



LA VERKIN CITY PLANNING COMMISSION AGENDA

Regular Meeting

Wednesday, August 12, 2026, 6:00 pm.

City Council Chambers, 111 South Main Street

La Verkin, Utah 84745

A. Call to Order: Chair Allen Bice

Invocation by Invitation; Pledge of Allegiance

B. Approval of Agenda:

C. Approval of Minutes: July 22, 2026, regular meeting.

D. Reports:

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

E. Business:

1. Discussion and possible action to set a public hearing for August 26, 2026, regarding the Sign Ordinance.
2. Presentation and discussion regarding the current Development Agreement.
3. Presentation and discussion regarding the proposed 2026 Construction Standards and Drawings.

F. Adjourn:

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Nancy Cline, City Recorder, (435) 635-2581, at least 48 hours in advance.

Certificate of Posting

The undersigned City Recorder does hereby certify that the agenda was sent to each member of the governing body, posted on the State website at <http://pmn.utah.gov> posted on the La Verkin City website at www.laverkin.gov and at the city office buildings 111 S. Main and 435 N. Main on August 7, 2026

Nancy Cline, City Recorder

LA VERKIN CITY PLANNING COMMISSION

Regular Meeting

Wednesday, June 10, 2026, 6:00 pm.

City Council Chambers, 111 South Main Street

La Verkin, Utah 84745

Present: Chair: Allen Bice; Commissioners: Amanda Pectol, Matt Juluson, and Christian Harrison; Staff: Derek Imlay, Brad Robbins, Fay Reber and Nancy Cline; Public: Kevin Smeadly.

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

The invocation and Pledge of Allegiance were given by Amanda Pectol.

B. Approval of Agenda:

The motion was made by Commissioner Christian Harrison to approve the agenda, second by Commissioner Amanda Pectol. Bice-yes, Juluson-yes, Pectol-yes, Harrison-yes. The motion carried unanimously.

C. Approval of Minutes: June 10, 2026, regular meeting

The motion was made by Commissioner Amanda Pectol to approve the minutes for June 10, 2026, second by Commissioner Christian Harrison. Bice-yes, Juluson-yes, Harrison-yes, Pectol-yes. The motion carried unanimously.

D. Reports:

1. John Valenti reported the city council meeting on July 15, 2026, was canceled.

Derek reported an update on several major city infrastructure projects. The pipe and pond project, awarded to the contractor Whitaker, is set to begin by the second week of August. This 180-day contract involves installing a pipeline from the reuse station to Cottonwood Hollow, tunnel under SR 17, and constructing a 7.5-million-gallon pond. Following this, the 18-month secondary water project is scheduled to commence in the first week of November. Plans for this project are already 90% complete. Additionally, a federally mandated lead and copper replacement project will take place primarily in Stowell's subdivision. This initiative will move water lines from backyards to the front of properties and extend service lines directly into homes. It was noted that this project and the secondary water project must run separately due to their distinct federal and state funding mechanisms, which cannot be mixed.

E. Business:

1. Discussion regarding the Sign Regulations Ordinance.

The commission conducted a detailed, line-by-line review of the proposed sign regulations ordinance. An initial amendment was made to the appeals process, clarifying that an appeal must be filed within 15 days of notification of a decision, not the decision date itself. A significant discussion arose regarding political signs, particularly their common placement in corner "cut-off" areas. Citing public safety and city liability concerns over impaired driver sightlines, the commission decided to maintain the strict prohibition of signs in public rights-of-way and corner cut-offs. To ensure compliance, it was agreed that the city would provide a flyer to all political candidates upon registration, clearly outlining the rules for sign placement.

The debate then turned to temporary window signs, with the commission adding a rule that they cannot be displayed for more than 120 consecutive days within a calendar year. The most extensive discussion centered on dynamic (digital) signs. To balance business promotion with community aesthetics and safety, the commission established a size-based regulatory approach. Stricter rules—including limitations on transitions and animations—will apply to dynamic displays exceeding 32 square feet. However, all dynamic signs, regardless of size, will be required to have automatic dimmer controls to comply with the city's night sky

ordinance. Lastly, it was affirmed that the Planning Commission, rather than the Board of Adjustment, will serve as the appellate body for sign-related matters, citing the commission's greater familiarity with the technical ordinance.

2. Discussion regarding the General Plan.

The commission reviewed proposed updates to the public facilities element of the city's general plan. A key change involved simplifying the language on page 43 to a single paragraph, clarifying the intent and scope of the bond project. To ensure clarity, the phrase "additional capacity" in the culinary water section was amended to include "all the needed infrastructure," explicitly stating that expansion requires new physical support systems.

A new section was introduced to designate "activity centers" or "gathering places" within the city, with the goal of fostering a more vibrant community and sense of place. The commission endorsed the term "vibrant" to describe the desired character of these areas. There was strong consensus on the need to integrate goals for creating a walkable downtown area, which would encourage pedestrian activity and allow visitors to patronize multiple businesses easily. The commission agreed that the terms "activity centers" and "gathering places" could be used interchangeably. As a next step, a mapping exercise will be conducted at the next meeting to visually identify potential locations for these centers.

G. Adjourn:

Commissioner Bice adjourned the meeting at 7:00 p.m.

Planning Commission Chair

Date Approved

DRAFT

ORDINANCE NO: 2026 –

AN ORDINANCE OF THE CITY COUNCIL OF LAVERKIN, UTAH, AMENDING THE SIGN ORDINANCE RULES AND REGULATIONS.

WHEREAS, the City Council of LaVerkin deems it necessary to amend and update Title 10, Chapter 11, of the LaVerkin City Sign ordinances for the betterment of both the city, the residents, and commercial property owners within LaVerkin, Utah,

"WHEREAS, the existing Sign ordinance, Title 10, Chapter 11, needs to be amended and updated from time to time to reflect current laws, needs, and standards; and."

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

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF La VERKIN, UTAH

CHAPTER 11 SIGN REGULATIONS

SECTION:

[10-11-1: Purpose And Objectives](#)

[10-11-2: General Requirements](#)

[10-11-3: Definitions](#)

[10-11-4: Permit Process](#)

[10-11-5: Classification Of Signs](#)

[10-11-6: Prohibited Signs](#)

[10-11-7: Exempt Signs](#)

[10-11-8: Sign Standards](#)

[10-11-9: Unlawful Signs, Sign Removal, And Indemnification](#)

[10-11-10: Disposal Of Signs](#)

[10-11-11: Area And Height Computation](#)

[10-11-12: Sign Standards Table For Residential, Industrial And Commercial Zones](#)

[10-11-13: Nonconforming Signs](#)

[10-11-14: Violations And Remedies](#)

DRAFT

10-11-1: PURPOSE AND OBJECTIVES:

- A. The purpose of these sign regulations is to encourage the effective use of signs as a means of communication in the city; to maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions. Accordingly, the city adopts these regulations to provide for a healthy

business environment considering safety aspects while maintaining those aesthetic qualities reflective of the natural surroundings. This chapter is adopted under the zoning authority of the city in furtherance of the more general purposes set forth in this zoning title. It supersedes all previous ordinances or sections pertaining to the same.

