



LA VERKIN CITY PLANNING COMMISSION AGENDA

Work Meeting

Wednesday, September 9, 2020, 6:00 pm

City Council Chambers, 111 South Main Street

La Verkin, Utah 84745

I. Call to Order: Chair Pro Tem Allen Bice

Invocation by Invitation; Pledge of Allegiance

II. Work Session:

1. Discussion on the Transitional Residential-Commercial Overlay Zone.
2. Discussion on the 2020 priority list.

III. Adjourn:

In compliance with the American with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify Christy Ballard, 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, sent to the Spectrum newspaper, posted on the State website at <http://pmn.utah.gov>, posted on the LaVerkin City website at www.laverkin.org and in the following public places within LaVerkin City limits on this September 4, 2020.

These public places being: 1) LaVerkin City office building 111 S. Main; 2) LaVerkin City office building 435 N. Main.

Christy Ballard
City Recorder

ORDINANCE NO. 2020-_____

AN ORDINANCE AMENDING THE ZONING CODE AND THE ZONING MAP OF AND FOR THE CITY OF LaVERKIN, UTAH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the *City Zoning Map* of and for the City of LaVerkin, Utah, was adopted January 17, 2007; and

WHEREAS, Section 10-2-9 of the *LaVerkin City Code* provides the legal support and procedural requirements for a change in any zoning district or districts within the city limits of the LaVerkin; and

WHEREAS, members of the Planning Commission—upon recommendation of City Staff—agreed that it might be in the best interest of the City of LaVerkin that a buffer zone be created and inserted on the perimeter of much of the City's current commercial zoning districts, to provide a buffer and transition between uses that are primarily residential and those that are primarily commercial in nature within the City; and

WHEREAS, because of the numerical caps established regarding the number of permitted vacation rentals in residential zones, as established by the provisions of Section 10-7-20 of the *LaVerkin City Code* and the Section 10-7-20.C area maps adopted pursuant thereto, and the desire to not increase the number or density of vacation rentals in the area contemplated to be included within the transitional zone to be created by this Ordinance, this new zone shall be created and maintained as an **overlay zone**—overlying and broadening the permitted uses of the underlying residential zone, while leaving intact the requirements and numerical caps pertaining to the underlying residential zone and Section 10-7-20.C maps created to regulate such area of the City;

WHEREAS, the attached map—at **Exhibit A** hereto—was prepared and contains a depiction of the proposed boundaries of the new buffer zone (to be known as the *Transitional Residential-Commercial overlay zone*, or "*TRC Overlay Zone*"); and such exhibit is incorporated herein as though fully set forth; and

WHEREAS, written description of the boundaries of said proposed **overlay zone** is set forth at **Exhibit B**; and

WHEREAS, a public hearing was duly advertised ("noticed up") and held on the _____ day of _____, 2020, and public input was taken with regards to the abovementioned proposed zoning code and zone map amendments; and

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WHEREAS, upon careful review and consideration of said public input and further discussion of the members of the Planning Commission, the Planning Commission recommended that the City Council approve the proposed **TRC Overlay Zone** ~~Transitional Commercial zone and the requested zone change for~~ --to be applied to the residentially-zoned properties situated within the area depicted in the map at Exhibit A ~~as falling within said proposed zone, from their current zoning designation(s) (which are primarily residential in character at the present time)~~; and

WHEREAS, the City Council, having considered the matter, deems the proposed zoning code and zone map amendments to be in the best interests of the City and its residents, guests and businesses.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF LaVERKIN, UTAH:

SECTION I: AMENDMENT OF THE CODE OF THE LaVERKIN CITY CODE, BY ADDING ~~A CHAPTER AN ARTICLE TO CHAPTER 6G OF~~ TITLE 10, ~~TO BE KNOWN AS CHAPTER 6L,~~ ESTABLISHING THE TRANSITIONAL RESIDENTIAL-COMMERCIAL ZONE AND ITS PURPOSES, INTENT, USES, AND REGULATIONS:

~~Chapter 6L Article G3~~ is hereby added to ~~Chapter 6G of~~ Title 10 of *The LaVerkin City Code*, to read as follows:

CHAPTER 6L ARTICLE G3. TRANSITIONAL RESIDENTIAL-COMMERCIAL (COMM-TC TRC Overlay)

