thank you.

Shayla Miller: I'm pregnant, so extra, extra emotional. And when I'm not pregnant, I'm already emotional. So it's just a double whammy. And this is who I am. So don't start the time until now. Short-term rentals are a lot of work. You can't just list it on Airbnb and then think that it's going to be fine. I think that people who are doing it make sure their yards are very pristine. It's pretty easy to drive through a neighborhood, and you can see which ones are rented out through a short-term rental because it's actually clean and well kept. And they've got a standard that they're keeping. A lot of the tourists coming in are asking where to go. So, we give them local recommendations, not the chains, but you know our favorite places that we go and we love. So yes, contribute to our local economy by supporting these restaurants and small businesses. Support families in the community by cleaning. And if you're not willing to work hard to keep your place clean, you're not going to get it rented out. And some people have found that it's so much work to try and keep these good ratings and really clean, that they do just go for long-term, and it is easier for them long-term. I feel like my house without being able to short-term rent, it is really crazy right now with how property prices have gone up. So it makes it really hard to be able to afford to live here. If I bought a house when I was a senior in high school in 2010, I'd be totally fine. But I didn't have that fortune just in the future without being able to do short-term rentals. Thank You.

Jan McConkie: My mother passed away and my father came to live with us, and there were no bedrooms. And so, Charlie said he just built a garage and put a recreation space up there because he had five kids. And I had one. And we were all just getting to the marriageable age. That was thirty years ago. And Charlie's kids are still coming, and my kids come. And we need a place to put them in. Because of my health issues and all the expenses, I wouldn't be able to stay in La Verkin if I didn't have a way to subsidize some of those weeks that I can have rentals. And I don't think we're hurting anyone in trying to survive and stay where we are. It's been a lot of years, and we've lost our homes, and we just stay there. I am for having freedom to do what I want with my land, my house. And yes, we put two hide beds in there. They come out of the wall and there's a full table and there's five seats. It's a nice place and I can put someone in there. I think that should be allowed to me to be able to feel the freedoms that I believe as an American I'm entitled to. Thank you.

Jenny Smith: My husband and I are both service-oriented workers. I'm a nurse, he's a teacher. We're the lowest paid in state in Washington County. Our wages are low. My husband coaches: he's coached track and cross country for decades. He probably makes fifty cents an hour. The reason that we're able to live in this high-market area is because of short-term rentals. We work hard; our property is way cleaner than any property on the street. We put our blood, sweat, and tears into improving it and making it better. We hire local people to clean it and to do the lawn care and to help. And like Shayla said, when people ask where to go, we recommend River Rock Roasting Company first of all because it's our local restaurant. We love living here. We try to give as much as we can to the community. And I want to echo what others have said that we are a freedom, loving community. Let us govern ourselves. Teach us true principles and let us govern ourselves.

Scott Stratton: I've been resident here my whole life. I was on the city council for eight years and I just remember going to a city and leagues and towns meeting for training, and David Church, which was attorney for the league at that time, he just said, "I want to remind everybody today that cities are more restricted to private property rights than any other government entity there is and he goes, "I want you guys always

remember that.” So, I have an ADU right now in my house. I have a son and daughter-in-law living in right now just because they’re affordability. The place they’re living in there, that house, they’re getting ready to move out. We’re renovating the place for them right now. They have another daughter that’s getting ready to move in because she doesn’t know if she can find a place. But we would like, you know, when our kids aren’t there, a place to be able to rent out to have affordability and help us pay our bills. The other thing I want to know is where we are sending tourists? They built this big resort down there. Where’s everybody going? You know, why not let the residents of La Verkin make some money instead of sending them over to hotels? All the cities have created this problem, so let’s let the residents that have been here make some money on our property here in this town.

Travis Smith: Just want to make a few points. I appreciate all the things that everybody’s already said. There could be an argument for both sides. Just seeing a couple things, I wrote down some notes that are my personal belief first of all, I just don’t think restricting short term rentals is going to solve any housing crisis. What we have with the housing crisis is a much bigger issue. It’s a national issue and it has a lot of reasons. But you can just go through, and you can see the places that don’t allow, like St. George or Hurricane that are very restrictive. The prices certainly aren’t any better for homes there because they’ve restricted the short-term rentals. I do not believe it will solve the housing crisis. In fact, one of the things that was said is contributing to housing crisis just as much as ADUs or short-term rentals is large commercial companies buying up homes and renting them long term. BlackRock has been a big issue with that. I think as citizens and Americans we need more options and I think that’s been said for Ma and Pa shops. Be able to be affordable and just try to get by. I have two of my neighbors on either side of me are Airbnb’s, and honestly, they’re great neighbors. They keep their place clean; they don’t make a lot of noise. I don’t have a problem; they’re my best neighbors. In fact, I have less that I have to deal with them. I have a nephew that just got married, and this is in not in this town but this is in Washington, and his in-laws have a unit that they use as short-term rental part-time. But when one of their children gets married, they allow them to live free of rent for a year or two. Then they ask them to save that money for a down payment. So, I see them definitely helping make things affordable for the next generation. I just like to say we need a mentality of abundance in this town, in this country. We’re America. We can do things. We can grow. We don’t need a mentality of scarcity. Let’s do more, not less. I think it’s pretty clear with the number of comments made tonight that the citizens of this community are in favor of the ADUs and in favor of short-term rentals. I appreciate your time, thanks.

TJ Dick: I run an Airbnb attached to my house, a bed and breakfast just across the street, and it’s been able to make it so that we could afford our home. And the only reason I made it attached was code, I wish I could have made a detached on my property. It’s fine, it’s great, but I mean, I think we should allow DADUs. I don’t know if people said this provided that the owner lives on the premises. I think that would be a good code or good restriction. The owner lives on the premises, because when the owner lives on the premises, like I do, then the owner makes sure there’s no noise, the owner makes sure people park in the right spot. The owner is a local person benefiting from that revenue. I think that it’s a win. People’s concerns of DADUs being short term rentals or having short term rentals in the town seem like it’s an accessory unit where the owner lives there. Then all of it seems like most concerns I’ve heard are resolved, because the short-term rental people aren’t bothersome because the owner lives there. He’s taking care of them, making sure that things are done the way they should, and that the money is staying in the local economy because the owner lives there. So, I think it’s a win- win- win for everybody. That’s my two cents.

Public Hearing closed at 6:22

G. Business:

1. Discussion and possible action to recommend approval of an ordinance amending the La Verkin city code for allowance of short-term rental in detached accessory dwelling units (DADUs) for lots/parcel that are 8,000 sq. ft. or larger in residential zones within the community; and providing an effective date.

Fay explained that the ordinance that we have in place does not allow any new short-term vacation rentals in a residential zone. This ordinance would change that by allowing detached accessory dwelling units to be used as a vacation rental, but it would not open up the vacation rentals to traditional single-family homes. It's only the detached accessory dwelling unit that could be used as a short-term rental. So that's one point to keep in mind. The other thing is it would not allow, for example, husband and wife who have a home to live in the accessory dwelling unit and then obtain a license to rent the home out as a short-term vacation rental. He wants to make that point.

Commissioner Sherman Howard commented that he knows that we've had some problems and there's kind of a bad taste with some of the vacation rentals. But he hates the thought of throwing the whole idea out and not letting anybody have any options for this. We've had some problems or maybe some there's too many all-in-one spots, or we have ones that rent to big groups and big parties and other stuff. Some of the options he thought might help is having it available for just the citizens of La Verkin to benefit from this and the option to choose what they want to do with their property. Most of the vacation rentals that he has seen and has been mentioned are really neat, clean homes. Most of all that he has noticed about the ones that are close to him is maybe there's a car parked in the way. He really doesn't see hardly anything going on. Also, if we get too many of them it'll be kind of the supply and demand. Maybe people will change them to long-term rentals. He opposes the option of throwing them all the way out but giving some more choices to work.