B. The goals to be achieved by these regulations are:

1. To establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this chapter;
2. To allow certain signs that are small, unobtrusive and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this chapter, but without a requirement for permits;
3. To provide for temporary signs without commercial messages in limited circumstances in the public right of way;
4. To prohibit the construction of any new off-premises signs throughout the city;
5. To prohibit all signs not expressly permitted by this chapter;
6. To stimulate harmony within the community while allowing for competitive opportunities and protection of property values to preserve a healthy business environment and a sustainable economy;
7. To create a city image that reflects the surrounding natural scenic grandeur;
8. To establish a visual management corridor along scenic Highway 9;
9. To provide for the safety of pedestrians and motorists and promotion and protection of the public welfare; and
10. To provide for the enforcement of the provisions of this chapter. (Ord. 2005-41, 12-21-2005)

10-11-2: GENERAL REQUIREMENTS:

- A. Applicability: A sign may be erected, placed, established, painted, created or maintained in the city only in conformance with the standards, procedures, exemptions and other requirements of this chapter.
- B. Sign Approval: Except as otherwise provided, it shall be unlawful and an infraction to erect or maintain any sign or outdoor advertising structure in the city of LaVerkin without first obtaining the approval of the city for said sign or advertising structure, the giving of which shall be based upon the provisions of this title. Said approval shall not be required for exempt signs that meet the requirements of this title.
- C. Appeals: Any person aggrieved by a decision of the staff may appeal in writing within fifteen (15) days of notification of said decision pursuant to this title. (Ord. 2005-41, 12-21-2005)

10-11-3: DEFINITIONS:

Words and phrases used in this chapter shall have the meanings set forth in this section. Words and phrases not defined in this section but defined in this zoning title shall be given the meanings set forth in such title. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this chapter.

ABANDONED SIGN: A sign related to a former business located on property which remains unoccupied for a period of one hundred twenty days or more, or any sign which was erected for an occupant or business unrelated to the present occupant or business, and any sign which pertains to a time, event or purpose which no longer exists.

ANIMATED SIGN: Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

AWNING SIGN: Any sign copy or logo attached to or painted on the flap or valance of an awning.

BALLOON: Any air or gas filled balloon or blimp attached to a string, rope or similar ligature, and tethered to a fixed place or object, including motor vehicle.

BANNER: Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business, shall not be considered banners.

BEACON: Any light with one or more beams directed into the atmosphere or directed on one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

BILLBOARD: A freestanding sign that exceeds the maximum allowable dimensions of freestanding signs as set forth in this title.

BUILDING MARKER: Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

BUILDING SIGN: Any sign attached to any part of a building, as contrasted to a freestanding sign.

BULLETIN BOARD: A sign of permanent character, but with removable letters, words or numerals.

CANOPY SIGN: Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service.

CHANGEABLE COPY SIGN: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign.

COMMERCIAL MESSAGE: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

DEVELOPMENT SIGN: A temporary sign listing the address or name of the architect, landscape architect, engineer, planner, contractor or other person or firm participating in the development, construction or financing of a project on the premises on which the sign is located.

DIRECTIONAL SIGN: Any freestanding non-flashing sign, other than a highway marker or any sign erected and maintained by a public authority, which is primarily designed, erected and maintained to serve as a public convenience in directing persons to a place of importance or interest, to a structure, or to a use situated within the city.

DIRECTORY SIGN: A sign listing the tenants or occupants and their suite numbers of a residential, commercial, or industrial development project.

DYNAMIC DISPLAY SIGN: Is a digital display sign that automatically changes its content as defined in this code rather than showing a fixed static message.

FLAG: Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of government, political subdivision or other official entity.

FLAGPOLE: A tall staff or pole on which a flag is raised; a strong rod or stick with a specialized utilitarian purpose.

FREESTANDING SIGN: Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

GRAND OPENING: A promotional activity used by newly established businesses, occurring within 3-months following occupancy, to inform the public of their location and services or products available to the community. "Grand Opening" does not mean an annual or occasional promotion of retail sales by a business.

ILLUMINATED SIGN: A sign which emits or reflects lights from a source purposely placed to make the sign visible.

MARQUEE SIGN: Any sign attached to, in any manner, or made a part of a marquee.

MONUMENT SIGN: A freestanding sign with a solid base that is equal to, or greater than, the width of the sign face, and incorporates the architectural theme and building materials of the building(s) located on the property in which the sign serves.

NONCONFORMING SIGN: Any sign that does not conform to the requirements of this chapter.

OFF SITE SIGN: Any sign which is not located on the business or activity site it identifies or advertises.

ON SITE SIGN: Any sign which directs attention to an occupancy, business, commodity, service or entertainment conducted, sold or offered only upon the premises where the sign is located.

PARCEL IDENTIFICATION SIGN: A freestanding on-site sign such as a monument or pylon sign.

PENNANT: Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

PERSON: Any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

PRINCIPAL BUILDING: The building in which is conducted the principal use of the lot on which it is located. Zone lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages and other clearly accessory uses shall not be considered principal buildings.

PYLON SIGN: A freestanding sign that is permanently supported by one or more uprights, braces, or poles, or other similar structural components that are architecturally compatible with the main structure of the site.

RESIDENTIAL SIGN: Any sign located in a district zoned for residential uses that contains no commercial message.

ROOF SIGN: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure and extending vertically above the highest portion of the roof.

SETBACK: The distance from the property line to the nearest part of the applicable building or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

SIGN: Any device, fixture, placard, or structure, including banners and flags, that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, show support for, or identify the purpose of a person, entity or cause, or to communicate information of any kind to the public.

STATIC SIGN: A sign that does not rotate, move, or have any appearance of changing or movement in the sign. A static sign is not a dynamic display sign.

STREET: A strip of land or way subject to vehicular or pedestrian traffic that provides direct or indirect access to property, including, but not limited to, alleys, avenues, boulevards, courts, drives, highways, lanes, places, roads, terraces, trails or other thoroughfares.

STREET FRONTAGE: The distance for which a lot line adjoins a public street, from one lot line intersecting said street to the farthest distant lot line intersecting the same street.

TEMPORARY SIGN: Any sign that is used only temporarily and is not permanently mounted.

TOURIST ORIENTED DIRECTIONAL/BUSINESS SIGN: Means the official city sign placed on city owned property to provide the traveling tourist information regarding attraction, service business identification and directional information for establishments related to the tourist's needs.

WALL SIGN: Any sign attached parallel to, but within six inches (6") of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

WINDOW SIGN: Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

ZONE LOT: A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage and use, and that can provide such yards and other open spaces as required by zoning regulations. (Ord. 2005-41, 12-21-2005; amd. Ord. 2024-09, 3-6-2024)

10-11-4: PERMIT PROCESS:

A. Permit Requirements:

A permit is required if a sign requiring a permit under the provisions of this chapter is to be placed, constructed, erected, or modified on lot. The owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of this section.