SECTION

- | | |
|---------------|---|
| 10-6L G3-1: | Purpose |
| 10-6L G3-2: | Permitted Uses |
| 10-6L G3-2.1: | Applicability of Residential-Zone Nuisance Provisions to the Transitional Commercial Zone |
| 10-6L G3-2.2: | Bed and Breakfast Facilities and Vacation Rentals (Parking Regulations) |
| 10-6L G3-3: | Prohibited Uses |
| 10-6L G3-3.1: | Prohibitions and Restrictions on Permitted Uses |
| 10-6L G3-4: | Height Regulations |
| 10-6L G3-5: | Area, Width, and Yard Requirements |
| 10-6L G3-6: | Screening Requirement |
| 10-6L G3-7: | Easement Required |

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10-6LG3-1: PURPOSE:

- A: To provide a mixed-use buffer between the residential and commercial zones within the City—where limited and low-impact commercial enterprises and office buildings, public and quasi-public facilities, child care and medical facilities, and residential and quasi-residential uses may be located and/or operated, with due regard to the presence of the residential uses permitted in said zone. So long as the property and structure(s) meets the requirements of the relevant business, zoning, and licensing codes, a given property and structures thereon may switch back-and-forth freely from residential to commercial, and vice-versa.
- B. To indicate the types of commercial activities which are consistent with the zone and which may be established, maintained, and protected.
- C. To provide for the residential use of such property therein as is consistent with the R-1-10 zone, which permits (1) one-family housing interspersed with two-family housing, a minimum of vehicle traffic and quiet neighborhoods favorable for family life, and includes regulations intended to prohibit those uses that would be harmful to a medium density neighborhood; and (2) the establishment of public and semi- or quasi-public uses such as churches, schools, libraries, parks and playgrounds.

10-6LG3-2: PERMITTED USES:

The following shall be permitted uses within the transitional ~~residential~~-commercial zone:

- A. Residential uses allowed in the R-1-10 zone, as modified below:

Accessory uses and buildings, including residential structures (accessory and ancillary buildings, pools, garages, etc.)

Agriculture, including home gardens and fruit trees, and the pasturing of animals.

Churches.

Home occupations.

Household pets.

The raising, care, keeping, and feeding of livestock and fowl, and associated

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barns, sheds, corrals, pastures, paddocks, coops, hutches, and similar facilities therefor, subject to the provisions of Section 10-7-19.

One-family dwellings.

Parks and playgrounds.

Public libraries.

Public schools.

Small/open congregate living facilities.

Two-family dwellings are allowed on a minimum of sixteen thousand (16,000) square foot lots where four (4) off street parking spaces per unit are provided. Such off street parking shall include the minimum garage requirement for each dwelling unit. The dwellings must be connected by a shared wall, or roofline connection. One of the dwellings may be a basement or upstairs dwelling.

B. The following additional residential uses (to be located on not less than the acreage set forth below):

On not less than three (3) acres:

- Inner-block cottage developments (required area of not less than 6,000 sq. feet per lot)

On not less than one (1) acre:

- Senior housing developments
- Large-scale congregate living facilities
- Nursing homes and assisted living facilities

Caretaker dwellings, on the premises of the business

C. Quasi-residential uses (subject to the provisions and restrictions of Section 10-6L G3-2.2 below):

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Bed and breakfast facilities

Vacation rentals

D. Childcare Facilities (with proper and current State licensing and inspections):

Child nurseries

Daycare facilities

Pre-school facilities

E. Offices:

Medical, dental, and out-patient surgical offices and clinics (including physical therapy and chiropractic offices)

Professional offices (engineer, attorney, accountant, insurance, title, real estate, etc.)