Commissioner Richard Howard added that he has enjoyed and appreciated that so many citizens have come out tonight. We've heard from at least half of you, almost all of you are in favor for personal reasons, which is important because it is your property. Like Mr. Olson pointed out, are we an HOA or are we a free country? Some of the reasons why we have an HOA, which he was glad he didn't have one to live in, but is to design a neighborhood that appeals to the people living in it. As a planning commission we have to listen and think about what the best for our town would be. And even still, they are not a deciding body; they are a recommending body to the city council. They like us to vet all of these issues so that we can define them succinctly for them. So, the comments tonight are extremely important and individually he appreciated and agreed with you. Thinking of a big picture for the five thousand residents of La Verkin. What is the best thing that they can do to preserve the quality of our town and still be able to have some personal rights? The challenge that the whole state has had, but especially Washington County, is with these Airbnb's, how do you police them and how do they properly address them? Many of you have commented on how it improves the quality of the house and the dwelling unit by keeping it clean and neat, which is really important. It's also a concern. That the whole idea of an accessory dwelling unit was to relieve housing shortages. It wasn't just to create extra income necessarily for the individual homeowner. And yet it does create an income. It's just that if it's a short-term rental, the potential is there to have a lot more income. Maybe four or five times what they could have if they rented out long-term. They don't know where the tipping point is. Are we ever going to be overbuilt here? The city of Virgin what they've done up there is shocking and not paying attention to the quality of the town. He understood and agreed with so much of what they are talking about. If we end up having detached accessory dwelling units become just Airbnb's or the potential for it. It does limit the actual housing ability for those that could afford a small home. It also opens the concern of will the homeowner always be there? Will they be out of town for a long time? How do we police it as a city? There are a lot of concerns. Pros and cons, but his thought was there is a danger. When we open it all up how do they stop it and how do we control it?

Commissioner Juluson commented that he listened to guys comments about affordability. The DADUs, affordability is kind of hard to determine on one end. If they are going to build a new house, they are going to

have a \$100,000-200,000 on the ADU. Increase the price of that new home, which doesn't necessarily make it more affordable. But because they can rent and gain some income there, it makes it more attainable. But if all that rent goes to short nightly rentals, all of a sudden, the affordable housing is gone because they are making more money on the nightly rentals, and there's still a shortage of housing, which doesn't help bring down housing costs. He looked around at all the people that have ADUs wherever they are. They create an advantage and blessing for them. So, there's pros and cons on each side, depending on how you look at it. It definitely makes home more attainable, provides a short term for kids or for elderly people when they need a new place. But that doesn't necessarily need to be short term rental to do that. So yes, there's good points on each side.

Commissioner Spendlove commented that this is definitely not the first time or the last time they'll talk about nightly rentals as a whole. It's something that's been brought before them and city council multiple times. Please understand what they discussed today, they have put a lot of time and effort into. They do value their opinions. He was very much opposed to the idea. But the more he looked into this; he could see some benefits. He didn't feel that it's quite defined. It needs to be defined better for him to be comfortable. He agrees that there's benefits. He has been driving around and noticed the short-term rentals are cleaner. They do a really good job of keeping up on maintenance. Some of the discussions they've had concerns of noise, late night events that aren't always watched. On a situation like this, his biggest concern is if the benefit is for the citizens to be able to use this to help them afford their home, medical expenses, whatever the case may be. He got concerned that there is no way currently to define or there's not a good way in the current document to define the difference between the house and the detached accessory building unit. If they could look deeper into this and put better definitions and not so many restrictions, but a better way to ensure that it protects the citizens around it. By having the homeowner live on site, but he didn't know how they could do that. He asked Derek and Fay if in the code or in the document could they define the homeowner must be living on site? How could they ensure that the detached accessory dwelling unit is the actual short-term rental. Could they define that the homeowner cannot live in a detached unit and not rent out the house? His concern would be to turn it into the whole homes short-term rental. He was concerned about solving all these issues.

Commissioner Bice commented that they have been dealing with vacation rentals for at least eight years. When it started, he was in favor of it; it just seemed like the thing to do. They allowed 7.5% of the houses in any given area to become vacation rentals. They ended up coming off the list for a new elementary school, and some of the neighborhoods would have two people living in a neighborhood. They opened an unforeseen can of worms that we couldn't get back in the can. He has one on his street and it's for sale right now for 1.2 million dollars. It's not in a detached accessory dwelling unit. It's a whole house vacation rental with a swimming pool in the backyard. No other house on the street is worth nearly that much, but it increases the property values. There have been times when neighbors had to call the police to get the people to move their cars so they could get out of their driveway and went to Farmer's market and had to call the police again, to get the people to move so they could get back in their driveway. Because they don't live there, they're not concerned about being neighbors. They don't treat the people there like they do the people in their own neighborhoods. He was concerned that they would open a can of worms so that they couldn't close again. And this doesn't allow them to set any limits on the number allowed. The limit they had before was inadequate. They have done away with that now, but all those houses are grandfathered in. This would accomplish the same thing if they ended up having lots of these in our town and found that it wasn't good for the neighborhoods. Then they are stuck with them; they're grandfathered in. He started out in favor of the and over the years, it just hasn't worked the way it looked like it was going to. They were promised quiet neighborhoods and good neighbors. Some of the neighborhoods ended up with no neighborhoods. He cleans beer bottles out of his backyard and hears foul language, and once or twice a week can smell the pot wafting from this place. In our own backyard, a lot of us would police it better. But the people who come stay there are there for a night or two and aren't really concerned about our desire to police it, at least that's been his experience with the one that he lives next to. They could recommend the ordinance for approval and send it to the City Council, or they could not make that recommendation. He wanted to do it with a roll call vote.

Commissioner Sherman Howard asked how they would make the motion. Would they make changes in the motion.

Commissioner Bice explained as presented to us it's sent it to City Council regardless of being in favor or not. They could perhaps do it with caveats, with recommendations.

Commissioner Juluson was not a fan of the 8,000 square feet. They could have an R-1-6 with potentially an 8,000 square foot lot in that neighborhood, that would be available to have this. He thought that would be way too small a lot to have a DADU rental. The first draft was for 10,000 square feet lots not 8,000. He wanted a better reason for it other than it fits on an 8,000 square foot lot. He suggested having more meetings about it to make the ordinance better defined.

Fay explained one of the options would be to not make a determination tonight or make a recommendation tonight. They had the public hearing. They received public input. Now they have a discussion. If the planning commission isn't ready to make a motion yet and wants to discuss it further or think about it further, they could continue the matter until the next meeting and then we could make changes to the proposed ordinance. Then when they do make a recommendation, it's got some changes attached to it or whatever they want to do. They are not obligated to make a recommendation tonight.

Commissioner Spendlove suggested having a work meeting to hash out more details for the ordinance. He thought it would be beneficial to have those discussions as a group. He suggested if they were going to make some sort of recommendation, they have a lot more thought into it before they come back to this type of setting.

Fay explained they could have a work meeting. A work meeting is open to the public. They couldn't necessarily participate, but they could certainly come and listen to the discussion. So that when they did bring it back in the formal meeting, then they would be able to provide additional input.

Commissioner Bice added the third option is to table it for now.

Fay explained that the work meeting is a public meeting and would need to be advertised like any other public meeting. They could have it whenever they wanted, usually an hour or two before the formal planning commission meeting.

Derek recommended they set the work meeting for an hour before the February 25th meeting.

Commissioner Spendlove liked the idea of having a work meeting in the conference room so they could sit around and discuss what they would like to see in the ordinance.

Commissioner Sherman Howard agreed and wanted to discuss the community's input.

Commissioner Richard Howard commented that we're at this point where they had folks come and they've voiced their strong opinions. He saw two options, to recommend to city council they agree as is or they make more changes and send it to city council. Are they deciding yes, no, or maybe?

Commissioner Bice added that the city council is the one that is the governing body, the planning commission is just a recommending body that can make recommendations for the ordinance.

Commissioner Richard Howard asked if they are considering shutting the idea down completely by voting no, or saying considering what's been said recommending a maybe? They need to look at it in a way that could benefit both the overall city and the individual citizens.

Commissioner Sherman Howard and Juluson agreed with that. Trying to make it more agreeable.

The motion was made by Commissioner Kyson Spendlove to table the recommendation for short term rentals in DADU's and have a work meeting February 25, 2026, seconded by Commissioner Matt Juluson. The motion carried unanimously.

Commissioner Richard Howard asked if there would be another public hearing after the work meeting.

Fay explained that no, they wouldn't have to have a public hearing. It would be a regular meeting. But the work meeting would be, for example, an hour before their regular meeting. The public who are here tonight would need to be kind of vigilant. If they wanted to attend the next meeting, then they certainly could do so.

Commissioner Richard Howard asked if they would be voting for or against it in the work meeting.

Commissioner Bice explained they would only be discussing it and then the regular planning commission meeting would follow and they would make a motion then.

2. Discussion and possible action to recommend approval of proposed changes in the General Commercial Zones.

Brad explained that it was a minor change they made to these zones. The other four zones deal with commercial properties adjacent to residential properties. The change has to do with building setbacks and height. The maximum height of a structure adjacent to residential zones shall not exceed eighteen feet for the initial thirty feet past the setback. The reason behind that was to provide a little bit more of a buffer between existing residential and whatever commercial building comes in. After considering these, this is kind of the best way to proceed forward with this. And so that change has been made at all four of these zones. Other than that, everything else is exactly same as what we've used.

Commissioner Bice asked if they are set back 40 feet how high the building can be.