1. **Application.** Application for a sign permit shall be made in writing upon forms furnished by the city. The application shall be signed by either the owner and lessee or occupant of the premises upon which the sign is or will be located.
2. **Fees.** A fee for each sign permit shall be paid to the city prior to issuance of a sign permit in accordance with the schedule of fees established by resolution of the council.
3. **Issuance.** The city shall determine within ten days whether the proposed sign and proposed action concerning said sign, with respect to its construction, location and materials, conform to all applicable city ordinances, regulations and provisions of this code. Any permit may, at any time, be rescinded should any of the provisions of this chapter or any provision of this code or applicable regulations and ordinances be violated by permittee.
4. **Maintenance.** The property owner shall maintain in force, at all times, a sign permit for such sign in accordance with this section. The sign shall also be kept and maintained in an acceptable condition or the permit for the sign can be revoked by the city.
5. **Inspection.** The city shall cause an inspection of the zone lot for which each permit for a new sign or for modification of an existing sign is issued during the six (6) month period after the issuance of such permit or at such earlier date as the owner may request. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is substantially complete, but not

in full compliance with this chapter and applicable codes, the city shall give the owner or applicant notice of the deficiencies and shall allow an additional thirty (30) days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. All records on permitted signs shall be kept and maintained at the city.

6. Lapse Of Sign Permit. A continuing sign permit shall lapse if the business license for the premises lapses, is revoked or is not renewed. A sign permit shall also lapse if the business activity on the premises is discontinued for a period of one hundred eighty (180) days or more and is not renewed within thirty (30) days of a notice from the city to the last permittee, sent to the premises, that the sign permit will lapse if such activity is not renewed.

7. Assignment of Sign Permits. A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises, subject only to filing such application to the city.

10-11-5: CLASSIFICATION OF SIGNS:

Every sign erected or proposed to be erected within the city of LaVerkin shall be classified by the City in accordance with the definitions of signs contained in this chapter. Any sign which does not clearly fall within one of the classifications shall be placed in the classification which the sign, in view of its design, location, and purpose, most clearly approximates in the opinion of the city. (Ord. 2005-41, 12-21-2005)

10-11-6: PROHIBITED SIGNS:

In addition to any sign not specifically permitted or allowed in accordance with this chapter, the following signs are prohibited:

- A. Billboards; Off Premises Signs: No outdoor off premises advertising signs shall be constructed or erected after the effective date hereof. Any replacement sign shall conform to all provisions of this chapter. This subsection is not meant to prohibit temporary signs off premises advertising yard sales, open houses, or other similar residential related activities.
- B. Others Specified: All signs not expressly permitted or allowed under this chapter or exempt from regulation hereunder in accordance with this chapter, are prohibited in the city. Such signs include, but are not limited to:
 - 1. Beacons.
 - 2. Roof signs
 - 3. Strings of lights not permanently mounted to a rigid background, except those exempt in this chapter.
 - 4. Inflatable signs and tethered balloons.

5. Faded, torn or stained flags are prohibited.
6. Signs designed for emitting sound, smoke, or steam.
7. Natural object used as a sign. No sign shall be painted on or affixed to any natural object in its natural location such as, but not limited to, a boulder, tree, or cliff face.
8. Vehicle signs. Signs affixed upon a vehicle, trailer or the like, parked conspicuously so as to attempt to direct attention to a place of business in an effort to circumvent the provisions of this chapter. This shall apply to vehicles parked on either public or private property. This shall not be construed as to prohibit customized automobile license plates.
9. Signs which bear or contain statements, words or pictures of an obscene or pornographic character (as defined by the U.S. supreme court in Miller vs. California, 413 U.S. 15, 24 (1973)), and anything that demeans or otherwise degrades religions, races, sexes or ethnic groups. (Ord. 2005-41, 12-21-2005)
10. Signs erected so that any portion of its surface or supports interfere with the free use of a fire escape, or exit, or obstruct a required ventilator, door, stairway, or window.
11. Notices, placards, bills, posters, cards, stickers, banners, signs, advertisings, or other devices designed to attract the attention of the public that are posted or otherwise affixed upon any street furniture, right-of-way, public sidewalk, crosswalk, curb, lamppost, fencing, hydrant, tree, alley, telephone pole, public telephone, lighting system, or other public alarm or communication system; or that overhang any public lands or right-of-way.
12. Signs in the public right-of-way except as authorized by a recognized government agency. Signs placed in the public right-of-way will be subject to removal by the city.

10-11-7: EXEMPT SIGNS:

- A. The following signs shall be allowed without a sign permit under the noted conditions and shall not be included in the determination of type, number or area of signs allowed on premises. Any other signs exceeding the conditions specified in this section (i.e., number, size, type, or area), shall require a permit as prescribed in this chapter. Exempt signs are subject to the provisions of this chapter regarding the safety, maintenance, and repair of signs. Exempt signs shall be compatible with the overall purpose and intent of these regulations.
 1. Public notices; warnings: Any public notice or warning required by a valid and applicable federal, state or local law, regulation or ordinance.
 2. Interior signs: Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet (3') beyond the lot line of the zone lot or parcel on which such sign is located.

3. Holiday lights, decorations: Holiday lights and decorations with no commercial message.
4. Traffic control signs: Traffic control signs on private property, such as stop, yield and similar signs, the face of which meet department of transportation standards and which contain no commercial message.
5. Construction signs: One nonilluminated sign per construction project not to exceed eight (8) square feet in area, nor six feet (6') in height, used to indicate owner, general contractor, architect, and other pertinent construction data. Such signs shall be erected no more than five (5) days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the construction site, and shall be removed within five (5) days of completion.
6. Directional or instructional signs: Signs not to exceed four (4) square feet in area, used to identify restrooms, public telephones, walkways or signs providing direction such as parking lot entrance and exit signs and those of similar nature. Such signs shall be located entirely on the property to which they pertain and shall not in any way advertise or otherwise mention a business. Such signs shall be either wall mounted or freestanding. If freestanding and such sign is located adjacent to a primary street, it shall be placed at the driveway or sidewalk entrance to the property closest to the item being identified. Freestanding directional signs shall not exceed three feet (3') above grade. If wall mounted, no portion of such sign shall be placed higher than eight feet (8') above grade. Directional or instructional signs visible from the public right of way shall not exceed two (2) such signs per business or business center.
7. Government signs: Governmental signs for traffic control and other regulatory purposes, street signs, danger signs, and signs of public service companies indicating danger, notices issued by any court and aids to service or safety that are erected by or by order of a public officer in the performance of his public duty.
8. Historical or memorial signs: Memorial signs or tablets erected by recognized historical agencies, names of buildings, dates of erection and related information, provided the sign be cut into any masonry surface or inlaid so as to be part of the building and does not exceed two (2) square feet in area.
9. House numbers and nameplates: Signs not exceeding two (2) per address and each sign not to exceed two (2) square feet in area in all city zones.
10. Open House Signs: Nonilluminated, off site, portable signs, placed on private property, containing directions to the location of an open house which is for sale, limited to one sign per intersection corner, not to exceed a total of five (5) such signs, provided the signs:
 - a. Shall not exceed four (4) square feet in area or four feet (4') in height; and
 - b. Shall be removed immediately following a scheduled open house.

