



LA VERKIN CITY PLANNING COMMISSION AGENDA

Regular Meeting

Wednesday, December 14, 2022, 6:00 pm

City Council Chambers, 111 South Main Street

La Verkin, Utah 84745

I. Call to Order: Chair Allen Bice

Invocation by Invitation; Pledge of Allegiance

II. Approval of Agenda:

III. Approval of Minutes: November 9, 2022, regular meeting

IV. Reports:

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

V. Business:

1. Discussion regarding the Tourist Commercial Zone vacation rental limit of fifteen percent per development.
2. Discussion on detached accessory dwelling units.
3. Discussion on increasing the permitted hotel building height in La Verkin.
4. Discussion on removing transient lodging as a permitted use in the General Commercial Zone.

VI. Adjourn:

In compliance with the Americans 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, 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 December 8, 2022.

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

Christy Ballard
City Recorder

Commercial Tourist Zone

Tourist support, including hotels, motels, inns, lodges, bed and breakfast facilities and/or vacation rentals (VRs), and tourist information, curio and souvenir shops, camera and photo shops. [VRs are allowed with an approved site plan and development agreement; and are limited to developments that are at least two (2) acres in size and for which VRs and their private and limited public space do not cumulatively occupy more than fifteen percent (15%) of the development.] The 15% dedicated to the vacation rental development is to include within the developable area (A) Parking (B) Landscaping (which is to follow the LaVerkin City landscaping ordinance). (C) Development of vacation units has to set back behind the main buildings fronting SR9/SR17 (D) The Vacation rental development area of 15% cannot include any portion of the hillside as defined by the LaVerkin city hillside ordinance.

Condominiums and timeshare units are allowed with a development agreement. Recreational vehicles (RVs), small transient living quarters not specified hereinabove (including, but not limited to, cabins and yurts), subject to the provisions of section 10-6G2-2-5 of this article.

DETACHED ACCESSORY DWELLING UNITS

FOR MEMBERS OF THE HOUSEHOLD, FAMILY OR FRIENDS AND SHORT TERM – LONG TERM RENTAL

PURPOSE

Detached Accessory Dwelling Units (ADUs) in single-family residential zones are an important tool in the overall housing needs and allow for alternative and flexible housing options in owner-occupied single-family residences. The purposes of the ADU standards of this code are:

- 1. Create new housing units while respecting the appearance, neighborhood character, and scale of single-family residential development.*
- 2. Provide more housing choices in residential zones.*
- 3. Allow more efficient use of existing housing and large underutilized yards.*
- 4. Provide housing options for family caregivers, adult children, aging parents, and families seeking smaller households.*
- 5. Offer a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship, and services.*
- 6. Allows for short term and long-term rentals*
- 7. Broaden the range of affordable housing throughout the city*

DEFINITION

A detached accessory dwelling (ADUs) unit is defined as an adjunct living unit, with a sleeping area, a bathroom, may or may not have kitchen facilities, has no attached garage or carport, and is detached from the primary residence on the same lot. A detached accessory dwelling unit (ADU) shall have its own outside entrance.

Secondary Use: The detached accessory dwelling unit (ADU) shall be clearly incidental and secondary to the primary use of the dwelling for residential purposes

OWNERSHIP

A Detached accessory dwelling (ADU) unit shall not be sold separately or subdivided from the principal dwelling unit or lot

Owner Occupancy" means that any one of the following individuals resides on the subject property for the entire time during which a detached Accessory Dwelling Unit (ADU) or Principal Dwelling is rented or otherwise occupied by:

1. An individual who is listed on a recorded deed as an owner of the property.
2. An individual who is a trustor of a family trust who possesses legal ownership of the property.
3. The owner has a bona fide, temporary absence of three consecutive (3) years or less for activities such as temporary job assignments, sabbaticals, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this suspension)

- o When the homeowner is away, who is in charge? (Charged with staying in the one of the homes as the owner's representative, so we don't end up with a double rental)