Brad replied They would only be allowed 18 feet high. Essentially one story.

Fay commented that the agenda recommends approval, but they need to set a public hearing first. These are all because these are all amendments to the land use regulations of the city. So, if we're at the point where we're comfortable with moving forward, then we set a public hearing for all of these, have the public hearing, and then make a recommendation.

Commissioner Spendlove agreed with the setbacks and height regulations now it benefits both sides the existing residents and developers.

Commissioner Bice asked if there was any objection to combining items 2-5 for the discussion and setting the public hearings. They are all the same changes to the four different commercial zones.

The motion was made by Commissioner Matt Juluson to set public hearings for the General, Retail, Tourist and mixed-use zones on February 25, 2026, seconded by Commissioner Kyson Spendlove. The motion carried unanimously.

3. Discussion and possible action to recommend approval of proposed changes in Retail Commercial Zone.

The commission set a public hearing for this item during the motion for number two.

4. Discussion and possible action to recommend approval of proposed changes in the Tourist Commercial Zone.

The commission set a public hearing for this item during the motion for number two.

5. Discussion and possible action to recommend approval of proposed changes in the Mixed-Use Zone.

The commission set a public hearing for this item during the motion for number two.

6. Discussion regarding La Verkin City General Plan update.

Kevin Smedley asked if this format was helpful. He wanted to know if there's anything in there they don't agree with. He asked if they had any questions.

Commissioner Bice replied that he was around when they updated the general plan last time. This is so much better. He liked the way he took it out of present tense and put it in future tense. He thought it was useful and they could start making adjustments.

Kevin commented that they would notice that on some of the pages he has comments in brackets. Those are points for discussion, or questions that he is going through. He asked if they wanted to go page by page and make recommendations or changes.

The commissioners agreed they were comfortable with going through each page.

Kevin commented paragraph one of the working cities, there were some changes it recognized the need for this change to be proactive and about community health. He asked if they had any changes or concerns.

Commissioner Bice replied he was comfortable with everything in that paragraph. At the bottom it asks to set a timeline, and he thought they were required to do it every five years.

Kevin replied yes, it's recommended every five years. Some towns review it before the budget retreats every year. The word periodically, to him, means to set a specific time or a range of time.

Commissioner Bice commented that periodically gives the city council lots of leeway. They could line it up with the five years that the city that state recommends. They would still have the leeway to do it more often than that if they need to.

Commissioner Spendlove added that he liked the idea of having a set time frame, then it would get looked at enough. He was concerned that some of these documents get pushed to the back and they're not a focus, and he felt sometimes these need to be more of a focus. Even if they say five years, it's better than saying periodically.

Commissioner Bice agreed. Five years or more frequently as needed.

Kevin moved on the page two. He asked if there were any changes they wanted.

Commissioner Bice commented he liked the chart.

Kevin responded that was the chart from the current plan. So, if they liked it, he'd leave it as is. Some of the content he didn't make, and he wondered if it was helpful or if there's any changes. On page three at the beginning of each chapter there's a list of what's within the chapter, and then it goes into the body of the chapter. He asked if that was helpful.

The commissioners like the explanation before each chapter.

Commissioner Richard Howard commented he liked that he had edited out the things that were outdated. He used to write regulations for the Air Force and it's amazing the stuff you can put into a regulation that you get bogged down with or required to follow. He felt less is sometimes more. He appreciated that some of these, especially on page three, was clarified.

Kevin moved on to page four.

Commissioner Bice commented that the end of the third line down, it says "by member of the church." There should be an "s" there; should be "members". Our Demographics have changed dramatically, it's amazing what they were compared to what they actually are.

Kevin commented that those estimates just came out last week. He quickly made those changes.

Commissioner Bice commented that the first line on page five he would like the 2024 in front of the La Verkin. He had to read it twice to make sense of what it was saying.

Kevin commented there those two paragraphs in the red are a clarification that he included.

Commissioner Bice suggested the first clarification in red, the first sentence says "in it although the population is still growing, ". And then the last sentence says", although the actual number of people has increased. Those kind of say the same thing. The next paragraph we all know what "Top side" is, but other people reading this might have no idea what Topside is. Some places have called it the East bench. He wondered if they might call it something that the public would recognize.

Commissioner Juluson recommended calling it the East Bench.

Commissioner Spendlove recommended having a map or exhibit. Then there's something it's referencing. He wouldn't know where it was if it was called the East bench because he only knows it as the Top side. So, depending on people here, it might be worth having some exhibit that just shows the two benches.

Kevin agreed and would include a map or diagram. The next page has a graph that he will be updating. He asked if it was helpful to display it annually? They're all estimates. In this case, it's every five or six years. He asked if it was helpful information to have the poverty rate compared to the rest of the county.

The commissioners liked it included.

Kevin asked if there are any changes to the land capacity analysis.

Commissioner Bice commented on the first sentence, second paragraph he suggested changing it "to assist the identification of these areas that are less suitable "instead of "not suitable "".

Kevin agreed to change it. He referenced the map that is showing the line capacity analysis. It was done by Jones back in 2016. He asked if they still wanted the line capacity analysis included. The following paragraph is

based on that, so it's talking about mitigating areas. He asked if they wanted any adjustments to that? He asked if it was a helpful map.

Commissioner Bice replied that a lot has changed and the map isn't especially accurate anymore.

Commissioner Spendlove thought it looked more like a zone map not a land capacity map. He felt like their zoning map is much more up to date. He asked if they could use that in place of it. That would be a lot more applicable into something that they could update every five years. The very last map is another he thought could be changed. It's a land use map. Number two is what we call offside. He wondered what the options were for the densities on the Top side. They don't have a set plan yet for the Top side.

Kevin replied they would be getting into a lot of discussion on the Top side. They can really iron out what they want it to look like. Right now, they are guessing where things will go. Sometimes when there is bare land it's better to have everything laid out in text as far as a mix of uses, even some percentages or ranges of percentages. That will be the meat of this update.

Commissioner Bice commented that the second to last sentence on page nine says "because that are separated" and it should say, "because they are separated".

Commissioner Spendlove asked if there was a hazardous analysis overview map.

Kevin explained that there was a separate map. It shows the floodways, and the slope. And potential landslide areas, which he didn't know if that example would stand out on here. But it's using the FEMA floodway data, and then it's showing the slope data: zero to fifteen, and then above fifteen.

Commissioner Bice commented on page eight that the fourth line up says, "we value safe neighborhoods and large residential lots". He likes that idea but was not sure it's appropriate the whole flavor of this talks about having large lots and they are getting ready to create zones to have smaller lots. He asked if that should be included.

Commissioner Sherman Howard thought that was what the citizens would like to see.

Kevin commented that was the vision statement. Which is what the town uses to make decisions. They can amend it if they want.

Commissioner Richard Howard asked if they needed to include that sentence. We value safe neighborhoods, recreation opportunities, and fiscal responsibility.

Kevin commented that the one question that was asked was about the large lots. And from his perspective, from an outside perspective, they don't want to encourage that on the Top side. They want to be able to preserve large lot on the lower bench, here in town, not on the Top side. When he drove into La Verkin, he saw the open space because he was driving on the highway. He didn't see the neighborhoods that are set back that are a little bit more compact. He saw a rural town which. So, part of our discussion is how do they preserve that thing that defines La Verkin at the moment. That you're working towards enabling greater density so that they can have people that want to be here and be able to move here.

Commissioner Bice liked it but didn't think that was the direction they were headed in.

The paragraph was worded oddly, and they tried to figure out a better way to state the vision for La Verkin.

Commissioner Richard Howard suggested leaving that paragraph out. It wouldn't change the vision.

Commissioner Spendlove agreed. He didn't think taking it out changed the vision. They are still talking about neighborhoods and safety, which is part of the residential aspect. But a vision is not having large residential lots. Maybe instead of focusing on the residential lots, maybe they can focus on safe neighborhoods, open spaces or an open vibe. That's what they are trying to accomplish here and on the Top side.

Kevin commented he hears them wanting it to drop out or to include heritage and patterns.

Commissioner Richard Howard agreed with Sherman if we want to add like preservation of heritage or does it need to be said. Saying they value safe neighborhoods, they may look different in ten and twenty years than they do now. Do they need to get hung up on that little line compared to some of the others.

Kevin read the vision statement: "Working as a beautiful, family-oriented rural community, we value safe neighborhoods, recreational opportunities, and fiscal responsibility. We support agricultural, tourism, infrastructure, and business friendly environment."

Commissioner Richard Howard commented it's a beautiful statement. If we just take out large residential lots, it's a given in the rest of it.

Kevin agreed and will make the changes.

Commissioner Juluson suggested that "In, 2021 the city began a process of public input and analysis to craft a vision for our future," or something like that. It would clean up that sentence a little bit.