11. Political Signs

- a. No political sign shall be posted on any public property or in the public right-of-way. Political signs posted on public property or on the public right-of-way are subject to immediate removal by the city without prior written or verbal notification.
 - b. No political sign shall be posted in the corner cutoff area. Political signs posted in the corner cut-off areas are subject to immediate removal by the city without prior written or verbal notification.
 - c. All political signs pertaining to a particular election shall be removed within ten days after the date of the election. Any political sign that remains posted for more than ten days after the election to which it pertains shall also be deemed abandoned. The city may cause the summary removal of such abandoned signs and any signs which constitute an immediate peril to persons or property without further notice. In addition, the city shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.
12. Protective signs: Nonilluminated flat signs of not more than one square foot each, which contain words protective of an occupant, such as "no trespassing", "beware of dog", and the like, provided such signs be placed only at intervals of not less than thirty feet (30') or in compliance with the requirements of state law. The total number of signs allowed per property shall be reasonable in number, not to exceed six (6) such signs, and shall comply with the intent of these sign regulations.
13. Real estate signs:
- a. On each street frontage, for any lot or building, one nonilluminated sign that serves solely to advertise the actual intent to sell, rent or build to suit, provided:
 - (1) Such sign is located entirely within the property to which the sign applies;
 - (2) Each individual sign shall not exceed six (6) square feet, nor four feet (4') in height and the total combined sign area shall not exceed twelve (12) square feet; and
 - (3) The signs shall be removed within seven (7) days after the sale, rental or lease has been consummated.
14. Service station signs: For each service station or other business selling automotive fuel, one price sign for each street frontage. Each sign strip not to exceed eight (8) square feet in area. Total price sign shall not exceed eight feet (8') in height. In addition, one "self/mini/full serve" sign, not to exceed three (3) square feet in area, is allowed on each end of each pump island.
15. Temporary signs: Temporary signs not exceeding four (4) square feet in area pertaining to:
- a. Fundraisers or events of civic, philanthropic, educational or religious organizations; provided that said signs are posted no more than fourteen (14) days prior to said event and are removed no more than two (2) days after an event and not to exceed 45 total days in a calendar year. Written permission of property owners where temporary signs will be located is required.

16. **Flags, Military Banners and Civic Banners/Pennants:** La Verkin City may install flags, banners, and/or pennants on city-owned utility poles and at other city-owned locations to promote those who are serving and served in the military and other sanctioned civic functions. National, state, or local flags may be installed by the City at any time and for any duration.
17. **Directory Signs.** Signs located in the interior of a development meant to direct patrons to businesses. Signs shall not exceed 12 square feet in size and shall not be located in an area that restricts pedestrian or vehicular visibility.

10-11-8: SIGN STANDARDS:

1: General

All signs requiring permit approval shall comply with the following standards and regulations and these standards and regulations shall be considered minimum requirements in reviewing all applications for sign permits:

- A. **Materials:** All signs shall be constructed of permanent materials.
- B. **Attachment:** All signs shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure except for banners, flags, temporary signs, and window signs.
- C. **Visibility:** No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision of traffic or create a safety hazard or be installed in a designated corner cut-off area as defined in Title 10, Chapter 7 of this code.
- D. **Signs On Private Property:** Signs shall be allowed on private property in the city in accordance to specifications set forth in this chapter and with written property owner permission.
- E. **Signs In The Public Right Of Way:** No signs shall be allowed in the public right of way, except as listed hereafter. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

2. Permanent Signs: Permanent signs, including:

- a. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information such as chamber of commerce at each city entrance, and direct or regulate pedestrian or vehicular traffic;
- b. Bus stop signs erected by a public transit company;
- c. Information signs of a public utility regarding its poles, lines, pipes or facilities; and

- d. Awning, projecting and suspended signs projecting over a public right of way in conformity with the conditions of this chapter.
- F. Fire Escapes: No sign shall be erected in such a manner that any portion of the sign or its support, will interfere with the use of any fire escape, exit, or standpipe, or obstruct any required stairway, door, ventilator, or window.
- G. Utility Lines: No sign shall be erected or maintained which has less horizontal or vertical clearance from communication lines and energized electrical power lines than that prescribed by the laws of the state of Utah or rules and regulations duly promulgated by agencies thereof.
- H. Clearance: No sign shall be erected in such a manner that any portion of the sign or its support will extend over a public or private walkway with a minimum clearance of less than twelve feet (12').
- I. School Zones: No sign shall be erected within twenty feet (20') of a school zone except for those signs designated in this section. (Ord. 2005-41, 12-21-2005)

3. Parcel identification/pylon/monument sign regulations.

The following requirements apply to parcel identification/pylon/monument signs in commercial and industrial zones. Parcel identification/pylon/monument signs are not allowed in residential zones. Two types of parcel identification signs are allowed: monument and pylon signs.

- A. Unless expressly provided for in this chapter, including, no sign shall be erected or used on any property other than the one on which the business identified is located.
- B. Signs must be complementary to the architectural design of the building. Sign proposals shall include color scheme, types of materials, typeface, and a general maintenance schedule.
- C. Signs within required building setbacks shall generally be located within a landscape planter.
- D. No portion of the sign shall be permitted to overhang or encroach into the public right-of-way.
- E. Pylon/monument signs may be oriented (perpendicular or parallel) toward the frontage on which they are installed and must be located within the one-third of the lot adjacent to the frontage. Pylon signs shall be setback 50 feet from residential properties.
- F. Pylon/monument signs may contain an address plate identifying the subject property. Numbers shall be a minimum of six inches in height and shall be clearly

visible from the public right-of-way. Address plates shall not be calculated against the allowed sign area.

G. Pylon/monument signs are allowed in the commercial and industrial zones subject to the following conditions:

1. Pylon/monument signs are allowed within the landscaped building setback.
 2. The number of Pylon/monument signs are allowed based on the following criteria:
 - (a) Commercial or office centers two (2) acres and greater:
 - (i) One sign per street frontage.
 - (ii) Each sign may list up to eight tenants.
 - (iii) The name of the center, which may be included on the parcel identification sign provided that it does not exceed 32 square feet, shall not be calculated against the maximum sign area.
 - (b) Commercial or office centers less than two (2) acres:
 - (i) One sign per street frontage.
 - (ii) Each sign may list up to four tenants.
 - (iii) The name of the center, which may be included on the pylon/monument sign provided that it does not exceed 32 square feet, shall not be calculated against the maximum sign area.
 3. Shall be placed perpendicular or parallel to the street and located to ensure that vehicular and pedestrian sight distances at entry driveways and sidewalks are not impaired.
- H. An individual business within a multi-tenant commercial retail center with more than one building may be permitted to have a separate pylon/monument sign provided that all of the following requirements are met:
1. The business is in a separate structure on a separate legal lot;
 2. The lot accommodates all of the parking needs of the business;
 3. The lot has its own access from the street; and
 4. The linear frontage of the parcel was not calculated as part of the sign area for the center's parcel identification sign.
- I. An individual business within a multi-tenant office professional business or industrial center may be identified on a separate monument sign identifying up to three tenants, provided that all of the following criteria are met:

1. The center is only identified by one monument style parcel identification sign which contains only the name of the center and the address range of the buildings;
2. No more than one additional monument sign shall be permitted for each building per street frontage within the center, provided that no more than one sign per public street access is provided;
3. Signs shall be subject to all other provisions of the La Verkin Municipal Code; and
4. The aggregate total of all signs shall not exceed that which is permitted by the zone.