F. Commercial:

1. Low-impact (low-light, low-traffic, low-noise) commercial, including the following uses (and those determined by the Zoning Administrator to be similar in nature, character, and impact):

a. Subject to a 100-foot setback from any adjacent residential zone:

- Plant nurseries and greenhouses
- Rock shops
- Plumbing shops, carpenter shops, and the like
- Low-impact repair shops (e.g. sewing, TV, vacuum, computer, other similar types)

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- Limited auto repair shops (no outside storage)
- b. Not subject to a 100-foot setback from any adjacent residential zone:
 - Bike shops (repair, rental, sales)
 - Personal service establishments (e.g., barber and beauty shops/salons; nail salons; photographic studios; shoe repair shops; sewing, vacuum, computer, television, and other similar repair shops)
 - Wholesale, retail, or limited-production shops providing goods and services – all activity conducted within a building (e.g., book stores, print shops, curio and/or souvenir shops, quilting shops, camera and/or photo shops, small craft stores/shops, and antique shops)—and including what are sometimes referred to as small “mom and pop” stores or operations, and “cottage industries”
- 2. Other low-impact (with fluctuating traffic), *subject to* a 100-foot setback from any adjacent residential zone, and located on not less than 0.75 acres of property:
 - Reception centers
 - Funeral homes
- 3. Historic building conservation projects

G. Schools:

Public and charter (*provided that* it is determined that there is adequate room for employee parking, safe drop-off and pick-up of students, etc.)

Specialty (private) (e.g., dance, music, etc.)

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H. Hospitals:

Hospitals and clinics (human care)

Veterinary clinics (small animal care only; no outside runs)

I. Government and public facilities:

Public parks, parkways, and/or trails

Recreational areas and facilities

Public utilities and/or infrastructure

Cell Towers / low-power radio service antenna facilities, *provided that* the height of such towers or facilities shall not exceed a height of thirty-five feet (35').

- J. Uses not listed above may qualify for treatment as permitted under this Chapter, provided that said use has been presented to the Zoning Administrator (currently the Director of Operations), and the Zoning Administrator has—after a careful review of the proposed use and the documentation submitted for his/her review in support thereof—determined that such use is consistent with the terms and intent of this Section (as a permitted use). The decision of the Zoning Administrator may be appealed to the Planning Commission. Or, the applicant may submit a written request, through the Zoning Administrator, that the Planning Commission consider adding the proposed use as a permitted one under this Section.

10-6LC3-2.1: APPLICABILITY OF RESIDENTIAL-ZONE NUISANCE AND “STATE STREET LANDSCAPING OVERLAY ZONE” PROVISIONS TO THE TRANSITIONAL RESIDENTIAL-COMMERCIAL ZONE:

Because this zone is a mix of residential and commercial uses, and in an effort to protect the rights of home owners and tenants residing within the zone, the following are hereby made applicable to and within this zone:

- A. With regards to all uses, commercial or residential, therein: The nuisance provisions of Title 4, Public Health and Safety (including noise, odor, and nuisance restrictions), pertaining to residentially-zoned properties; and

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B. With regards to commercial uses only (not including home occupations): The landscape requirements of Article J of Chapter 10 (even though the lot may not be located within the State Street Landscaping Overlay Zone), *provided that* –

1. The provisions of Section 10-6J-3 are modified as follows:

- a. The area required to be landscaped shall be not less than the greater of ten percent (10%) of the setback area between the back of curb to the house or commercial structure (whichever is closer to the road) and the five-foot (5') setback area identified in subsection J of Section 10-6G-3.1 hereof.
- b. The landscaping shall be consistent--and in harmony—with a residential R1-10 zone.

2. Properties used for commercial uses (whether one or a combination of more than one lot, and whether or not including any residential use thereon in addition to the commercial use) shall be considered as one parcel for purposes of determining the landscaped setback area and the application of any exemption from the landscaping requirements (as set forth in Section 10-6J-5), as applied to said commercially-used property. Where the property is smaller than 0.50 acres in size, the minimum five-foot (5') setback area identified in subsection J of Section 10-6LG-3.1 shall be landscaped consistent—and in harmony—with a residential R1-10 zone.

10-6LG-2.2: BED AND BREAKFAST FACILITIES AND VACATION RENTALS (PARKING REGULATIONS):

Subject to the applicable provisions and conditions of (a) Chapters 1, 8, and 11, of Title 3, *Business and License Regulations*, (b) Title 4, *Public Health and Safety* (including noise, odor, and nuisance restrictions), (c) Section 10-7-17, *Home Occupations*, (d) Chapter 10 of Title 10, *Off Street Parking*, and (e) Chapter 11 of Title 10, *Sign Regulations*—bed and breakfast facilities and vacation rentals are hereby allowed as permitted uses; *provided that*:

- A. One unlighted wall identification sign measuring not more than 20 square feet shall be permitted.
- B. All parking shall be provided for off-street, which:

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1. For bed and breakfast facilities shall require two parking spaces for the resident family, plus 1.1 spaces for each non-resident living or sleeping unit, plus adequate parking for accessory uses pertaining to the use of the property for a bed and breakfast facility.
2. For vacation rentals shall require 1.1 spaces for each living or sleeping unit (defined, for purposes of this subsection, to mean each room in the facility designated for sleeping purposes and offered for such use by guests or patrons), plus adequate parking for accessory uses pertaining to the use of the property for a vacation rental.
3. The number of vacation rentals shall be subject to the requirements and numerical caps pertaining to and allowed under the underlying residential zone and Section 10-7-20.C maps adopted by resolution to regulate such area(s) of the City

10-6LG-3: PROHIBITED USES:

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

10-6LG-3.1: PROHIBITIONS AND RESTRICTIONS ON PERMITTED USES:

The permitted uses provided for in this Chapter are—to the extent applicable—subject to the following prohibitions and restrictions; *provided*, that the provisions of subsections A, B, C, D, F, G, I, J, K, L.1, L.2, M and N hereof do not apply to existing businesses or commercial enterprises, in operation as of the effective date of this Section, until such time as such existing uses, properties, or structures are modified:

- A. If subject to a 100-foot setback (as indicated in Section 10-6G3-2.F above) no commercial sales or business activity shall occur within one hundred feet (100') of the boundary of an adjacent residential zone. However, if the property containing such commercial use fronts on a roadway adjacent to a residential zone, such 100' may be landscaped and signed in accordance with applicable ordinances, and used for an access way into the interior of the lot where such commercial activity may be conducted (sales, repair, etc.).

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- B. In all cases, all off-street parking shall be located either in a driveway leading to the residential or primary commercial structure, or located to the rear of said residential or commercial structure.
- C. All material, merchandise, and equipment on the property or premises (herein collectively referred to as "property") shall be stored within an enclosed building, except:
- Landscape materials, including rock
 - Landscape tools and equipment
 - Nonpermanent (operating hours) displays of goods of curio and specialty shops
- D. All display, sales, and repair activities on the property shall be conducted within a fully enclosed building, except for –
- Landscape materials, including rock
 - Nonpermanent (operating hours) displays of goods of curio and specialty shops
- E. No noise; noxious or hazardous chemicals, odor, dust, fumes, vapor, or smoke; vibration; or intermittent light or glare shall be permitted, used, or stored on the property:
1. Which is discernible beyond the property, except for odors and light which emanate from vehicles in normal traffic movement.
 2. Which is or may be deemed or considered to be harmful to persons beyond the property.
 3. Which is readily discernible beyond the boundary of the Transitional Commercial Zone.
 4. Which creates an adverse visual impact readily discernible from public roads.

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- F. No shipping/deliveries in and out of any commercial activity thereon:
1. After 7:00 p.m. or before 7:00 a.m.
 2. Via vehicles larger than a five (5) ton truck.
- G. The hours of operation of any commercial facility on the property (except for loading and unloading of deliveries and shipping orders, janitorial, and administrative/bookkeeping activities), whether or not patrons of the facility are present, shall be limited to Monday through Saturday, between the hours of 7:00 a.m. and 7:00 p.m.
- H. The entire lot shall be kept free from refuse, debris, and junk, including nonworking vehicles and equipment.
- I. All parking shall be provided off-street, hard-surfaced, and set back at least five feet (5') from the back of the front sidewalk of the property.
- J. At a minimum, such five foot (5') front-setback area shall be landscaped in accordance with the provisions of Section 10-6LG3-2.1 hereof.
- K. Height restrictions. See Section 10-6G-4.
- L. The property and uses thereon shall comply with the applicable City:
1. Landscaping Ordinance, *provided that*, in this event, the ordinance shall apply throughout the zone and not only to that portion that is situated along the SR-9 Corridor (see Section 10-6LG3-2.1)
 2. Parking requirements
 3. Lighting ordinance
 4. Nuisance and noise ordinances
 5. Building codes
 6. Business license code

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M. Any commercial activity (and any ancillary or accessory use associated therewith) must have no more than a negligible impact on other properties within or beyond the boundaries of the Transitional **Residential**-Commercial Zone and/or neighborhood, with regards to:

- Light pollution and intrusion
- Traffic (traffic studies may be required)
- On-street parking availability

N. The illumination of all commercial lighting—except for limited security lighting constructed, erected, and maintained in accordance with the City’s Night Sky ordinance (found at Title 4, Chapter 7, of this Code)—shall be limited to the hours of operation set forth in subsection G of this Section.