Kevin agreed to make the changes and drop out the 2021. He wanted suggestions for page 10. The first paragraph is something they want to refer to or what is the purpose of the general plan.

Commissioner Richard Howard suggested combining the two sentences. The land use chapter of the plan, skip to the next sentence, is heavily influenced by the community vision.

Commissioner Bice was good with taking out "should" and putting in "will" but not making it a "must".

Commissioner Spendlove asked how they could use the vision statement more. It's to their benefit and to remember what the vision statement is could help with future meetings.

Kevin agreed. He has worked with towns that have referred back to their vision statement in decisions and discussions. Other towns that only look at it when they update the general plan. He had a question about the residential impact categories. It just is low, medium, and high density. There's not really a range or a density there. Is that something that they want to put in or leave it like it is and let the zoning identify it.

Commissioner Bice suggested they match it to the zones. Some low densities would be 10,000-14,000 square feet; medium would be 6,000-8,000. Although they don't currently have a 6,000 square foot zone, and then there is high density. He suggested letting the zone define that.

Commissioner Spendlove added it doesn't have a range, and he thought it should be identified somewhere. They just went through all these adjustments for all commercial zones, and it would be nice to reference those.

Kevin wanted to know what they should do with the annexation maps. He didn't want to make any changes without them. The section on the right is the first-time annexation time overview. This was from 2022.

It looked like the whole area had been annexed by La Verkin. This is the boundary between La Verkin and Toquerville. He believed that's all been annexed and is one or the other of the city boundaries.

Derek confirmed it had been annexed.

Kevin added that the riverbed has not been annexed by anyone. Is there a desire to annex? Because right now, what's left is the river bottom where it comes out through the gorge. Going west, where they have county land.

Derek explained that it probably should remain open. They have pursued it three or four times since he has been here and there was never an agreement with their sister city. The county wants to get rid of it, but prefers to be in one of the cities, but cities haven't been able to figure out a way to work together.

Kevin recommended for next meeting they talk about the annexation. He asked for suggestions on pages 14 and 15. Did they feel like they needed to address managing growth? He thought that it was included in the code. They need to discuss preserving natural resource assets, and the potential action steps. He plans on being back in March with the changes.

H. Adjourn:

Commissioner Allen Bice adjourned the meeting at 7:35 p.m.

Planning Commission Chair

Date Approved

DRAFT

- * General Commercial:
 - With the Inclusion of: Maximum height of structure adjacent to a residential zone shall not exceed 18 feet for the initial 30 past the setback requirement. After a total setback from a property line of 50 feet, any structure can be at the maximum height of the zone.
 - Structures on a lot shall not exceed 50% of the total lot area.
 - As discussed at the last meeting

- * Retail Commercial
 - With the Inclusion of: Maximum height of structure adjacent to a residential zone shall not exceed 18 feet for the initial 30 past the setback requirement. After a total setback from a property line of 50 feet, any structure can be at the maximum height of the zone. As discussed at the last meeting
 - Structures on a lot shall not exceed 50% of the total lot area.
 - As discussed at the last meeting

- * Tourist Commercial
 - With the Inclusion of: Maximum height of structure adjacent to a residential zone shall not exceed 18 feet for the initial 30 past the setback requirement. After a total setback from a property line of 50 feet, any structure can be at the maximum height of the zone. As discussed at the last meeting
 - Structures on a lot shall not exceed 50% of the total lot area.
 - As discussed at the last meeting

- * Mixed Use
 - With the Inclusion of: Maximum height of structure adjacent to a residential zone shall not exceed 18 feet for the initial 30 past the setback requirement. After a total setback from a property line of 50 feet, any structure can be at the maximum height of the zone. As discussed at the last meeting
 - Structures on a lot shall not exceed 50% of the total lot area.
 - As discussed at the last meeting

AN ORDINANCE OF THE CITY COUNCIL OF LAVERKIN, UTAH, AMENDING §§10-6G-1 ET. SEQ. OF THE LAVERKIN CITY CODE, ALSO KNOWN AS THE GENERAL COMMERCIAL (C) ZONE.

WHEREAS the City Council of LaVerkin, Utah has previously adopted §§10-6G-1 et. seq. of the LaVerkin City Code, establishing rules and regulations pertaining to general commercial activities within the City of LaVerkin; and

WHEREAS, after public notice and public hearing held on February 18, 2026, said City Council deems it necessary and desirable for the preservation and protection of the health, safety and welfare of the residents of the City of LaVerkin City that said rules and regulations be amended,

BE IT HEREBY ORDAINED by the City Council of LaVerkin, Utah that §§10-6G-1 et. seq of the LaVerkin City Code, be, and is hereby, amended in its entirety to read as follows:

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](#) ¹ (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-7: Development Standards](#)

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

[10-6G-9: Application Requirements](#)

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.
3. It is the intent of these regulations to minimize visual impacts to adjacent properties and public rights-of-way and to protect the public health, safety, and welfare.

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

"Covered Only" Areas: Areas designated for the storage of boats, recreational vehicles (RV's), campers, trailers, etc., but not for the storage of boxes, appliances, decorations, electronics, furniture, clothing or other items that would typically be stored in an enclosed storage unit.

Outdoor Storage Use: 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.

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

H. Maintenance.

1. All areas of the storage unit yard/facility shall be maintained in good repair, and in a clean, neat, and orderly condition.
2. The storage area shall be kept free and clear of weeds and debris of all kinds, both inside and outside the fence or wall.
3. Any graffiti shall be removed within twenty-four (24) hours of occurrence.

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

10-6G-3: PROHIBITED USES ¹:
 (Repealed by Ord. 2007-26, 10-3-2007)

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

The planning commission, based on its own discretion, may 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	1/2 acre (21,780 square feet) ²	70	35 for commercial buildings abutting SR-9 and SR-17; 25 when abutting City streets – 15 feet of which shall be landscaped.	See note 1	See note 1

Notes:

1. Building setbacks adjacent to residentially zoned areas shall be 20 feet. 10 feet of setback area adjacent to residentially zoned property shall be landscaped. Maximum height of structure adjacent to a residential zone shall not exceed 18 feet for the initial 30 past the setback

requirement. After a total setback from a property line of 50 feet, any structure can be at the maximum height of the zone.

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

10-6G-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-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-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.



BE IT FURTHER ORDAINED that the provisions of this ordinance shall supersede any other provision of the LaVerkin City Code relating to the subject matter contained herein.

BE IT FURTHER ORDAINED that this ordinance shall take effect, after approval and passage, at the earliest date allowed by Utah law after publication and posting.

PASSED AND APPROVED on this _____ day of _____, 2026.

City of LaVerkin



Kelly B. Wilson, Mayor

Attest:

Nancy Cline, City Recorder

The foregoing Ordinance was presented at a regular meeting of the LaVerkin City Council held in the LaVerkin City Council Chambers, located at 111 South Main Street, LaVerkin, Utah, on the _____ day of _____, 2026, whereupon a motion to adopt said Ordinance was made by _____ and seconded by _____. A roll call vote was then taken with the following results:

NAME	VOTE
_____	_____
_____	_____
_____	_____
_____	_____

Nancy Cline

DRAFT

AN ORDINANCE OF THE CITY COUNCIL OF LAVERKIN, UTAH, AMENDING §§10-6G1-1 ET. SEQ. OF THE LAVERKIN CITY CODE, ALSO KNOWN AS THE RETAIL COMMERCIAL (COMM-R) ZONE.

WHEREAS the City Council of LaVerkin, Utah has previously adopted §§10-6G1-1 et. seq. of the LaVerkin City Code, establishing rules and regulations pertaining to pedestrian-oriented retail commercial activities within the City of LaVerkin; and

WHEREAS, after public notice and public hearing held on February 18, 2026, said City Council deems it necessary and desirable for the preservation and protection of the health, safety and welfare of the residents of the City of LaVerkin City that said rules and regulations be amended,

BE IT HEREBY ORDAINED by the City Council of LaVerkin, Utah that §§10-6G1-1 et. seq of the LaVerkin City Code, be, and is hereby, amended in its entirety to read as follows:

ARTICLE G1. RETAIL COMMERCIAL (COMM-R)

SECTION:

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

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

[10-6G1-3: Prohibited Uses](#)¹ (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](#)

[10-6G1-7: Development Standards](#)

[10-6G1-8: Easement Required](#)

[10-6G1-9: Commercial Design Guidelines](#)

[10-6G1-10: Application Requirements](#)

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 USES¹:

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

10-6G1-4: USE SUBJECT TO SIMILAR FINDING

The planning commission, based on its own discretion, may 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 See Note 3	1/2 acre (21,780 square feet) ²	70	35 for commercial buildings abutting SR-9 and SR-17; 25 when abutting city streets, – 15 feet of which shall be landscaped.	See note 1	See note 1

Notes:

1. Building setbacks adjacent to residentially zoned areas shall be 20 feet. 10 feet of setback area adjacent to residentially zoned property shall be landscaped. Maximum height of structure adjacent to a residential zone shall not exceed 18 feet for the initial 30 past the setback requirement. After a total setback from a property line of 50 feet, any structure can be at the maximum height of the zone.
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.