4 Wall Signs

The following requirements apply to any building sign including wall, awning, window, marquees, dynamic display, A frame, tourist oriented directional business signs and murals in commercial and industrial zones or as otherwise specified in this chapter. Wall signs should be compatible with the predominant visual elements of the building.

A. Wall signs.

1. No sign shall be erected or used on any property other than the one on which the business identified is located.
2. Wall signs shall be located on no more than three sides of the building and shall not extend above an eave or parapet, or above or below a fascia on which they are located. Wall signs on frontages adjacent to residential uses or zones shall not be illuminated.
3. Signs shall not be placed to obstruct any portion of a window or cover architectural elements (such as vertical piers, cornices, and similar elements).
4. Signs must be complementary to the architectural design of the building.

B. Awning signs.

1. Lettering shall be allowed only on the awning flap or valance.
2. Only permanent signs that are an integral part of the awning or architectural projection shall be allowed. Temporary signs shall not be placed on awnings.
3. Awnings shall be regularly cleaned and kept free of dust and visible defects.
4. No portion of the awning shall be permitted to overhang or encroach into the public right-of-way.
5. The color of an awning sign should be compatible with and complementary to the color and material of the building to which it is attached.

- C. Window signs. Sign permits are not required for window signs; however, they are subject to the following restrictions:
1. Signs shall be placed on the interior side of the window, except that holiday or seasonal window displays and temporary messages may be placed on the exterior side of the window.
 2. A temporary window sign shall not be displayed for more than 120 days in a calendar year **and not more than 120 consecutive days**
 3. Not more than 50% of the window area may be covered.
- D. Marquee signs. Are only allowed in commercial zones. Theatres having permanent seating for at least 100 persons shall be permitted one marquee per street frontage, provided that:
1. Is located on the premises of the theatre center; and
 2. Is proportional in size to the number of theatre screens and the area of building frontage.
- E. Under canopy signs.
1. The sign shall provide a clearance of 7'-6" from the underlying walkway.
 2. The maximum square footage is eight square feet for each side; and no more than 3'-0" in height.
 3. The signs may be illuminated or non-illuminated. Illuminated signs may have an internal or external light source.
- F. Wall murals. Such signs are allowed to promote the culture and history of the city. The size of a mural shall be proportional to the building elevation where it is proposed. Applicants shall work with La Verkin City to ensure proposed murals meet the intent of this chapter.
- G. Dynamic Display Signs. Any business using a dynamic display shall meet the requirements of this ordinance and the following operational standards:
1. Duration: The full sign image or any portion thereof must have a minimum duration of 25 seconds and must be a static display. No portion of the image may flash, scroll, twirl, change color, or in any manner imitate movement.
 2. Transition: Fading, dissolving, scrolling, traveling, or any transition that creates the illusion of movement is prohibited.
 3. Brightness: The dynamic display sign must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness.

4. Dimmer Control: (Applies to all dynamic display signs regardless of size) Electronic graphic display signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one half-hour before sunset and one half-hour after sunrise.
 5. Fluctuating or Flashing Illumination: No portion of any dynamic display sign may fluctuate in light intensity or use intermittent, strobe or moving light or light that changes in intensity in sudden transitory bursts, streams zooms, twinkles, sparkles, or in any manner that creates the illusion of movement.
 6. Video Display: No portion of any dynamic display sign may change its message or background in a manner or by a method of display characterized by motion or pictorial imager, or depict action or a special effect to imitate movement, or the presentation of pictorials or graphics displayed in a progression of frames that give the illusion of motion or the illusion of moving objects, moving patterns, or bands of light or expanding or contracting shapes.
- H. Tourist Oriented Directional/Business Signs. Tourist oriented directional/business signs shall be regulated by the city and only be placed on city property solely at the discretion of the city. Such signs can be static signs or dynamic display signs. Tourist oriented directional/business signs shall meet the minimum criteria set forth in this ordinance as follows:
1. In order to be eligible for a tourist oriented directional/business sign a business shall be located within the La Verkin city limits and must have a valid business license during the entire time that the sign is displayed.
 2. If the tourist oriented directional/business sign is a static sign, then the sign can only contain the name of the business and business logo.
 3. The business must be open to the public at least 40 hours per week and six days per week, for a minimum of three continuous months per year, and maintain regular hours and schedules. Home occupation businesses are prohibited from advertising on tourist oriented directional/business signs.
 4. Each business identified on a sign shall provide assurance of its conformity with all applicable laws concerning the public accommodation without regard to race, color, sex, culture, social origin or condition, or political or religious ideas.
 5. No sexually explicit, vulgar or cuss words are allowed on signs.
 6. If the tourist oriented directional/business sign is a static sign, businesses are allowed to advertise on city owned tourist oriented directional/business sign for a period of one year. If after one year, no other business has applied to be placed on the tourist oriented directional/business sign, a business can be granted an additional year of eligibility and so forth.
 7. Initially, if more businesses apply to advertise on a static tourist oriented directional/business sign than space available, a lottery will be held to determine which businesses will initially be allowed to advertise on the tourist oriented

directional/business sign. Businesses not selected as part of the lottery process will be allowed to advertise on the kiosks after the one year period expires for advertised businesses. Businesses having been able to advertise for one year will then be removed to allow for new businesses to advertise.

8. The design and colors of the tourist oriented directional/business kiosks shall be determined by the city.
9. A fee will be charged by the city to advertise on the tourist oriented directional/business kiosks. The fee will be established by resolution by the city council.
- I. A-Frame/Sandwich Board Signs. Any business within a commercial zone in La Verkin City can display one A-Frame/Sandwich Board sign without a permit subject to the following criteria:
 1. Signs must be placed on the same property as the location of the business.
 2. Signs must not obstruct pedestrian pathways (minimum 4-foot clearance), be placed in corner cut-off areas or obstruct vehicle sightlines.
 3. Maximum dimensions for A-Frame/Sandwich Board signs shall be 36 inches high by 24 inches wide.
 4. Signs must be made of durable, weather-resistant materials and kept in good condition.
 5. Signs may only be displayed during business hours and must be removed when the business is closed.
 6. Signs shall be prohibited during extreme weather events.

10-11-9: UNLAWFUL SIGNS, SIGN REMOVAL, AND INDEMNIFICATION:

Compliance With Code: All signs shall be maintained in good structural condition, in compliance with the appropriate detailed provisions of the building code relating to design, structural members, and connections. Signs shall also comply with the provisions of the national electrical code and additional construction standards hereinafter set forth in this section.

