

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 VACATION RENTAL SUBJECT TO LICENSING AND OTHER APPLICABLE PROVISIONS OF THE LAVERKIN CITY CODE.

WHEREAS the City Council of LaVerkin, Utah desires to provide clarity within the LaVerkin City Code regarding the use and location of detached accessory dwelling units; and

WHEREAS the City Council finds that detached accessory dwelling units can be a valuable tool in addressing housing needs, allowing for alternative and flexible housing options for owner-occupied single-family residences, as well as broaden the range of affordable housing opportunities within and throughout the City; and

WHEREAS the City Council further finds that detached accessory dwelling units can create new housing units while respecting the appearance, neighborhood character, and scale of single-family residential development; provide more housing choices in residential zones; allow more efficient use of existing housing and large underutilized yards; provide housing options for family caregivers, adult children, aging parents, and families seeking smaller households; and offer a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and to obtain extra income, security, companionship, and services; and

WHEREAS the City Council desires to expressly authorize the use of detached accessory dwelling units for short-term vacation rentals, provided that such use complies with all applicable licensing, zoning, and operational requirements of the LaVerkin City Code; and

WHEREAS, after notice and public hearing, the LaVerkin City Council deems it necessary and desirable for the preservation and protection of the public health, safety and welfare,

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 8,000 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 rentals of fewer than thirty (30) consecutive days shall be a permitted use on any lot or parcel of property that contains a single-family dwelling or residence and is at least **Ten Thousand (10,000) square feet in size.** DADU's and accessory buildings or groups of buildings shall not cover more than eight percent (8%) of the total lot area. The use of a DADU for short-term rentals as a permitted use is subject to strict compliance with the conditions, restrictions, limitations, and regulations established by Section 10-7-22 C. and Section 3-11-12 of the LaVerkin City Code, and by all other applicable provisions of this Code and State and Federal law.

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 in a residential zone. All applications for new and renewal licenses shall be accompanied**

by proof that the applicant is the owner of both the primary single-family dwelling and the detached accessory dwelling unit, and that he/she is the occupant of the single-family dwelling. All licensees shall comply with all terms and conditions contained in Section 3-11-12 of the LaVerkin City Code.

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
_____	_____
_____	_____
_____	_____
_____	_____



## Question to consider

- \* Should it be an overlay and not a standing zone?
- \* If it is an overlay, what zones should it be allowed in?
  - o Tourist Commercial
  - o Retail Commercial
  - o See map identifying the Tourist Commercial and retail commercial area.
- \* Should it be property size limited?
- \* See the provisions contained in the Tourist Commercial  
Tourist support, including:
  1. Hotels, motels, inns, lodges, and bed and breakfast facilities.
  2. Tourist information, curio and souvenir shops, camera and photo shops.
  3. Recreational vehicles (RVs), and small transient living quarters not specified hereinabove (including, but not limited to, cabins and yurts), subject to the provisions of section 10-6G2-2-5 of this article.
  4. Vacation rentals (VRs), subject to the following:
    - a. With an approved site plan and development agreement; and
    - b. Limited to developments:
      - (1) That are at least two (2) acres in size; and
      - (2) For which VRs and their private and limited public space do not cumulatively occupy more than fifteen percent (15%) of the acreage of such development; and
    - c. Within the developable area of the acreage referenced and described in subsection 5.b. hereof:
      - (1) Landscaping: Landscaping is required in the front and sides of the buildings and shall follow the City's currently adopted landscaping requirements.
      - (2) Construction and Setbacks of VRs: VRs units shall not front on SR9 or SR17, and buildings containing such units shall be constructed in conjunction with or after, and located behind, the development's main building(s) fronting on SR9 and/or SR17.
      - (3) Hillside: The VR development area of 15% cannot include any portion of a hillside as defined in the City hillside ordinance codified at Chapter 7A of this Title.
      - (4) Parking: Parking areas shall adhere to the requirements of Chapter 10 of this Title, and may (i) be situated totally within the fifteen percent (15%) development area or (ii) totally or partially situated within the remainder of the 2+ acreage referenced in subsection 5.b.(1) above. Shared parking is allowed if the criteria in Section 10-10-5-G of this are met.