4. Owner can live in the principal or detached accessory dwelling unit (ADU)

NUMBER OF DETACHED ACCESSORY DWELLING UNITS

1. Charge an impact fee for additional services?
2. Detached accessory dwelling unit (ADU) shall be allowed only on parcels containing a single-family dwelling.
3. Only one (1) detached accessory dwelling unit (ADU) or guesthouse shall be allowed on a lot or parcel.
4. Commercial water rates (same rate that we charge currently for vacation rentals/B&B) will be charged to all properties with a Detached accessory dwelling unit (ADU)

Parking

- a. Parking: two additional off-street parking spaces (9' wide and 18' long) are required.
- b. Tandem parking (one in front of the other) is not allowed for accessory dwelling units. Parking in tandem (one in front of the other) cannot encroach onto the City's sidewalk or right of way.
- c. All required off-street parking spots shall be constructed of asphalt or cement.

SIZE AND LOCATION REQUIREMENTS

- a. The detached accessory dwelling unit (ADU) must meet the setbacks and easements for the zone, as well as the separation from the primary dwelling unit
- b. Detached accessory dwellings are not allowed on lots smaller than 8,000 sq. ft or RV mobile home parks
- c. Minimum Square footage 250ft (single story) of detached accessory dwelling unit (ADU)
 - 1) ~~R-1-8 350 sq. ft. — 450 sq. ft.~~
 - 2) ~~R-1-10 550 sq. ft. — 650 sq. ft.~~
 - 3) ~~R-1-14 750 sq. ft. — 850 sq. ft.~~
 - 4) ~~R-A-1 750 sq. ft. — 850 sq. ft.~~
 - o Minimum square footage of 250 sq ft, but not to exceed more than half the primary building footprint
- d. ADUs along with other accessory buildings: No accessory building or group of accessory buildings shall Cannot cover more than eight percent (8%) of the total lot area.

DESIGN: ARCHITECTURAL/STRUCTURAL/BUILDING CODE DESIGN,

1. Architectural design, materials, and construction shall match the existing primary residential structure.
2. All building plans that are submitted for a detached accessory dwelling unit are required to have an engineer's stamp on submitted plans
3. All plans are to be submitted through the City's online building permit process.
4. All buildings are to follow the current IRC code as well as any other applicable city code.
- 5.

DESIGN CRITERIA

1. New construction:
 - a. Existing buildings such as Shed – metal buildings are not allowed to be converted over to an ADU.
2. Slab on grade.
 - a. All ADUs must be attached to a slab on grade with footings as required by the IRC building code and no basement allowed
3. Height:
 - a. The maximum height of a detached accessory dwelling (ADU) shall not exceed the height of the single-family dwelling on the property. Shall be determined by the zone in which the (ADU) resides.
4. Entrance:
 - a. The detached accessory dwelling unit (ADU) shall have its own outside entrance.
5. Landscaping:
 - a. Landscaping shall be provided and maintained to minimize impact on neighboring properties, to retain residential character, and to provide a visual buffer for onsite parking in relation to adjacent properties and the street.
6. Addressing
 - a. The primary and detached accessory dwelling unit (ADU) shall have the same address, except for a letter (A) designation to provide differentiation between the main dwelling and the additional unit for mail or emergency response purposes.
 - b. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property on a permanently fix structure.
 - c. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) in height with a stroke-width of not less than 0.5 inch (12.7 mm).
 - d. Additional mailboxes will only be allowed for the primary dwelling
7. Utility's
 - a. *The main dwelling and the additional living unit shall be served by the same utilities electric meter, water meter, and sewer connection. Additional impact fees, as established by the city from time to time may be assessed for the second dwelling unit.*

APPLICATION REQUIREMENTS

Application Requirement: Any homeowner who resides in a single-family dwelling and whose property is in a residential zone and desires a detached accessory dwelling unit (ADU) is required to obtain a detached accessory dwelling unit permit. The detached accessory dwelling (ADU) permit shall be in addition to any building permits that may be necessary to create the detached accessory dwelling unit. (ADU) The applicant shall submit the following as part of the application for a detached accessory dwelling permit (ADU)