- A. Abandoned Signs: Any sign, including all structural, support and other componential elements, which is located on a property, premises or structure which:
 1. Becomes vacant and unoccupied for a period of one hundred eighty (180) days or more,
 2. Pertains to a time, event or purpose which no longer applies, or
 3. Pertains to an occupant or business different from the resident occupant or business shall be deemed to have been abandoned. Abandoned signs shall be removed according to the provisions of this section.

B. Dangerous Or Defective Signs: No person shall maintain or permit to be maintained on any premises owned or controlled by him, any sign which is in a dangerous or defective condition. Dangerous or defective signs shall be removed in accordance with this section.

C. Unlawful Signs:

1. Any sign displayed, erected, installed, suspended, attached, moved, enlarged, replaced, converted or altered after the effective date hereof, which does not comply with the provisions of this title, shall be deemed unlawful. Any work in progress on such sign shall be ordered by the planning city or designee to cease immediately and said sign shall be removed in accordance with the provisions of this section.
2. Signs which are not in compliance with this chapter and are therefore considered unlawful according to this section and which continue to be in noncompliance according to the provisions of these sign regulations, shall be deemed unlawful, and shall be removed according to the provisions of this section.

D. Removal Of Signs: The city or designee shall cause to be removed any sign not in compliance with safety or maintenance standards, abandoned signs, dangerous or defective signs, or unlawful signs. The city or designee shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected within fifteen (15) days, the sign shall be removed in accordance with the provisions of this section.

1. Notices: All notices shall be mailed by certified mail to the owner of the property on which the sign is located, the owner of the sign and the occupant of the property. If any such person is unknown or cannot be found, notice shall be mailed to such person's last known address, if any, and shall be posted on said sign or on the premises.
2. Time Periods: Any time periods provided in this section shall be deemed to commence on the date of the certified mailing. If more than one notice is sent by certified mail, the date of the first notice mailed shall apply. Signs may be required to be removed as a condition of a conditional use permit without further notice.
3. Appeal: The sign owner or property owner on whose property the sign is located may appeal the determination ordering removal or compliance by filing a written notice of appeal with the planning commission within fifteen (15) days after mailing of the notice pursuant to this chapter.
4. Emergency Abatement: Notwithstanding the above, in cases of emergency, the city or designee may cause the immediate removal of a dangerous or defective sign without notice. (Ord. 2005-41, 12-21-2005)

10-11-10: DISPOSAL OF SIGNS:

- A. Authority: Any sign removed by abatement by the city or designee pursuant to the provisions of this chapter shall become the property of the city and may be disposed of in any manner deemed appropriate by the city. The cost of removal and disposal shall be considered a debt owed to the city by the owner of the sign and the owner of the property,

and may be recovered in an appropriate court action by the city. The cost of removal and disposal shall include all incidental expenses incurred by the city in connection with the sign removal and disposal.

- B. **Emergency Removal:** When it is determined by the city or designee that said sign would cause an imminent danger to the public safety, and contact cannot be made with the sign owner or property owner, no written notice shall have to be served. In this emergency, the city or designee may correct the danger, all costs being charged to the sign owner and property owner.
- C. **Sale Of Signs:** If it shall be necessary for the city or designee to remove a sign pursuant to the provisions hereof, and it should be practical to sell or salvage any material derived in the aforesaid removal, the city may sell the same at private or public sale at the best price obtainable, and shall keep an account of the proceeds thereof. Such proceeds, if any, shall be used to offset the costs of removal to be charged to the sign owner or property owner. The city may file suit in court to collect any excess over such proceeds and the cost of such removal shall be levied as an assessment against the property on which the sign is located. (Ord. 2005-41, 12-21-2005)

10-11-11: AREA AND HEIGHT COMPUTATION:

The following principles shall control the computation of sign area and sign height:

- A. **Single Faced Signs:** The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.
- B. **Multifaced Signs:** The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two (2) identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than twenty four inches (24") apart, the sign area shall be computed by the measurement of one of the faces.



- C. **Height:** The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:

1. Existing grade prior to construction; or

2. The newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for locating the sign.

In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

- D. Maximum Total Permitted Sign Area For Zone Lot: The permitted sum of the area of all individual signs on a zone lot shall be computed by applying the formulas provided in this chapter to the lot frontage, building frontage, or wall area, as appropriate, for the zoning district in which the lot is located. Lots fronting on two (2) or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, building, or wall area frontage on that street. (Ord. 2005-41, 12-21-2005)

10-11-12: SIGN STANDARDS TABLE FOR RESIDENTIAL, INDUSTRIAL AND COMMERCIAL ZONES:

Sign Type	Residential Zones	Size And Number Allowable	Industrial And Commercial Zones	Size And Number Allowable
Dynamic Display	Prohibited	X	Permitted	Only allowed on commercially zoned or city properties. City property – no lot size requirement. Commercial property shall be greater than 2 acres in size. 64 square feet maximum. (See Section 10-11-8)
Banners, Pennants, Feather Flags	Prohibited	X	Permitted	Special sales only – Permitted for a maximum of 90 days 3 times per year. Banners, pennants or feather flags shall not be placed on fences, signs, poles, vehicles or other similar surfaces.
Building Marker	Permitted	4 square feet	Permitted (Industrial zones)	4 square feet
			Permitted (Commercial zones)	4 square feet
Under Canopy	Prohibited	X	Permitted	See Section 10-11-8
Changeable copy	Prohibited	X	Permitted	64 square feet maximum
Flag/Flagpole	Permitted	16-foot clearance, 25-foot height	Permitted	Flag pole cannot exceed the allowed height of the zone.
Residential	Allowed	One	Prohibited	Must only identify the home occupation business and have a valid business license. Maximum 4 square feet in size.
Temporary	Permitted	4 square feet	Permitted	See Section 10-11-7
Wall	Prohibited	X	Permitted	Commercial - 1 sq. ft. per lineal foot of building elevation. 32 sq. ft. by right - 200 square foot maximum.
				Industrial - 1 sq. ft. per lineal foot of building elevation. 40 sq. ft. by right - 200 sq. ft. maximum.

Pylon/Monument/ Parcel Identification	Prohibited	X	Permitted – Maximum height is 25 feet.	Commercial properties 2 acres and greater: 1 sq. ft. per lineal foot of lot frontage. 32 sq. ft. by right; 240 sq. ft. maximum. Commercial properties less than 2 acres: 1 sq. ft. per lineal foot of lot frontage. 32 sq. ft. by right; 200 sq. ft. maximum. Industrial properties- 1 sq. ft. per lineal foot of lot frontage. 40 sq. ft. by right; 200 sq. ft. maximum 200 sq. ft. maximum.
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10-11-13: NONCONFORMING SIGNS:

A. Nonconforming. Except as otherwise provided herein, any sign or other advertising structure which, though not conforming to the provisions of this chapter, may continue, provided that the location of the sign is protected in place. The sign area can be altered to be consistent with the size requirement of the zone. Existing nonconforming signs that are removed or relocated on the property shall conform to the provisions of this chapter.