## ARTICLE G5. MIXED USE (MU)

### SECTION:

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

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

[10-6G5-3: Prohibited Uses](#) <sup>1</sup> (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

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

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

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

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

Accessories shop

Antique shop

Appliance sales, including electronics

Art school

Bakery products

Bank, savings and loan or other financial institution

Barber shop

Beauty and/or nail salon

Beauty school

Bicycle shop

Blueprinting and copying

Book and stationery store

Business college

Camera shop

Cards/gifts shop

Check cashing shop

Childcare center

Clothing and wearing apparel shop

Clothes cleaning

Computer/electronics store

Confectionery store

Convenience store

Cosmetics store

Crafts and supplies store

Custom dressmaking shop

Cutlery shop

Dance studio

Decorating or drapery shop

Delicatessen

Doughnut shop

Eyeglass and lens store

Fabric store

Fitness center

Flower shop

Food specialties store

Furniture store

General merchandise store

Gift shop

Grocery store – neighborhood

Hardware and appliance store

Health/nutrition store

Hobby shop

Home furnishings store

Home occupations subject to LVMC Section 10-7-17

Indoor recreational facilities

Interior decorator

Jewelry store

Kitchenware store

Leather goods shop

Library

Locksmith

Mail center

Martial arts studio

Medical office

Medical supplies sales

Microbrewery

Music instruments shop

Nursery or day care

Offices, business or professional

Office products and supply store

Paint store

Parking structures

Party goods store

Pet shop

Post office and related services

Printing, photocopying

Radio, television and appliance store

Residential (condominiums, apartments). Must be associated with a bottom floor commercial component subject to PUD overlay requirements

Restaurant or other eating place, including ice cream, yogurt, cookies

Retail sales

Shoe store

Sporting goods store

Studio, art or music

Supermarket

Swimming pool/supplies store

Tailor shop

Thrift store

Toys/hobbies store

Variety store

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

Notes

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

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

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

**10-6G5-5: HEIGHT REGULATIONS:**

A. Except as provided in subsection B below, or as permitted in an approved development agreement under the terms and conditions of Section [10-12-5](#) of this code, no building shall be erected to a height greater than thirty-five feet (35') as measured from its tallest side or point, except that facades, rooflines and other non-occupied building improvements may be constructed to a maximum height of forty-five feet (45') inclusive of the underlying building structure. However, the City shall not impose or restrict the height of a structure in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the City demonstrates that imposition of the burden on that person, assembly or institution:

1. Is in furtherance of a compelling governmental interest; and
2. Is the least restrictive means of furthering that compelling governmental interest.

B. Except as permitted in an approved development agreement under the terms and conditions of Section [10-12-5](#) of this Code, no hotels, motels, inns, and lodges (sometimes known as tourist transient lodging facilities) shall be erected to a height greater than fifty-five feet (55'), as measured from its tallest side or point, except that facades, rooflines, and other non-occupied building improvements may be constructed to a maximum height of sixty-six feet (66'), inclusive of the underlying building structure. (Ord. 2006-09, 3-1-2006; amd. Ord. 2023-02, 2-5-2023)

District	Area	Density	Lot Width	Setback In Feet		
				Front	Side	Rear
MU See note 3	1/2 acre (21,780 square feet) <sup>2</sup>	The maximum residential units shall be 14 dwelling units per acre	70ft	35 for commercial buildings abutting SR-9 and SR-17; 25 when abutting City streets – 15 feet of which shall be landscaped.	See Note # 1	See Note # 1

Notes:

1. Building setbacks adjacent to residentially zoned areas shall be 20 feet. 10 feet of 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 roofs edge.

**C. Bicycle Racks:** E.V. ready bicycle parking racks (one bicycle parking space for each unit) shall be provided at a centralized location.

**D. Buildings:** All buildings shall front a street unless determined otherwise by the city.

**E. Common recreation area:** Amenities in the common recreation area may consist of a pool, play area, tennis courts, barbeque areas, canopies, enclosed gym and workout areas, recreation rooms or any combination of the aforementioned and/or alternatives as approved by the city.

