



LA VERKIN CITY PLANNING COMMISSION AGENDA

Regular Meeting

Wednesday, September 22, 2021, 6:00 pm

City Council Chambers, 111 South Main Street

La Verkin, Utah 84745

I. Call to Order: Chair Pro Tem Hugh Howard
Invocation by Invitation; Pledge of Allegiance

II. Approval of Agenda:

III. Approval of the Minutes:

Commission may approve the minutes of the September 8, 2021, regular meeting.

IV. Reports:

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

V. Public Hearing:

1. An ordinance amending the La Verkin City Code to provide for the recognition and regulation of Internal Accessory Dwelling Units as a permitted use in residential zones within the community.

VI. Business:

1. Discussion and possible action to recommend approval of an ordinance amending the La Verkin City Code to provide for the recognition and regulation of Internal Accessory Dwelling Units as a permitted use in residential zones within the community.
2. Discussion on a possible re-zone from General Commercial (COMM) to Tourist Commercial (COMM-T) multiple parcels with the Tax ID # LV-42-C-1-A and LV-43-B-1 located at 475 South State Street and 437 South State Street.

VII. 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 17, 2021.

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. 2021-_____

AN ORDINANCE AMENDING THE LaVERKIN CITY CODE TO PROVIDE FOR THE RECOGNITION AND REGULATION OF INTERNAL ACCESSORY DWELLING UNITS AS A PERMITTED USE IN RESIDENTIAL ZONES WITHIN THE COMMUNITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Utah enacted House Bill 82 in its General Session earlier this year, mandating the recognition of and authorizing the limited regulation of internal accessory dwelling units ("IADUs") within the communities of the State of Utah; and

WHEREAS, the City has been interested in possibly allowing IADUs, in some form, within the City for some time now; and

WHEREAS, the City desires to be in compliance with applicable State law but also desires to assert such authority as is granted or reserved unto it to regulate IADUs so as to maintain the nature and feel of the City's residential neighborhoods, prevent unnecessary parking issues and clustering, and ensure safety to those who occupy and inhabit the ADUs and the primary homes housing such within the City; and

WHEREAS, the City Council deems it to be in the best interests of the City and its residents, guests, and businesses to so amend the City Code.

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 / INSERTING THE FOLLOWING TERMS AND DEFINITIONS TO SECTION 10-1-6:

Section 10-1-6 of *The LaVerkin City Code* is hereby amended to include the following terms and definitions, inserted alphabetically into the text thereof as appropriate:

"Internal accessory dwelling unit" ("IADU") means an accessory dwelling unit created: (a) within a primary dwelling; (b) within the footprint of the primary dwelling at the time the internal accessory dwelling unit is created; and (c) for the purpose of offering a long-term rental of 30 consecutive days or longer.

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"**Primary dwelling**" means a single-family (or one-family) dwelling, that: (a) is detached; and (b) is occupied as the primary residence of the owner of record.

SECTION II: AMENDMENT OF THE CODE OF THE LaVERKIN CITY CODE, BY ADDING THE FOLLOWING SECTION 10-7-21 THERETO:

Section 10-7-21 is hereby added to *The LaVerkin City Code*, to read as follows:

SECTION 10-7-21: INTERNAL ACCESSORY DWELLING UNITS.

A. A Permitted Use in Residential Zones:

In any area zoned primarily for residential use: (a) the use of an internal accessory dwelling unit ("IADU") is a **permitted use**; and (b) except as provided herein, the City does not establish any restrictions or requirements for the construction or use of one IADU within a primary dwelling, including a restriction or requirement governing: (i) the size of the internal accessory dwelling unit in relation to the primary dwelling; (ii) total lot size; or (iii) street frontage.