1. Change in property size or configuration. If the size or configuration of a parcel or building is changed the subdivision of the property, building addition, or demolition, the parcel and building identification signs on the resulting properties shall be made to conform to the sign regulations applicable to the newly created parcel or building at the time such change becomes effective.

2. Repair and maintenance. A nonconforming sign may be maintained or repaired.

3. Sign removal required: A sign that was constructed, painted, installed or maintained in conformance with a permit under this chapter, but for which the permit has lapsed or for which the time allowed for the continuance of a nonconforming sign has expired, shall immediately be removed by the property owner, including the supporting structure, upon the city's request. (Ord. 2005-41, 12-21-2005; amd. Ord. 2006-28, 7-

4. Unless otherwise approved by the city, removal of nonconforming signs shall be accomplished in the following manner:

A: Signs painted on buildings, walls, or fences. By removal of the paint constituting the sign or by permanently painting over it in such a way that the sign shall not thereafter be or become visible; and

B: Other signs. By removal of said signs, including its dependent structures and supports, or by modification, alteration, or replacement thereof in conformity with the provisions of this chapter.

10-11-14: VIOLATIONS AND REMEDIES:

A. Specified Violations: Any of the following shall be a violation of this chapter and shall be subject to the enforcement remedies and penalties provided by this chapter, by this zoning title and by state law:

1. To install, create, erect or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which the sign is located;

2. To install, create, erect, or maintain any sign requiring a permit without such permit;
 3. To fail to remove any sign that is installed, created, erected or maintained in violation of this chapter, or for which the sign permit has lapsed; or
 4. To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this title.
- B. Separate Violation: Each sign installed, created, erected, or maintained in violation of this chapter shall be considered a separate violation when applying the penalty portions of this title.
- C. Specified Remedies For Enforcement: Any violation of this chapter or of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. A violation of this chapter shall be considered a violation of this zoning title. The remedies of the city shall include the following:
1. Issuing a stop work order for any work on any signs on the same zone lot;
 2. Seeking an injunction or other order of restraint or abatement that requires the removal of the sign or the correction of the nonconformity;
 3. Imposing any penalties that can be imposed directly by the city under this zoning title;
 4. Seeking in court the imposition of any penalties that can be imposed by such court under this zoning title; and
 5. In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the city under the applicable provisions of this zoning title and building code for such circumstances;
 6. Reimbursement of enforcement costs from the property owner, including attorney fees; and
 7. The city shall have such other remedies as are and as may from time to time be provided for or allowed by state law for the violation of this zoning title.

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D. Cumulative Remedies: All such remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation. (Ord. 2005-41, 12-21-2005; amd. Ord. 2006-28, 7-19-2006)

PASSED AND APPROVED by the City Council of LaVerkin , Utah, this _____ day of _____, 2026.

Kelly B. Wilson, Mayor

Attest:

Cline, City Recorder

Nancy

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, City Recorder

CHAPTER 12

DEVELOPMENT AGREEMENTS

SECTION:

10-12-1: Purpose

10-12-2: Applicability

10-12-3: R-1-14 Standards

10-12-4: Condominium Standards

10-12-5: Height Modification Standards

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10-12-1: PURPOSE:

The city recognizes that in some instances it may be appropriate to modify zoning requirements with a development agreement. The regulations set forth in this chapter outline the requirements for development agreements as referred to elsewhere in this zoning title.

Items for possible review within the development agreement include: drainage; sewer; water and other utility requirements; special yards; open spaces; buffers; fences and walls; installation and maintenance of landscaping; street dedications and improvements; vehicular ingress and egress; traffic circulation and regulation; signage; hours and methods of operation; building and yard maintenance; development standards; development schedules; setbacks; structure design; lighting; noise; dust; odors and emissions; colors; aesthetics; and impacts on neighboring properties. Other conditions may be reviewed as the council may deem necessary to ensure compatibility of the use with surrounding developments and uses and to preserve the public health, safety and welfare. The city council may require that the applicant prepare and record covenants, conditions and restrictions (CC&Rs) which are binding upon the applicants and their successors. (Ord. 2007-16, 4-4-2007)

10-12-2: APPLICABILITY:

Applications for development agreements may be considered in the following cases and as described below:

- A. R-1-14 zone where it may be desired to reduce frontage or lot size;
- B. R-3-6 zone where residential condominiums may be desired
- C. Retail commercial zone where height restriction modification may be desired;
- D. Resort commercial zone where height restriction modification or residential condominiums may be desired;
- E. Other situations where city council determines a project subject to a development agreement, would benefit the community and meet the policies set forth in the general plan and in this zoning title. (Ord. 2007-16, 4-4-2007)

10-12-3: R-1-14 STANDARDS:

It may be appropriate to reduce the minimum size of subdivision lots in the low density residential zone (R-1-14) from fourteen thousand (14,000) square feet to not less than ten

thousand (10,000) square feet, provided careful and creative planning methods are utilized to master plan the subdivision. The city council may approve a reduction in the minimum required size of subdivision lots to not less than ten thousand (10,000) square feet within the low density residential zone (R-1-14) subject to the following requirements:

A. Planning Commission Recommendation: A request to develop a subdivision where any lot therein is less than fourteen thousand (14,000) square feet shall first be submitted to the planning commission for its recommendation to the city council after notice and a public hearing before the planning commission as required by this title.

B. Development Agreement:

1. Approval of any subdivision with lots less than fourteen thousand (14,000) square feet shall be contingent upon the developer entering into a development agreement in form and content as approved by the city council. Such agreement shall constitute a binding contract between the developer and the city (the parties) and shall be construed together with the provisions of this chapter and any conditions attached thereto, to accomplish and give effect to the purposes set forth herein. The city council, by and through the mayor, shall be authorized to sign the development agreement(s) on behalf of the city.
2. The purpose of the development agreement shall be to specify the detailed terms and conditions upon which the developer will complete the subdivision and the covenants, conditions and restrictions that will attach to the subdivision. The development agreement shall create a vested right in applicant or its successors or assigns to develop and construct the project as set forth in the development agreement. Any development agreement may be amended by mutual written consent of the parties.
 - a. A development agreement, including exhibits incorporated by reference thereto, entered into pursuant to this chapter shall contain provisions that:
 - (1) Specify the duration of the agreement;
 - (2) Specify the permitted uses of the property;
 - (3) Specify the permitted density of use or development;
 - (4) Specify the maximum height, dimensions, building materials, and design of the proposed structures;
 - (5) Set forth the provisions for the reservation or dedication of lands for public purposes, including, without limitation: parks, roadways, trails, and utility easements, as applicable
 - (6) Provide that construction shall be commenced within a specified time and that the project or any phase thereof shall be completed within a specified time, which shall be consistent with the expected build out of the phase. The development agreement may also include a provision which allows the parties to amend the expected build out calculations approved in the original development agreement

