

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.

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 4th day of March, 2026.



City of LaVerkin

Kelly B. Wilson
Kelly Wilson, Mayor

Attest:

Nancy Cline
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 4th day of March, 2026, whereupon a motion to adopt said Ordinance was made by DARREN PRINCE and seconded by SCOT PECTOR.

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

NAME	VOTE
<u>Micah Guber</u>	<u>Yes</u>
<u>Darren Prince</u>	<u>Yes</u>
<u>Scot Pector</u>	<u>Yes</u>
<u>Amanda Barr</u>	<u>NO</u>
<u>John Valenti</u>	<u>NO</u>

Nancy Cline
City Recorder