**F. Curb, gutter, sidewalk and paving:** All facilities/uses shall have curb, gutter and sidewalk, and shall have asphalt paving from the curb and gutter out to any existing street asphalt subject to city approval.

**G. Development agreement:** A development agreement is required for review and approval in the MU zone (Reference LVMC Section 10-6G3-7).

**H. Homeowner's association – for sale housing/property owner's association:** Establishment of a homeowner's association/property owner's association is required for attached units, condominium housing and commercial development as determined by the city.

**I. Loading areas:** Loading spaces shall be provided at a ratio of one for every 15,000 square feet of commercial floor area or as determined by the city. Loading space size shall be 10 feet by 20 feet. This loading space requirement is in addition to the resident/tenant parking requirement outlined in the parking requirement above.

- J. Open space:** Two hundred (200) square feet of active open space is required per dwelling unit. One hundred (100) square feet shall be in a private patio area for the exclusive use of each dwelling unit occupant. One hundred (100) square feet shall be provided in a common recreation area.
- K. Outdoor Storage:** Outdoor storage is prohibited. In addition, balconies shall not be used for storage or for hanging laundry or other materials.
- L. Residences:** Minimum dwelling unit square footage shall be 600 feet.
- M. Streets:** All streets in or adjacent to the MU zone shall meet the requirements of the city's construction and development standards including curb, gutter and sidewalk.
- N. Storage areas:** If no enclosed garage is provided for each unit, 250 cubic feet of enclosed storage shall be provided per unit. This storage is in addition to room closets, coat closets, water heater closets, etc.
- O. Trash enclosures:** Trash dumpster bins located in a decorative enclosure shall be provided for a development. Size and quantity of trash bins shall be determined by the city.
- P. Vehicular access/parking:** All facilities/uses shall have driveways, points of vehicular ingress and egress and parking. The parking requirement shall be one nine (9) foot by 18 foot parking space for every 200 square feet of commercial floor area. One nine (9) foot by 18 foot parking space required for each 3.5 seats or one parking space for 100 square feet of restaurant floor area (excluding kitchen, storage, etc.), whichever is greater. All drive aisles shall be a minimum of 25 feet in width. Each residential dwelling unit shall have a minimum of two dedicated parking spaces per unit with one being covered or enclosed. One additional nine (9) foot by 18 foot parking space shall be required for every three dwelling units for guest parking.

#### **10-6G5-8: COMMERCIAL DESIGN GUIDELINES:**

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

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

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

- A. Precise Plan:** A precise plan application shall be submitted to the city for review and approval. A dimensioned site plan(s) must show the entire development under

consideration including building location(s), setbacks, lot coverage, access locations, parking lot design, required parking calculations, perimeter wall(s) locations and design, loading spaces, lighting location and type, preliminary landscape plan trash enclosures design and locations, storage locations (if any), utilities plan (including fire hydrant locations), equipment locations and screening, phasing (if any) and any other pertinent design features or aspect of the development. The site plan shall provide the location of all existing and proposed main buildings and accessory buildings as well as distance and contemplated uses.

- B. **Architectural drawings:** Architectural drawings shall be included as part of the precise plan application. Plans shall consist of building elevation/façade renderings with exterior materials clearly depicted, proposed colors, identification of building massing and design and roof type and color and any other design feature. Material and color palettes shall be included as part of the submission.
- C. **Studies:** The city may require studies to analyze the impact of a project. Studies may consist of traffic, noise, drainage, geotechnical or any other study the city requires in order to properly analyze the impact of the project.
- D. **Landscaping:** A landscape plan shall be reviewed at the time of precise plan approval. All landscaping shall be maintained by means of an automatic sprinkling system. The use of drought tolerant landscaping and sprinkler fixtures shall be incorporated into the landscape plans. Compliance with Washington County Water Conservancy planting materials and guidelines is required.
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- 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).

# TOURIST AND RETAIL ZONES