- (7) Provide for periodic review of the status of performance under the development agreement; and
 - (8) Contain exhibits or attachments thereto that are incorporated into the agreement by reference, including, but not limited to: a) covenants, conditions and restrictions (CC&Rs); b) a site plan or plat depicting the layout of the subdivision, including the dimensions and square footage of all lots, streets, and other improvements to the subdivision; c) traffic, soil or any other studies as deemed appropriate by city staff; d) a title report showing that ownership of the property is vested in the developer or an owner who has contracted with the developer to transfer title to the property upon the approval of the subdivision by the city; e) any other document, study or requirement city staff deems reasonably necessary for the particular development.
- b. The parties shall not execute any development agreement prior to the final approval by the city council as provided under this section.
 - c. An executed development agreement under this section shall be recorded in the office of the county recorder within ten (10) days after it is executed by the parties.
- 3. This section is designed to inform applicants and the public of the requirements and conditions necessary to obtain approval of any subdivision with lots less than fourteen thousand (14,000) square feet as would otherwise be required by this title. To this end, all requirements, where possible, are expressly delineated in this section or other applicable ordinances. However, since it is impossible to cover every contingency and there are some aspects which do not lend themselves to be easily articulated, this section allows the planning commission to recommend and city council to impose reasonable conditions upon an applicant in addition to those expressly required, so long as such conditions do not conflict with any requirements set forth in this section or other applicable ordinances. (Ord. 2007-16, 4-4-2007)

10-12-4: CONDOMINIUM STANDARDS:

It may be appropriate to allow condominium projects in the resort commercial zone or in residential zones where multiple-housing is allowed to achieve preferable architectural or aesthetic elements, provided careful and creative planning methods are utilized in the design of the building. The city council may approve condominium developments subject to the following requirements:

- A. **Planning Commission Recommendation:** A request to construct a condominium project in a multiple-housing residential zone or in the resort commercial zone shall first be submitted to the planning commission for its recommendation to the city council after notice and a public hearing before the planning commission as required by this title. A draft of the development agreement described below shall be submitted to the planning commission sufficiently in advance of the public hearing to facilitate discussion of the proposed development agreement at the public hearing.
- B. **Development Agreement:**
 - 1. Approval of a condominium project may be approved contingent upon the developer entering into a development agreement in form and content as approved by the city council. Such agreement shall constitute a binding contract between the developer and

the city (the parties) and shall be construed together with the provisions of this chapter and any conditions attached thereto, to accomplish and give effect to the purposes set forth herein. The city council, by and through the mayor, shall be authorized to sign the development agreement(s) on behalf of the city.

2. The purpose of the development agreement shall be to specify every acceptable design, exterior building material and feature, and landscaping of the building(s), including, but not limited to, building and building improvement heights. The development agreement shall create a vested right in the applicant or its successors or assigns to develop and construct the building(s) as set forth in the development agreement, provided that the applicant or its successors or assigns commences with construction within one year and completes construction within two (2) years of the date of execution of the development agreement. Any development agreement may be amended by mutual written consent of the parties.
 - a. A development agreement, including exhibits incorporated by reference thereto, entered into pursuant to this chapter shall contain provisions that:
 - (1) Specify the term of the agreement;
 - (2) Specify the maximum height, dimensions, building materials, and design of the proposed building and any improvements thereto or to the underlying parcel of real property;
 - (3) Provide that construction shall be commenced within a specified time and that the building shall be completed within a specified time;
 - (4) Provide for periodic review of the status of performance under the development agreement; and
 - (5) Contain exhibits or attachments thereto that are incorporated into the agreement by reference, including, but not limited to: a) architectural plans; b) building plans; c) landscaping plans; d) lists or summaries of approved building materials; e)-a title report showing that ownership of the property is vested in the developer or an owner who has contracted with the developer to transfer title to the property upon the approval of the subdivision by the city; and f) any other document, study or requirement the city deems reasonably necessary for the particular building.
 - b. The parties shall not execute any development agreement prior to the final approval by the city council as provided under this section.
 - c. An executed development agreement under this section shall be recorded in the office of the county recorder within ten (10) days after it is executed by the parties. (Ord. 2007-16, 4-4-2007)

10-12-5: HEIGHT MODIFICATION STANDARDS:

It may be appropriate to increase the height of buildings to more than fifty-five feet (55'), and to increase the height of facades, rooflines, and other non-occupied building improvements (collectively hereafter "building improvements") to more than sixty-six feet (66'), to achieve preferable architectural or aesthetic elements, provided careful and creative planning methods

are utilized in the design of the building. The city council may approve an increase in allowable height of a building or building improvements subject to the following requirements:

- A. Planning Commission Recommendation: A request to construct a building where the proposed building height will exceed fifty-five feet (55') or building improvements will exceed sixty-six feet (66') shall first be submitted to the planning commission for its recommendation to the city council after notice and a public hearing before the planning commission as required by this title. A draft of the development agreement described below shall be submitted to the planning commission sufficiently in advance of the public hearing to facilitate discussion of the proposed development agreement at the public hearing.
- C. Development Agreement:
 - 1. Approval of any building greater than fifty-five feet (55') or building improvement greater than sixty-six feet (66') shall be contingent upon the developer entering into a development agreement in form and content as approved by the city council. Such agreement shall constitute a binding contract between the developer and the city (the parties) and shall be construed together with the provisions of this chapter and any conditions attached thereto, to accomplish and give effect to the purposes set forth herein. The city council, by and through the mayor, shall be authorized to sign the development agreement(s) on behalf of the city.
 - 2. The purpose of the development agreement shall be to specify every acceptable design, exterior building material and feature, and landscaping of the building, including, but not limited to, building and building improvement heights. The development agreement shall create a vested right in the applicant or its successors or assigns to develop and construct the building as set forth in the development agreement, provided that the applicant or its successors or assigns commences with construction within one year and completes construction within two (2) years of the date of execution of the development agreement. Any development agreement may be amended by mutual written consent of the parties.
 - a. A development agreement, including exhibits incorporated by reference thereto, entered into pursuant to this chapter shall contain provisions that:
 - (1) Specify the term of the agreement;
 - (2) Specify the maximum height, dimensions, building materials, and design of the proposed building and any improvements thereto or to the underlying parcel of real property;
 - (3) Provide that construction shall be commenced within a specified time and that the building shall be completed within a specified time;
 - (4) Provide for periodic review of the status of performance under the development agreement; and
 - (5) Contain exhibits or attachments thereto that are incorporated into the agreement by reference, including, but not limited to: a) architectural plans; b) building plans; c) landscaping plans; d) lists or summaries of approved building materials; e) a title

report showing that ownership of the property is vested in the developer or an owner who has contracted with the developer to transfer title to the property upon the approval of the subdivision by the city; and f) any other document, study or requirement the city deems reasonably necessary for the particular building.

- b. The parties shall not execute any development agreement prior to the final approval by the city council as provided under this section.
- c. An executed development agreement under this section shall be recorded in the office of the county recorder within ten (10) days after it is executed by the parties. (Ord. 2007-16, 4-4-2007; amd. Ord. 2023-02, 2-1-2023)

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