B. Minimal Requirements for Internal Accessory Dwelling Units (IADUs):

1. An IADU shall comply with all applicable building, health, and fire codes.
2. The City:
 - a. Prohibits the installation of a separate utility meter for an IADU;
 - b. Requires that an IADU be designed in a manner that does not change the appearance of the primary dwelling as a single-family dwelling;

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- c. Requires a primary dwelling:
 - (1) To include one additional on-site parking space for an IADU, regardless of whether the primary dwelling is existing or new construction; and
 - (2) To replace any parking spaces contained within a garage or carport if an IADU is created within the garage or carport;
- d. Prohibits the creation of an IADU within a mobile home as defined in Section 57-16-3, *Utah Code Annotated* (1953, as amended) and Section 10-1-6 of this Code;
- e. To the extent any may exist within the City, prohibits the creation of an IADU if the primary dwelling is served by a failing septic tank;
- f. Prohibits the creation of an IADU if the lot containing the primary dwelling is 6,000 square feet or less in size;
- g. Except in accordance with the provisions of Section 10-7-20 of this Code relative to Bed and Breakfast facilities, prohibits the rental or offering the rental of an IADU for a period of less than 30 consecutive days; and
- h. Prohibits the rental of an IADU if the IADU is located in a dwelling that is not occupied as the owner's primary residence.

SECTION III: REPEAL OF CONFLICTING PROVISIONS.

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.

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SECTION IV: SEVERABILITY.

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 V: EFFECTIVE DATE.

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 _____, 2021.

RICHARD M. HIRSCHI, Mayor

ATTEST:

CHRISTY BALLARD, City Recorder

*Re – Zone From General
Commercial*

To

Tourist Commercial

For

475 South State

And

437 South State

Re-zone from General Commercial to Tourist Commercial

Address: 475 South State

Parcel Number: LV-42-C-1-A

Acres 0.98

Legal Subdivision: LA VERKIN FIELD SUR LOT 6 (LV) S: 26 T: 41S R: 13W BEG AT PT S 2818.3 FT & W 751.7 FT FM NE COR SEC 26 T41S R13W TH S 21°04' W 162.45 FT ALG ELY BDRY HWY U-17; TH S85°12' E 160 FT; TH N22°05' E 125 FT; TH N71°39' W 156 FT TO POB.

LESS: BEG ON ELY R/W/L HWY 9 LYING S0°43'41 E 2818.30 FT ALG SEC/L & S89°16'19 W 750.22 FT FM NE COR SEC 26, TH ALG R/W/L S21°07'35 W 11.50 FT TO INTSEC R/W/L; TH S71°45'24 E 156.15 FT; TH N22°33'40 E 11.22 FT; TH N71°39' W 156.42 FT TO ELY R/W/L & POB.

LESS: LAND TO UDOT.

ALSO: BEG N89°57'10 W 650 FT ALG C/S/L FM E1/4 COR SEC 26 T41S R13W, TH N21°25' E 182.38 FT; TH S79°17'13 E 100.42 FT; TH S01°14'01 W 180.13 FT; TH N79°49'14 W 163.97 FT TO POB.

LESS: BEG AT PT N89°57'10" W ALG 1/4 SEC/L 498.61 FT & S0°17'29" E 13.52 FT FM E1/4 COR SEC 26 T41S R13W; TH S0°17'29" E 13.55 FT; TH N79°49'06" W 153.85 FT; TH N21°25'00" E 7.76 FT; TH S82°00'10" E 149.98 FT TO POB.

Re-zone from General Commercial to Tourist Commercial

Address: 437 South State

Parcel Number: LV-43-B-1

Acres 1.57

Legal Subdivision: LA VERKIN FIELD SUR LOT 6 (LV) BEG 2643.3 FT S & W 694.3 FT NE COR SEC 26 T41S R13W TH S75*15' E 177 FT; TH N17*39' E 89 FT; TH N72*21' W 11 FT; TH N1*00' W 235 FT; TH N81*18' W 77 FT TO E R/W/L STATE HWY 17; TH S21*04' W ALG E R/W/L 300 FT TO POB.

ALSO: BEG AT PT 2643.3 FT S & W 694.3 FT NE COR SEC 26 T41S R13W TH S21*04' W ALG HWY 187.6 FT; TH S71*39' E 156 FT; TH N22*05' E 195 FT; TH N74*15' W 160 FT TO POB.

ALSO: POR LOT 6 LVFS DESC AS FOL: BEG N89*57'10" W ALG 1/4 SEC/L 650 FT & N21*25' E 182.38 FT FM E1/4 COR SEC 26 T41S R13W; TH N21*25' E 134.42 FT; TH S74*15' E 44.08 FT; TH S01*14'10" E 129.99 FT; TH N79*17'13" W 90.28 FT TO POB.