10-6G1-7: 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 (7 $\frac{1}{2}$ ') 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.

BE IT FURTHER ORDAINED that the provisions of this ordinance shall supersede any other provision of the LaVerkin City Code relating to the subject matter contained herein.

BE IT FURTHER ORDAINED that this ordinance shall take effect, after approval and passage, at the earliest date allowed by Utah law after publication and posting.

PASSED AND APPROVED on this _____ day of _____, 2026.

City of LaVerkin

 _____
 Kelly B. Wilson, Mayor

Attest:

 Nancy Cline, City Recorder

The foregoing Ordinance was presented at a regular meeting of the LaVerkin City Council held in the LaVerkin City Council Chambers, located at 111 South Main Street, LaVerkin, Utah, on the _____ day of _____, 2026, whereupon a motion to adopt said Ordinance was made by _____ and seconded by _____. A roll call vote was then taken with the following results:

NAME	VOTE
_____	_____
_____	_____
_____	_____
_____	_____

 Nancy Cline

DRAFT

AN ORDINANCE OF THE CITY COUNCIL OF LAVERKIN, UTAH, AMENDING §§10-6G2-1 ET. SEQ. OF THE LAVERKIN CITY CODE, ALSO KNOWN AS THE TOURIST/RESORT COMMERCIAL (COMM-T) ZONE.

WHEREAS the City Council of LaVerkin, Utah has previously adopted §§10-6G2-1 et. seq. of the LaVerkin City Code, establishing rules and regulations pertaining to Tourist/Resort Commercial Activities (COMM-T) within the City of LaVerkin; and

WHEREAS, after public notice and public hearing held on February 18, 2026, said City Council deems it necessary and desirable for the preservation and protection of the health, safety and welfare of the residents of the City of LaVerkin City that said rules and regulations be amended,

BE IT HEREBY ORDAINED by the City Council of LaVerkin, Utah that §§10-6G2-1 et. seq of the LaVerkin City Code, be, and is hereby, amended in its entirety to read as follows:

ARTICLE G2 TOURIST/RESORT COMMERCIAL (COMM-T)

SECTION:

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

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

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

[10-6G2-4: Prohibited Uses](#)¹ (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: Development Standards](#)

[10-6G2-9: Easement Required](#)

[10-6G2-10: Commercial Design Guidelines](#)

[10-6G2-11: Application Requirements](#)

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: See Section 10-6G2-6. Parking areas 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.

(6) Structures on a lot shall not exceed 50% of the total lot area.

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.
- C. 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 "radiuses") 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 ¹:

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

10-9G2-5: USE SUBJECT TO CONDITIONS

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

10-6G2-6: 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)

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

District	Area	Lot Width In Feet	Setback In Feet		
			Front	Side	Rear

Comm-T See Note 3	1/2 acre (21,780 square feet) ²	70	35 for commercial buildings abutting SR-9 and SR-17; 25 when abutting city streets	See note 1	See note 1
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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. Maximum height of structure adjacent to a residential zone shall not exceed 18 feet for the initial 30 past the setback requirement. After a total setback from a property line of 50 feet, any structure can be at the maximum height of the zone.
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.

10-6G2-8: 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.

10-6G2-9: EASEMENT REQUIRED:

All lots shall have easements on side and rear property lines of a minimum of seven and one-half feet (7¹/₂') 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)

10-6G2-10: COMMERCIAL DESIGN GUIDELINES/APPROVAL PROCESS

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. (Ord. 2024-17, 10-16-2024)

Planning Commission review/approval is required to establish any new development on COMM-T zoned property. (Ord. 2024-17, 10-16-2024)

10-6G2-11: 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).

BE IT FURTHER ORDAINED that the provisions of this ordinance shall supersede any other provision of the LaVerkin City Code relating to the subject matter contained herein.

BE IT FURTHER ORDAINED that this ordinance shall take effect, after approval and passage, at the earliest date allowed by Utah law after publication and posting.

PASSED AND APPROVED on this _____ day of _____, 2026.

City of LaVerkin

Kelly B. Wilson, Mayor

Attest:

Nancy Cline, City Recorder

The foregoing Ordinance was presented at a regular meeting of the LaVerkin City Council held in the LaVerkin City Council Chambers, located at 111 South Main Street, LaVerkin, Utah, on the _____ day of _____, 2026, whereupon a motion to adopt said Ordinance was made by _____ and seconded by _____. A roll call vote was then taken with the following results:

NAME

VOTE

Nancy Cline

DRAFT

AN ORDINANCE OF THE CITY COUNCIL OF LAVERKIN, UTAH, AMENDING §§10-6G5-1 ET. SEQ. OF THE LAVERKIN CITY CODE, ALSO KNOWN AS THE MIXED USE (MU) ZONE.

WHEREAS the City Council of LaVerkin, Utah has previously adopted §§10-6G5-1 et. seq. of the LaVerkin City Code, establishing rules and regulations pertaining to Mixed Uses (MU) within the City of LaVerkin; and

WHEREAS, after public notice and public hearing held on February 18, 2026, said City Council deems it necessary and desirable for the preservation and protection of the health, safety and welfare of the residents of the City of LaVerkin City that said rules and regulations be amended,

BE IT HEREBY ORDAINED by the City Council of LaVerkin, Utah that §§10-6G5-1 et. seq of the LaVerkin City Code, be, and is hereby, amended in its entirety to read as follows:

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. 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 LYMC 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 USES¹:

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

Notes

- ¹ 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) ²	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
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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. Maximum height of structure adjacent to a residential zone shall not exceed 18 feet for the initial 30 past the setback requirement. After a total setback from a property line of 50 feet, any structure can be at the maximum height of the zone.
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 roof's 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).

BE IT FURTHER ORDAINED that the provisions of this ordinance shall supersede any other provision of the LaVerkin City Code relating to the subject matter contained herein.

BE IT FURTHER ORDAINED that this ordinance shall take effect, after approval and passage, at the earliest date allowed by Utah law after publication and posting.

PASSED AND APPROVED on this _____ day of _____, 2026.

City of LaVerkin

Kelly B. Wilson, Mayor

Attest:

Nancy Cline, City Recorder

Attest:

Nancy Cline, City Recorder

The foregoing Ordinance was presented at a regular meeting of the LaVerkin City Council held in the LaVerkin City Council Chambers, located at 111 South Main Street, LaVerkin, Utah, on the _____ day of _____, 2026, whereupon a motion to adopt said Ordinance was made by _____ and seconded by _____.

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

NAME	VOTE
_____	_____
_____	_____
_____	_____
_____	_____

DRAFT

Nancy Cline

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF LAVERKIN, UTAH, AMENDING THE DEFINITION OF DETACHED ACCESSORY DWELLING UNIT, AS CONTAINED IN TITLE 10, CHAPTER 1, SECTION 6 OF THE LAVERKIN CITY CODE, AND ALLOWING FOR USE AS A SHORT-TERM RENTAL SUBJECT TO LICENSING AND OTHER APPLICABLE PROVISIONS OF THE LAVERKIN CITY CODE.