10-6LG**-4: HEIGHT REGULATIONS:**

Except as provided hereinbelow, no more than one building or structure (other than cell towers and/or low-power radio service antenna facilities) shall be erected on any property within the zone (*i.e.*, any lot or collection of adjacent lots dedicated to one commercial and/or residential use) with a height greater than thirty-five feet (35') as measured from its tallest side or point—exclusive of chimneys, flag poles, television antennas, church towers and steeples, and similar structures. All other buildings shall be considered ancillary or accessory in nature, and shall not exceed twenty feet (20') in height.

- A. 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.
- B. The height of buildings for religious worship (e.g., churches) may exceed the 35' height limitation (“the maximum height limitation”), *provided that* such buildings are set back from the required building setback lines a distance of at least one foot (1') for each foot of building height above the maximum height limitation.
- C. 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.

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10-6LG-5: AREA, WIDTH, AND YARD REQUIREMENTS:

District	Area In Square Feet	Lot Width In Feet	Setback In Feet		
			Front	Side	Rear
COMM-TC TRC Overlay (Residential cottages)	6,000	60	25	8 and 10	10
COMM-TC TRC Overlay (Residential-use only, except residential cottages and home occupations; Cottage industries and small retail and low-impact commercial shops)	10,000	80	25	See note	See note
COMM-TC TRC Overlay (All other permitted uses)	¼ acre	80	25	See note	See note

Note: Side and rear setbacks shall be 10 feet, but may be reduced to not less than that required herein for residential cottages, with proper visual and sound screening, and construction per the applicable building related code(s), and provided that drainage is not allowed to cross property lines. Maximum height of structure shall not exceed 18 feet.

10-6LG-6: SCREENING REQUIREMENT:

As a condition of any commercial use permitted under this article, an eight foot (8') masonry or concrete wall shall be required 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.

10-6LG-7: EASEMENT REQUIRED:

All lots shall have easements on side and rear property lines of a minimum of seven and one-half feet (7½') and on a street side property line of ten feet (10') minimum, to be used for utilities and drainage.

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SECTION II: AMENDMENT OF SECTION 10-7-19 OF THE LaVERKIN CITY CODE TO MAKE ITS REQUIREMENTS AND CONDITIONS APPLICABLE TO THE RAISING, CARE, KEEPING, AND FEEDING OF LIVESTOCK, DOMESTICATED ANIMALS THAT DO NOT CONSTITUTE HOUSEHOLD PETS, AND FOWL, ON PROPERTIES SITUATED WITHIN THE TRANSITIONAL ZONE:

The introductory paragraph of Section 10-7-19, of *The LaVerkin City Code*, which currently reads as:

Animals in Residential Zones, where permitted: The raising, care, keeping, and feeding of livestock, domesticated animals that do not constitute household pets, and fowl, in residential zones—as provided in Chapters 6A, 6B, 6D, and 6D1 of this of Title 10 of this Code—shall be subject to the following requirements and criteria:

is hereby amended to read as follows:

Animals in Residential ~~and Transitional-Commercial zones (including those subject to the Transitional Residential-Commercial overlay zone)~~, where permitted: The raising, care, keeping, and feeding of livestock, domesticated animals that do not constitute household pets, and fowl, in residential zones—as provided in Chapters 6A, 6B, 6D, 6D1, and 6G3 of this title—shall be subject to the following requirements and criteria:

SECTION III: ZONE CHANGES APPROVED.

The proposed re-zone ~~(or application of the overlay to the existing zone)~~ of the properties designated as falling within the proposed *Transitional Residential-Commercial (TRC Overlay Comm-TC)* zone is hereby approved.

SECTION IV: SECTION 2: MAP AMENDED.