ALSO: BEG ON ELY R/W/L UT ST 9 BEING S0*43'41" E 2818.30 FT ALG SEC/L & S89*16'19" W 750.22 FT FM NE COR SEC 26 T41S R13W TH ALG R/W/L S21*07'35" W 11.50 FT TO INTSEC R/W/L; TH S71*45'24" E 156.15 FT; TH N22*33'40" E 11.22 FT; TH N71*39' W 156.42 FT TO ELY R/W/L & POB.

Re-zone from General Commercial to Tourist Commercial

Address: 475 South State

Parcel Number: LV-42-C-1-A

Acres 0.98

Re-zone from General Commercial to Tourist Commercial

Address: 437 South State

Parcel Number: LV-43-B-1

Acres 1.57

An aerial photograph of a residential neighborhood. A yellow-shaded polygon with a red border highlights a specific area containing several houses. To the right of this area is a wide, paved road with a few cars. Further right is a parking lot filled with many blue cars. The surrounding landscape is dry with sparse vegetation. Black lines on the image represent property boundaries.

Area
Area: 126016.5 Square Feet
Perimeter: 1764.4 Feet

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Legal Subdivision: LA VERKIN FIELD SUR LOT 6 (LV) S: 26 T: 41S R: 13W BEG AT PT S 2818.3 FT & W 751.7 FT FM NE COR SEC 26 T41S R13W TH S 21°04' W 162.45 FT ALG ELY BDRY HWY U-17; TH S85°12' E 160 FT; TH N22°05' E 125 FT; TH N71°39' W 156 FT TO POB.

LESS: BEG ON ELY R/W/L HWY 9 LYING S0°43'41 E 2818.30 FT ALG SEC/L & S89°16'19 W 750.22 FT FM NE COR SEC 26, TH ALG R/W/L S21°07'35 W 11.50 FT TO INTSEC R/W/L; TH S71°45'24 E 156.15 FT; TH N22°33'40 E 11.22 FT; TH N71°39' W 156.42 FT TO ELY R/W/L & POB.

LESS: LAND TO UDOT.

ALSO: BEG N89°57'10 W 650 FT ALG C/S/L FM E1/4 COR SEC 26 T41S R13W, TH N21°25' E 182.38 FT; TH S79°17'13 E 100.42 FT; TH S01°14'01 W 180.13 FT; TH N79°49'14 W 163.97 FT TO POB.

LESS: BEG AT PT N89°57'10" W ALG 1/4 SEC/L 498.61 FT & S0°17'29" E 13.52 FT FM E1/4 COR SEC 26 T41S R13W; TH S0°17'29" E 13.55 FT; TH N79°49'06" W 153.85 FT; TH N21°25'00" E 7.76 FT; TH S82°00'10" E 149.98 FT TO POB.

Re-zone from General Commercial to Tourist Commercial

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*Legal Subdivision: LA VERKIN FIELD SUR LOT 6 (LV) BEG 2643.3 FT S & W 694.3 FT NE COR SEC 26 T41S R13W TH S75*15' E 177 FT; TH N17*39' E 89 FT; TH N72*21' W 11 FT; TH N1*00' W 235 FT; TH N81*18' W 77 FT TO E R/W/L STATE HWY 17; TH S21*04' W ALG E R/W/L 300 FT TO POB.*

*ALSO: BEG AT PT 2643.3 FT S & W 694.3 FT NE COR SEC 26 T41S R13W TH S21*04' W ALG HWY 187.6 FT; TH S71*39' E 156 FT; TH N22*05' E 195 FT; TH N74*15' W 160 FT TO POB.*

*ALSO: POR LOT 6 LVFS DESC AS FOL: BEG N89*57'10 W ALG 1/4 SEC/L 650 FT & N21*25' E 182.38 FT FM E1/4 COR SEC 26 T41S R13W; TH N21*25' E 134.42 FT; TH S74*15' E 44.08 FT; TH S01*14'10 E 129.99 FT; TH N79*17'13 W 90.28 FT TO POB.*

*ALSO: BEG ON ELY R/W/L UT ST 9 BEING S0*43'41 E 2818.30 FT ALG SEC/L & S89*16'19 W 750.22 FT FM NE COR SEC 26 T41S R13W TH ALG R/W/L S21*07'35 W 11.50 FT TO INTSEC R/W/L; TH S71*45'24 E 156.15 FT; TH N22*33'40 E 11.22 FT; TH N71*39' W 156.42 FT TO ELY R/W/L & POB.*