WHEREAS the City of LaVerkin is a municipality organized and existing under the laws of the State of Utah and is authorized pursuant to Utah Code §§10-8-84, 10-9a-101 et seq., and other applicable provisions to enact land use regulations to promote the public health, safety, and general welfare; and

WHEREAS the City has adopted a General Plan that encourages a range of housing options and responsible economic development while preserving neighborhood character; and

WHEREAS the City finds that detached accessory dwelling units ("DADUs") provide an opportunity to increase housing flexibility, improve property utilization, and allow property owners to obtain supplemental income; and

WHEREAS the City further finds that permitting DADUs to be used as short-term rentals, subject to licensing and operational standards, can promote tourism and support local businesses within LaVerkin and the surrounding region; and

WHEREAS LaVerkin's proximity to Zion National Park and other recreational amenities contributes to visitor demand for short-term lodging accommodations; and

WHEREAS the City recognizes the importance of protecting residential neighborhoods from adverse impacts that may arise from short-term rental activity, including excessive noise, parking congestion, and public safety concerns; and

WHEREAS the City finds that such impacts can be mitigated through reasonable land use regulations, business licensing requirements, occupancy limits, parking standards, and enforcement mechanisms; and

WHEREAS Utah law recognizes the authority of municipalities to regulate short-term rentals through business licensing and land use authority, subject to statutory limitations; and

WHEREAS the City desires to establish clear standards governing the use of DADUs as short-term rentals in order to provide predictability for property owners, residents, and enforcement officials; and

WHEREAS the Planning Commission has reviewed the proposed ordinance and has provided a recommendation to the City Council following a duly noticed public hearing; and

WHEREAS the City Council finds that permitting DADUs to be used as short-term rentals, subject to the requirements set forth herein, is consistent with the City's General Plan and is in the best interests of the public health, safety, and welfare of the residents of LaVerkin.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of LaVerkin, Utah that the following code sections of the LaVerkin City Code shall be, and are hereby, amended as follows:

SECTION 1. Amendment of Section 10-1-6 "Detached Accessory Dwelling Unit" or "DADU." The definition of "Detached Accessory Dwelling Unit" or "DADU" is hereby amended to read as follows:

"Detached Accessory Dwelling Unit" or "DADU" means a self-contained residential dwelling unit that is:

1. Located on the same legal lot as a legally established primary single-family dwelling;
2. Detached from the primary dwelling by a physical separation;
3. Clearly subordinate to the primary dwelling in use and purpose;
4. Designed for independent living, including provisions for sleeping, cooking, sanitation, and separate ingress and egress;
5. Limited to one unit per lot with a **minimum lot size of 10,000 square feet**; and
6. Constructed, altered, and maintained in compliance with all applicable building, zoning, fire, health, and safety codes.

SECTION 2. Amendment of Section 10-7-22 B. Use of DADU as a Short-Term Rental a Permitted Use in Residential Zones. Section 10-7-22 B. is hereby amended to read as follows:

10-7-22 B. In any area zoned primarily for residential use, except mobile home subdivisions, the use of a detached accessory dwelling unit ("DADU") for both long-term rental or family use of more than thirty (30) days, and short-term rental for less than thirty (30) consecutive days, shall be a permitted use on any lot or parcel of property that contains a primary single-family dwelling or residence, subject to strict compliance with the following: (1) the lot or parcel containing the primary single family dwelling and DADU shall be at least ten thousand (10,000) square feet in size, (2) the DADU and any other accessory buildings or groups of buildings shall not cover more than eight percent (8%) of the total lot area, **(3) the DADU shall be the only unit permitted for use as a short term rental**, and (4) all conditions, restrictions, limitations, and regulations established by Section 10-7-22 C. and Section 3-11-12 of the LaVerkin City Code and other applicable provisions of this Code and State and Federal law shall be applicable.

DRAFT

SECTION 3. Amendment of Section 3-11-1. DADU Included in Definition of Transient Lodging Facility. The definition of “Transient Lodging Facility” is hereby amended to read as follows:

TRANSIENT LODGING FACILITY means any building, structure, or portion thereof that is offered, advertised, or rented to occupants for a period of less than thirty (30) consecutive days, for compensation, and where such occupancy is of a temporary or transient nature. The term includes, but is not limited to, hotels, motels, inns, lodges, bed and breakfast establishments, vacation rentals, short-term rentals, and any dwelling unit, including a primary dwelling, accessory dwelling unit (ADU), or detached accessory dwelling unit (DADU), that is used in whole or in part for transient lodging purposes, regardless of whether the owner is present during the rental period.

SECTION 4. AMENDMENT OF 3-11-12 K. 1. B&B and VR Facilities in Residential Zones. Section 3-11-12 K. 1. is hereby amended to read as follows:

1. Restrictions imposed by this subsection are in recognition of the premise that B&B’s and VR’s provide lodging for a transient population that may or may not honor neighborhood mores or exhibit neighborly consideration to the same extent as permanent residents. Except for detached accessory dwelling units (DADU’s), no new license for the establishment, expansion or operation of a short-term vacation rental shall be issued for any dwelling on any lot in a residential zone. All applications for renewal of an existing license of a primary single-family dwelling as a short-term rental, and all applications for a new or renewal license for a DADU as a short-term rental, shall be accompanied by proof that the applicant is the owner of the primary single-family dwelling and/or the detached accessory dwelling unit, as the case may be, and that he/she is the occupant of the primary single-family dwelling. All licensees shall comply with all terms and conditions specified in this Chapter 11.

SECTION 5. No Exemption Created. Nothing in this section shall be construed to exempt a Detached Accessory Dwelling Unit from any requirement, restriction, or enforcement provision otherwise applicable to short-term vacation rentals under the LaVerkin City Code.

SECTION 6. Violations. Violations of this ordinance shall be subject to enforcement and penalties as provided elsewhere in the LaVerkin City Code.

SECTION 4. Severability. If any provision of this ordinance is held invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions, which shall remain in full force and effect.

SECTION 5. Effective Date. This ordinance shall take effect upon passage and publication as required by law.

APPROVED AND ADOPTED this _____ day of _____, 2026.

City of LaVerkin

Kelly Wilson, Mayor

Attest:

Nancy Cline, City Recorder

The foregoing Ordinance was presented at a regular meeting of the LaVerkin City Council held in the LaVerkin City Council Chambers, located at 111 South Main Street, LaVerkin, Utah, on the ____ day of _____, 2026, whereupon a motion to adopt said Ordinance was made by _____ and seconded by _____.

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

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

When recorded, return to:
LaVerkin City
435 North Main Street
LaVerkin, Utah 84745

Affects Parcels:
LV-2-1-19-1311
LV-2-1-19-132
LV-159-F-2

DEVELOPMENT AGREEMENT
FOR
LA VERKIN MESA PROJECT

THIS DEVELOPMENT AGREEMENT (hereinafter referred to as the “Agreement”) is made and entered into on this _____ day of _____, 2024, by and between America First Federal Credit Union, a Utah corporation (hereinafter referred to as “Owner”), and the City of LaVerkin, Utah, a Utah municipal corporation (hereinafter referred to as the “City”), collectively referred to as the Parties.

RECITALS:

A. Owner is the owner of approximately 490 acres of land (hereinafter the “Subject Property”) within the boundaries of City and which is zoned Planned Community Development (PCD), said property being more fully described in Exhibit A attached hereto and incorporated herein by this reference.

B. Owner, on behalf of itself, its successors and assigns, seeks to obtain City approval for development of the Subject Property as a phased master-planned community, known as the LaVerkin Mesa Project (hereinafter referred to as the “Project”), preparatory to a conveyance or transfer of the Subject Property, including all development rights, to an as yet unknown third-party developer (hereinafter “the Developer”).

C. The Parties anticipate the filing by Developer of an application for approval of a Planned Community Development Project Plan (hereinafter “PCD Project Plan”) that meets the requirements of LaVerkin City Land Use Code Title 10 Chapter 15 Articles A-E, which, upon approval by City, shall be incorporated into this Agreement and attached hereto as Exhibit B.

D. City seeks assurance through this Agreement that Developer shall design and develop the Project in a manner which complies with the PCD Project Plan and which is in harmony with and intended to promote the long-range policies, goals, and objectives of City’s general plan and its zoning and development ordinances.

E. The Parties desire reasonable certainty as to the procedure and manner in which the Project will be developed. Through this Agreement, Developer agrees to comply with the terms of the approved PCD Project Plan, this Agreement and City’s ordinances, and in exchange City authorizes Developer to develop the Project as set forth in the approved PCD Project Plan, this Agreement and City ordinances.

F. The LaVerkin City Council finds that this Agreement: (i) does not conflict with any applicable policy of the LaVerkin General Plan; (ii) meets the spirit and intent of Title 10, Chapter 15 of the City's ordinances (Planned Community Development); (iii) allows integrated planning and design of the Subject Property and, on the whole, allows for better development than would be possible under conventional zoning regulations; and (iv) meets applicable use limitations and other requirements of the Planned Community Development zone.

G. Acting pursuant to its authority under Utah Code Annotated, §§10-9a-101, *et seq.*, and after all required public notice and hearings, the LaVerkin City Council, in exercise of its legislative discretion, has determined that entering into this Agreement: (i) furthers the purposes of the Utah Municipal Land Use Development and Management Act, City's General Plan, and City's zoning code, and (ii) promotes the health, safety, prosperity, security, and general welfare of the residents of City by requiring development of the Project in a manner consistent with the applicable ordinances, rules, regulations and policies of City.