- A. That the *City Zoning Map* of and for the City of LaVerkin is amended to reflect the new zone ~~overlay~~ and the zone boundary revisions identified in Exhibit A and B, and approved and adopted herein; and the portions of the map not amended shall continue with their current zoning designations as shown on the map.
- B. That, when hereafter updated, the *City Zoning Map* will be revised to show the zone changes approved herein; *provided that*, no such updating shall be required simply as a result of the adoption of this Ordinance.

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SECTION V: OFFICIAL MAP.

That the map as amended herein is and shall be the official zoning map for the City of LaVerkin (*i.e., City Zoning Map*).

SECTION VI: REPEAL OF CONFLICTING PROVISIONS.

That all ordinances or resolutions, or parts or provisions thereof, in conflict with the provisions of this Ordinance, are hereby repealed to the extent that they conflict herewith.

SECTION VII: SEVERABILITY.

That the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

SECTION VIII: EFFECTIVE DATE.

That, in the opinion of the City Council of LaVerkin City, it is necessary for the preservation of the peace, welfare, health, and safety of the inhabitants of LaVerkin City that this Ordinance take effect as soon as possible. This Ordinance, therefore, shall take effect immediately upon its passage and first publication as provided by law:

PASSED AND ADOPTED by the City Council of LaVerkin City this _____ day of _____, 2020.

RICHARD M. HIRSCHI, Mayor

ATTEST:

CHRISTY BALLARD, City Recorder

Exhibit A

(see attached map)

Transition Zone Ord (Draft 2020b)