RECORD OF SURVEY
PARCEL JOINDER
PARCEL LV-43-B-1 & LV-42-C-1-A

CITY OF LA VERKIN, UTAH
LOCATED IN SE¼ NE¼ SECTION 26,
TOWNSHIP 41 SOUTH, RANGE 13 WEST,
SALT LAKE BASE AND MERIDIAN

SURVEYOR'S CERTIFICATE

I, Thomas W. Avant, a Professional Land Surveyor, License Number 5561917, hold this license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act and have completed this survey of the property described hereon in accordance with Section 17-23-17 and have verified all measurements and have placed monuments as represented on this Record of Survey.

Thomas W. Avant, PLS # 5561917

Date:

NARRATIVE

The purpose of this survey was to adjust property lines for Parcels LV-43-B-1, LV-42-C-1-A, as well as to retrace and mark on the ground the lines as shown on this Record of Survey at the request of the client. All corners are set and found as shown. The basis of bearing for this survey is the Utah State Plane coordinate system South Zone, as measured between the East ¼ corner of Section 26 and the West ¼ corner of Section 26, North 88° 52' 08" West 5311.70 feet, as shown on this survey plat.

PARCEL LV-44-A-2-A

Legal Descriptions:

Record Descriptions:

Parcel LV-43-B-1

Parcel 1:

Beginning 2643.3 feet South and 694.3 feet West of the Northeast Corner of Section 26, Township 41 South, Range 13 West, Salt Lake Base and Meridian, and running thence South 75° 15' East 177.0 feet; thence North 17° 39' East 89.0 feet; thence North 72° 21' West 11.0 feet; thence North 1° 00' West 235.0 feet; thence North 81° 18' West 77.0 feet, more or less, to the East right of way line of State Highway 17; thence South 21° 04' West, along the said East right of way line of said State Highway No. 17 a distance of 300.0 feet, more or less, to the point of beginning, being part of Lot Six (6), LAVERKIN TOWNSITE E AND FIELD SURVEY.

Parcel 2:

Beginning at a point 2643.3 feet South and 684.3 feet West of the Northeast Corner of Section 26, Township 41 South, Range 13 West, Salt Lake Base and Meridian, and running thence South 21° 04' West along the Easterly right of way line of Highway U-17, 187.6 feet; thence South 71° 39' East 156.0 feet; thence North 22° 05' East 195.0 feet; thence North 74° 15' West 160.0 feet, more or less, to the point of beginning, being part of Lot Six (6), LAVERKIN TOWNSITE AND FIELD SURVEY.

Parcel 3:

A portion of Lot 6, LAVERKIN TOWNSITE & FIELD SURVEY, further described as follows:

BEGINNING at a point North 89° 57' 10" West, along the Quarter Section line, 650.00 feet, and North 21° 25' East 182.38 feet from the East Quarter (E1/4) Corner of Section 26, Township 41 South, Range 13 West, Salt Lake Base and Meridian, and running thence North 21° 25' East 134.42 feet; thence South 74° 15' East 44.08 feet; thence South 1° 14' 10" East 129.99 feet; thence North 79° 17' 13" West 90.28 feet, to the point of beginning.

Parcel 4:

Beginning at a point on the Easterly right of way line of Utah State Route 9, said point lies South 00° 43' 41" East 2818.30 feet along the Section Line and South 89° 16' 19" West 750.22 feet from the Northeast Corner of Section 26, Township 41 South, Range 13 West, Salt Lake Base and Meridian and running thence along said right of way line South 21° 07' 35" West 11.50 feet to the intersection of said right of way line and a projected line of the Northerly face of an existing concrete retaining wall; thence along said projected line South 71° 45' 24" East 156.15 feet to a point on an existing chain link fence line; thence along said fence line North 22° 33' 40" East 11.22 feet; thence leaving said fence line North 71° 39' 00" West 156.42 feet to a point on said Easterly right of way line and the point of beginning.