AGREEMENT

NOW, THEREFORE, IN CONSIDERATION of the mutual covenants and obligations contained herein, as well as other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

1. Incorporation of Recitals. Recitals A-G are hereby incorporated herein as if fully set forth.
2. Definitions. Any term or phrase used in this Agreement that has its first letter capitalized shall have that meaning given to it by City's Land Use Ordinance in effect on the date this Agreement is executed, or, if different, by this Agreement. Certain such terms and phrases are referenced below; others are defined where they appear in the text of this Agreement.
 - a. "Base Density" means the maximum number of ERUs set forth in Paragraph 3.c. below.
 - b. "Commercial Uses" or "Commercial Structure" means any commercial building, structure or use that complies with the limitations and types of use set forth in the various Commercial Zoning Districts of the City and this Agreement.
 - c. "Density Transfer" means the ability of Developer to transfer densities from one Development Parcel to other Development Parcels within the Project subject to the conditions set forth in Paragraphs 7(f) and 7(g) of this Agreement.

- d. "Development Activity" means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land that creates additional demand and need for public facilities. Development Activity specifically includes grading of all or a portion of the Project.
 - e. "Development Parcel" means an area within the Project that shall hold the potential of being developed, in part or in whole by Developer, or its successors and assigns, into one or more separate residential or commercial subdivision phases. Development Parcel includes "super pads", subdivision phases, or multiple lots within a subdivision phase as may be shown on the approved PCD Project Plan.
 - f. "Developer" shall mean the assignee or transferee of all of Owner's right, title and interest in and to the Subject Property, including all development rights under this Agreement, and shall be included as required by the context of this Agreement as a Party.
 - g. "ERU" means equivalent residential unit. An equivalent residential unit means a dwelling unit as defined by City's Land Use Ordinance.
 - h. "Owner" shall mean the current owner of the Subject Property, America First Federal Credit Union.
-
- i. "PCD Project Plan" means a PCD Project Plan as defined in LaVerkin City Zoning Code Title 10 Chapter 15 Articles A-E.
 - j. "Project Improvements" means site improvements and facilities that are planned and designed to provide service for the Project development resulting from a Development Activity, and which are planned to be dedicated to the City or other public entities; and necessary for the use and convenience of the occupants or users of development resulting from a development activity. "Project Improvements" does not mean System Improvements.
 - k. "Proportionate Share" means the cost of public facility improvements that are roughly proportionate and reasonably related to the service demands and needs of any Development Activity.
 - l. "Short Term Rental" means occupancy and use of a residential unit based on a rental term for remuneration of twenty-nine (29) days or less, and including "Vacation Rentals" as defined in §10-1-6 of the Zoning Code, but excluding "Transient Lodging Facilities" as defined in §3-11-1 of the Ordinances.
 - m. "System improvements" means existing public facilities that are designed to provide services to service areas within the community at large; and future public facilities identified in a capital facilities plan that are intended to

provide services to service areas within the community at large. "System improvements" does not mean Project Improvements.

3. Representations of Owner. Owner hereby acknowledges and represents as follows:

- a. Owner is, at the time of execution of this Agreement, the fee title owner of the Subject Property.
- b. After execution of this Agreement, Owner intends to sell, transfer or convey the Subject Property and all development rights hereunder to an as yet unknown third-party, who shall thereafter be recognized and referred to herein as the Developer.
- c. Upon completion of said sale, transfer or conveyance, the Developer shall then be responsible for filing of an application for approval of the above-referenced PCD Project Plan which meets all requirements of LaVerkin City Land Use Code Title 10 Chapter 15 Articles A-E, which, upon approval by City, shall be incorporated into this Agreement and attached hereto as Exhibit B.

4. Availability of Services The Parties understand, acknowledge and specifically agree that no development approval shall be given for, and no development activity shall take place on, the Subject Property until provisions satisfactory to the City Council have been made and incorporated into the approved PCD Project Plan for extension of water, sewer and power to the Subject Property.

5. Project Uses and Base Density. The Parties further acknowledge, understand and agree that:

- a. no development activity on the Subject Property will take place until such time that the PCD Project Plan, along with any other application for development required by city ordinance, is approved by City. Thereafter, all development of the Project shall be governed by and shall be in conformity with the approved PCD Project Plan, unless amended or otherwise agreed to in writing by the Parties.
- b. The approved PCD Project Plan shall include the location of residential and commercial uses, including short term rentals, and public uses such as parks, open spaces, school sites, police/fire sites, church sites, trails, water tank and other public amenities.
- c. At build out, Developer shall be entitled to a total overall base density of 1,600 ERUs, subject to the following:
 - i. 1 ERU shall be the equivalent of 1 residential unit.

- ii. The approved PCD Project Plan shall include commercial uses on a minimum of fifteen percent (15%) of the total Project acreage. For purposes of calculating the number of acres used for commercial use, the following property/uses shall not be included: short-term rentals, property designated and developed as golf courses, property dedicated and conveyed to City for police/fire stations, parks and trails, and property designated as school sites and church sites.
- iii. Each commercial use shall reduce the number of remaining ERUs available for residential development based on the size of culinary water connection required to service the commercial use in accordance with the following table:

<i>Size of Required Residential/ Commercial Connection</i>	<i>Equivalent Reduction in Available ERUs</i>
¾ inch connection (residential)	1 ERUs
¾ inch connection (non-residential)	1.3 ERUs
1 inch connection (non-residential)	3.3 ERUs
1 ½ inch connection (non-residential)	8.2 ERUs
2 inch connection (non-residential)	13.6 ERUs

- iv. Short term rentals shall be limited to such number as approved by City and shall be clustered in locations shown on the approved PCD Project Plan. Although short term rentals will not be considered as a commercial use for purposes of meeting the 15% requirement referred to above, they will be considered as a commercial use for purposes of calculating the number of available ERUs as shown in the above table.

6. Phasing. City acknowledges that Developer intends either to develop individual Development Parcels itself or convey Development Parcels to various Sub-Developers for development in a phased manner. Upon approval of the PCD Project Plan, Developer or Sub-developer shall apply for final plan approval for each specific phase being developed as required by City ordinance. Developer shall act as master developer of the Project and will oversee and/or coordinate the design and construction of both on-site and off-site major public infrastructure and amenities. The Parties acknowledge that City may, at any given time, receive multiple land use applications for various Development Parcels as determined by Developer and/or Sub-Developers. Developer, and its successor and assigns, agree to coordinate with City for the provision of services and facilities that will be needed because of any development and/or construction or commercial uses generated within the Project. The Parties acknowledge that said coordination shall include the development phase sequencing that provides for the logical extension of all required infrastructure and the provision of all reasonably municipal/utility related services including, but not limited to, adequate fire protection and necessary rights of way for ingress and egress.

7. Phase Densities. The Parties acknowledge that each Development Parcel, or portion thereof, submitted to City for residential subdivision approval, may have densities greater than its pro-rata portion of the Base Density specified in paragraph 5.c. above and the approved PCD Project Plan, provided that the cumulative number of approved ERUs does not exceed the maximum number of ERUs allowed for the entire Project. As long as the overall density of the Project is at or below the Base Density permitted by this Agreement, the density of any particular development phase, except for the final phase resulting in complete build out, shall not be grounds for City to deny approval for the subdivision of a Development Parcel for residential purposes or a commercial site plan, or any portion thereof.

8. Density Transfers. Developer may transfer densities from one Development Parcel to others within the Project, provided that: (i) the Ordinances and General Plan regarding compatibility between parcels and minimum requirements are satisfied, (ii) in the event the Development Parcel from which density units are transferred is not owned by the owner of the Development Parcel(s) to which the density units are transferred, the owner of the Development Parcel from which units are transferred consents in writing to such transfer (which written consent may be a general consent to such transfers and is not required to be specific to any particular transfer), and (iii) infrastructure is sufficient and available to meet the demands created by such transfer as reasonably determined by the City Council.

9. Applications for Residential Development or Commercial Use. In addition to those items required by City's ordinance,

- a. each application for *residential* development of a Development Parcel submitted by Developer or a Sub-Developer shall include: (i) the total number of residential units/ERUs allowed for the Project under this Agreement, (ii) the cumulative number of residential units/ERUs previously approved and allocated to residential development in other Development Parcels as of the date of the application, (iii) the number of residential units/ERUs being sought under the particular development phase application; and (iv) the number of residential units/ERUs remaining in the Project after approval of the application.
- b. each application for *commercial* use of a Development Parcel submitted by Developer or a Sub-Developer shall include: (i) the total number of acres required by the Agreement to be used for commercial development, (ii) as of the date of the application, the cumulative number of acres/ERUs previously approved and allocated to commercial development in other Development Parcels, (iii) the number of acres/ERUs being sought for commercial development under the particular development phase application; and (iv) the number of acres/ERUs after approval of the application remaining to meet the 15% minimum commercial acreage requirement under the Agreement.