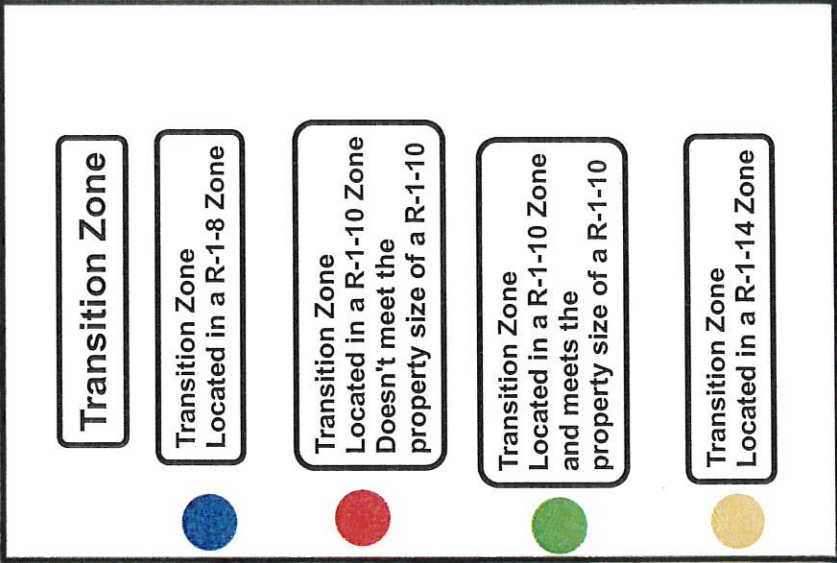
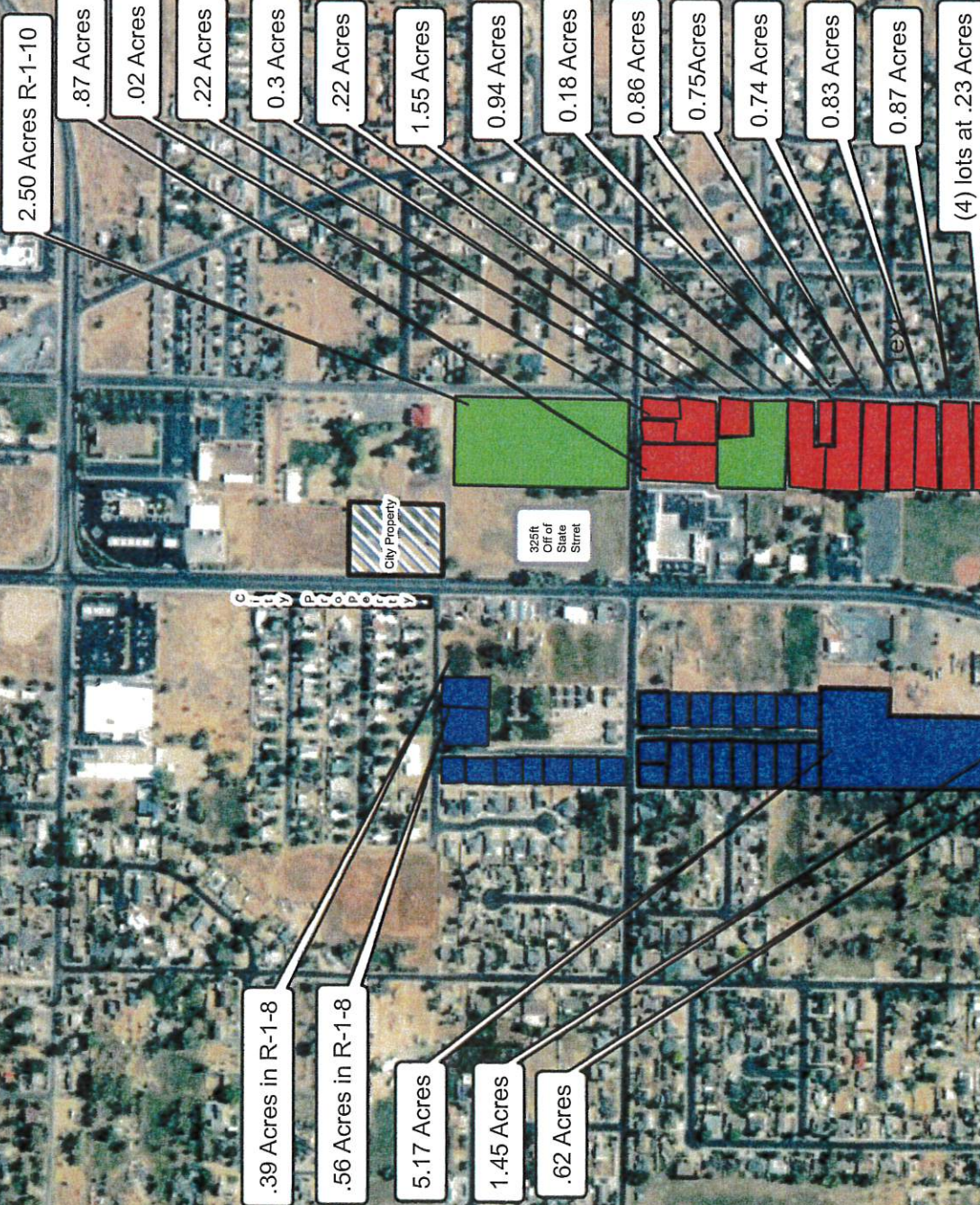
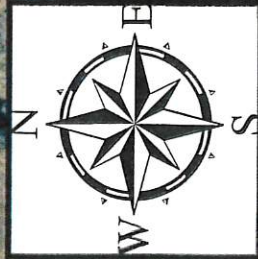
Exhibit B

(see attached legal or written description)

Transition Zone Ord (Draft 2020b)

Transition Zone

Zoning Map Legend



Planning Commission Priority List

- Transition Overlay Zone
- Amending final approval for subdivisions
- Mixed-use in commercial zones
- Special events allowed in business license
- Project and Subdivision Approvals:
 - Eliminating Concept Approvals
 - Making Construction Drawings part of Preliminary Approval
 - Revising Final Plat Approval timing/requirements-two alternatives:
 - Final approval after construction of improvements, with interim bonding and easements to ensure completion of the improvements and/or restoration of property to prevent harm to other properties.
 - Final approval before construction of improvements (with posting performance and payment bonds for 125% of cost of improvements, and recordation of plat dedicating the rights of way and easements required for the installation and maintenance of the public infrastructure in subdivision)
 - Addressing Site Plan Approvals and Procedures
- Development of large parcels in R-A-1 and R-1-14 zones
 - Multiple dwellings
 - Private roads
 - PUDs
- Affordable Housing element of General Plan
- Review Master Road Plan=amend and adopt master road plan (480 South concern)
- Other sensitive-lands related issues:
 - Water issues associated with development of hillsides and hilltops
 - Revisit the concepts of TDRs (transfer of development rights), PUDs and clustering
 - OSMU permitted uses
 - Trails Connection