Parcel LV-42-C-1-A

Parcel 5:

BEGINNING South 2818.3 feet and West 751.7 feet from the Northeast Corner of Section 26, Township 41 South, Range 13 West, Salt Lake Base and Meridian, and running thence South 21° 04' West 162.45 feet along the Easterly boundary of Highway U-17, thence South 85° 12' East 160 feet, thence North 22° 05' East 125.0 feet, thence North 71° 39' West 156.0 feet to the Point of Beginning.

LESS AND EXCEPTING THEREFROM the following:

BEGINNING at a point on the Easterly right of way line of Utah State Route 9, said point lies South 00° 43' 41" East 2818.30 feet along the section line and South 89° 16' 19" West 750.22 feet from the Northeast corner of Section 26, Township 41 South, Range 13 West, Salt Lake Base and Meridian, and running thence along said right of way line South 21° 07' 35" West 11.50 feet to the intersection of said right of way line and a projected line of the Northerly face of an existing concrete retaining wall; thence along said projected line South 71° 45' 24" East 156.15 feet to a point on an existing chain link fence line; thence along said fence line North 22° 33' 40" East 11.22 feet; thence leaving said fence line North 71° 39' 00" West 156.42 feet to a point on said Easterly right of way line and the Point of Beginning.

Parcel 6:

Beginning at a point which lies North 89° 57' 10" West 650.0 feet along the Center Section Line from the East Quarter Corner of Section 26, Township 41 South, Range 13 West, Salt Lake Base and Meridian, and running thence North 21° 25' 00" East 182.38 feet; thence South 79° 17' 13" East 100.42 feet; thence South 1° 14' 01" West 180.13 feet; thence North 79° 49' 14" West 163.97 feet to the point of beginning.

LESS AND EXCEPTING THEREFROM the following described property:

Beginning at a point North 89° 57' 10" West along the Quarter Section Line 498.61 feet and South 0° 17' 29" East 13.52 feet from the East Quarter corner of Section 26, Township 41 South, Range 13 West, Salt Lake Base and Meridian; thence South 0° 17' 29" East 13.55 feet; thence North 79° 49' 06" West 153.85 feet; thence North 21° 25' 00" East 7.76 feet; thence South 82° 00' 10" East 149.98 feet to the point of beginning.

Combined As-Surveyed Description:

Commencing at the East ¼ Corner of Section 26, Township 41 South, Range 13 West, Salt Lake Base and Meridian; thence North 88° 52' 08" West 494.23 feet, to the POINT OF BEGINNING, and running; thence South 02° 44' 42" West 15.16 feet, to the northerly right-of-way of 480 South; thence, along said right-of-way, North 80° 28' 58" West 318.15 feet, to the easterly right-of-way of State Highway No. 17 (State Street); thence, along said right-of-way, North 21° 11' 50" East 641.38 feet; thence South 78° 45' 49" East 76.91 feet; thence South 00° 11' 04" West 229.03 feet; thence South 75° 17' 56" East 11.96 feet; thence South 19° 53' 40" West 99.59 feet; thence South 74° 01' 31" East 45.50 feet; thence South 02° 44' 42" West 282.55 feet, to the POINT OF BEGINNING; containing 2.87 acres (more or less).

PARCEL LV-42-A-2-J-1-A

[823.74']
823.74'

494.23'

WASHINGTON COUNTY SURV
BRASS 1971
¼ 526 525

LEGEND

FENCE LINE

ADJACENT PROPERTY LINE

EASEMENT

PARCEL LINE TO BE REMOVED

CITY BLOCK LOT LINE

SURVEY BOUNDARY

RECORD BEARING AND DISTANCE

SET 5/8" x 36" REBAR WITH PLASTIC CAP
MARKED IR ENG. PLS 5561917

FOUND MONUMENT AS NOTED

STREET & RIGHT-OF-WAY MONUMENTS AS
NOTED

REFERENCED DOCUMENTS

- Record of Survey for Hugh Howard Sec. 26, T41S, R13W, #4396-07
- Alpha Engineering Co. Sec 26, T41S, R13W, #3744-03



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PARCEL JOINDER
JAMES MARVIN
PARCELS LV-43-B-1 & LV-42-C-1-A
LA VERKIN, UTAH

DATE:	02/12/21
DESCRIPTION:	
REV#	
DATE:	

DRAWN BY: CM

SCALE: 1" = 30'

SHEET:

1 OF 1



Area
Area: 10497 Square Feet
Perimeter: 439.5 Feet