10. Project Improvements and System Improvements. The Developer shall, at its expense, design, construct and install all Project Improvements needed to service the Project. The Developer shall also bear the initial cost of constructing System Improvements required as a result of the Project but shall be entitled to reimbursement from City for the costs of such System Improvements minus Developer's proportionate share of the System Improvement Costs.

11. Vested Rights. This Agreement shall create a vested right in the Owner, its successors and assigns, including any third party Developer who acquires Owner's right, title and interest in the Subject Property, to develop and construct the Project as set forth in the approved PCD Project Plan, as provided in §10-15D-2 of the LaVerkin City Zoning Code.

12. Compliance with Project Plan and City Ordinances. Except as provided herein, development of the Project shall be in accordance with the approved PCD Project Plan, including any amendments thereto agreed to by the Parties, and City's ordinances and standards and specifications

13. Financial Assurance. Upon request by City, the Developer or Sub-Developer shall provide adequate assurance, as reasonably determined by City, that Developer or Subdivider currently possesses, or is reasonably certain to obtain, sufficient financial resources necessary to undertake and complete construction of all infrastructure and public improvements required to be constructed for the Project or any phase for which final subdivision approval is sought.

14. Term of Agreement. The purpose of this Agreement is to ensure development of the Project in accordance with the terms and conditions stated herein. Accordingly, the term of this Agreement shall: (i) commence on the date this Agreement has been recorded at the office of the Washington County Recorder, and (ii) expire when all public and private infrastructure improvements in the Project have been constructed and accepted as complete by City and certificates of occupancy have been issued for all buildings and/or ERUs in the Project, or upon termination of the Agreement in accordance with Paragraph 16 below.

15. Successors and Assigns. This Agreement shall inure to the benefit of, and shall be binding on, the Parties, their successors and assigns. Except for a pledge of development rights with the Subject Property as collateral for development financing, Developer shall not assign its rights and responsibilities as master developer of the project as described in paragraph 5 of this Agreement without the written consent of the LaVerkin City Council, which consent shall not be unreasonably withheld.

16. Default. Failure by a party to perform any of the Party's obligations under this Agreement within a ninety (90) day period (the "Cure Period") after written notice thereof from the other party shall constitute a default ("Default") by such failing party under this Agreement; provided, however, that if the failure cannot reasonably be cured

within ninety (90) days, the Cure Period shall be extended for the time period reasonably required to cure such failure so long as the failing party commences its efforts to cure within the initial ninety (90) day period and thereafter diligently proceeds to complete the cure. Said notice shall specify the nature of the alleged Default and the manner in which said Default may be satisfactorily cured, if possible. Upon the occurrence of an uncured Default under this Agreement, the non-defaulting Party may institute legal proceedings to enforce the terms of this Agreement or may terminate this Agreement. If the Default is cured, then no Default shall exist and the noticing Party shall take no further action.

- a. Termination. If City elects to consider terminating this Agreement due to a Default by Developer, then City shall give to Developer written notice of City's intent to terminate this Agreement and the matter shall be scheduled for consideration and review by City's legislative body at a duly noticed public meeting. Developer shall have the right to offer written and oral evidence prior to or at the time of said public meeting. If City's legislative body determines that a Default has occurred and is continuing, and elects to terminate this Agreement, City shall send written notice of termination of this Agreement to Developer by certified mail and this Agreement shall thereby be terminated. City may thereafter pursue any and all remedies at law or equity.
- b. No Monetary Damages Relief Against City. The Parties acknowledge that City would not have entered into this Agreement had it been exposed to monetary damage claims from Developer for any breach thereof. As such, the Parties agree that in no event shall Developer be entitled to recover monetary damages against City for breach of this Agreement but shall only be entitled to specific performance as may be determined by the court.
- c. Breach by City; Equitable Relief. In the event of a breach by the City of this Agreement, as a result of, among other things, an attempt by the City to limit or restrict Developer's vested rights as set forth herein, Developer shall have the right to seek equitable relief, including emergency injunctive relief as may be warranted, from a court of competent jurisdiction consistent with this Agreement.
- d. Specific Acts of Default by Developer. The Parties hereto agree that any of the following occurrences, acts or failure to act shall constitute a Default by Developer, for which City may elect to terminate the agreement in accordance with this section, following notice and the Cure Period: (a) the filing of a petition in bankruptcy by Developer, (b) foreclosure on any portion of the Property which has the effect of creating an unapproved or illegal subdivision under Utah law or City ordinances, (c) the Developer's failure to comply with the requirements of any term or condition of this Agreement, or (d) Developer's failure, without good cause as determined in good faith by City, for a period of five (5) years to

commence construction of improvements in any new development phase or new Development Parcel. Upon such termination, all approvals or development rights granted hereunder to Developer shall lapse and all obligations of City hereunder shall cease.

17. Notice and Filings. All notices, filings, consents, approvals and other communications provided for herein or given in connection herewith shall be validly given, filed, made, delivered or served in writing and delivered personally, sent by certified United States Mail, postage prepaid, or by a national express overnight delivery service, freight prepaid, if to:

City: LA VERKIN CITY
435 North Main Street
La Verkin, Utah 84745
Attn: Kyle Gubler, City Administrator
kyle.gubler@laverkincity.org

With a copy to: Fay Reber, City Attorney
435 North Main Street
La Verkin, Utah 84745
fay.reber@laverkincity.org

Developer: [America First Federal Credit Union entity]

Attn: Dave Christensen
dchrste@americafirst.com

With a copy to: Snow Jensen & Reece, PC
912 West 1600 South, Ste. B200
St. George, UT 84770
Attn: Matthew J. Ence
mence@snowjensen.com

or to such other addresses as either party hereto may from time to time designate in writing and deliver in a like manner. Notices, filings, consents, approvals and communication given by personal delivery or overnight delivery shall be effective upon receipt and if given by mail shall be deemed delivered 72 hours following deposit in the U.S. mail, postage prepaid and addressed as set forth above.

18. Time of the Essence. Time shall be of the essence in determining compliance with this Agreement.

19. No Partnership or Third-Party Benefits. It is not intended by this Agreement to, and nothing contained in this Agreement shall, create any partnership, joint venture or other arrangement between Developer and City. No term or provision of this Agreement is intended to, or shall be for the benefit of any person, firm, organization or corporation not a party hereto, and no such other person, firm, organization or

corporation shall have any right or cause of action hereunder.

20. Complete Agreement. This Agreement, as may be amended from time to time, together with the approved PCD Project Plan, shall constitute the entire agreement between the Parties pertaining to the subject matter hereof. All other prior and contemporaneous agreements, representations and understandings of the parties, oral or written, are hereby superseded and merged herein.

21. Severability. If any provisions of this Agreement are declared void or unenforceable, such provision shall be severed from this Agreement, and the Agreement shall otherwise remain in full force and effect.

22. Governing Law. This Agreement shall be construed under and governed by the laws of the state of Utah.

23. Recordation. No later than ten (10) days after this Agreement has been executed by City and Developer, it shall be recorded in its entirety, at Developer's expense, in the Official Records of Washington County, Utah.

24. Annual Review. The City shall conduct an annual review of the Project to determine whether Developer is in compliance with the terms and conditions of this Agreement. Such review shall include a report to the City Council from city staff regarding the status of the Project, along with any other information relevant to the review. If the City Council finds, on the basis of the staff report and other substantial evidence, that Developer has failed to comply with the terms hereof, the City Council may declare Developer to be in Default as provided in Paragraph 16 above. City staff or City Council's failure to review at least annually Developer's compliance with the terms and conditions of this Agreement shall not constitute or be asserted by any party as a Default under this Agreement by Developer or City.

25. Amendment of Agreement. This Agreement shall not be modified or amended except in written form mutually agreed to and signed by each of the Parties.

IN WITNESS WHEREOF the Parties hereto have executed this Agreement as of the date first above written.

CITY:
LA VERKIN CITY

Attest:

Kelly Wilson, Mayor

Nancy Cline, Recorder

Exhibit A

Legal Description of the Subject Project

EXHIBIT B

Approved Planned Community Development Project Plan

**PRELIMINARY CONCEPT PLAN FOR:
 PARCELS LV-49-A-1 & LV-49-A-2**
 LOCATED IN SECTION 26, T4S, R15W, S12E & IN SECTION 23, T4S, R15W, S12E
 LA VERGNE, WASHINGTON COUNTY, UTAH

NO.	REVISION	DATE	BY

PROVALUE ENGINEERING, INC.
 Engineers, Land Surveyors - Lead Planners
 22 South 400 East, Suite 200
 American Fork, Utah 84603
 Phone: (435) 468-8287



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 LA VERGNE, WASHINGTON COUNTY, UTAH

DATE PREPARED: 12/15/2011
 JOB NO.: 11-001
 SHEET NO.: 1



PRELIMINARY CONCEPT PLAN