1. A site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and entrances, any proposed building and its dimensions from buildings and property lines, and the location of parking stalls.
2. Detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses.
3. Written verification that the applicant is the owner of the property and has permanent residency in the existing single – family dwelling where the request is being made. ~~A recorded deed restriction acknowledging that the single – family dwelling will remain owner-occupied, for an accessory dwelling unit to be rented.~~

OR

~~A recorded deed restriction acknowledging that the single – family dwelling or (ADU) will remain owner-occupied, for the single – family dwelling or (ADU) to be rented, will be required to be turned into the city before building permit is issued~~

~~Deed Restriction: As a condition of approval required to establish a guesthouse or casita, the property owner shall record against the deed of the subject property, a deed restriction, in a form approved by the city, running in favor of the city, which shall prohibit the rental, lease or sale of the guesthouse or casita separately from the rental, lease or sale of the primary dwelling unit. Proof that such deed restriction has been recorded shall be provided to the zoning administrator prior to the issuance of the certificate of occupancy for the guesthouse or casita~~

4. Rental dwelling business license.

Notes: What about living spaces over garages?

ARTICLE G. GENERAL COMMERCIAL (C)

*(A) Increased height from 35' (occupiable) 45' including roof (additional 10' non-occupiable) to 55' (occupiable) 65' including roof (additional 10' non-occupiable)
Left the option of increased height through the development agreement*

SECTION:

10-6G-1: Purpose

10-6G-2: Permitted Uses

10-6G-3: Prohibited Uses 1 (Rep. by Ord. 2007-26, 10-3-2007)

10-6G-4: Height Regulations

10-6G-5: Area, Width, And Yard Requirements

10-6G-6: Screening Requirement

Notes

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

10-6G-1: PURPOSE:

To provide appropriate areas where commercial activities may be established, maintained and protected. (Ord. 2006-09, 3-1-2006)

10-6G-2: PERMITTED USES:

The following shall be permitted uses within the general commercial zone:

Accessory buildings: *secondary buildings and uses customarily incidental to permitted uses.*

Animal services: *includes veterinarian clinics and hospitals, pet grooming, fish and aquarium retail shops. No outside kennels or hoofed animals.*

Art dealers and galleries, *including fine arts, photography, and graphic design.*

Automobiles, including rental, sales and related repair including tire sales, glass replacement and repair; motorcycle sales, rental and service; auto repair shops; packaged automobile parts stores. All repair facilities are inside and in the case of sales or rental shops, repair facilities are an integral part of the sales structure.

Banks and financial offices, including banks, ATM machines, investment and securities agencies, tax service agencies.

Bicycles, ATVs; includes sales, rental, parts sales and service where repair facilities are inside and are an integral part of the sales structure.

Building materials; includes lumber, brick, bagged concrete, PVC, pipe, other yard type building material where storage is screened. Shall not include ready mix concrete or hot mix asphalt.

Car wash, including hand and automated car wash and car vacuum facilities.

Childcare: daycare, preschool.

Clothing; includes retail sales, tailoring and clothing repair, shoes, accessories, screen printing, t-shirt shops, cleaners, laundry, formal wear rental and sales, costume sales and rental.

Communications; includes cable, phone, internet, satellite, and wireless services.

Entertainment services, including recording studios/services, instrument sales/rental/repair, talent/art studios, supplies.

Equipment: small equipment sales and rentals, including nonagricultural, noncommercial, for residential use, lawn mowers, tractors, weed implements, and accessories; small engine repair where repair facilities are inside.

Food; includes restaurants, ice cream parlors, cafes, juice bars, internet cafes, coffee shops, fast food, delis, buffets, bakeries, grocery stores, convenience marts, supermarkets, catering, patio and outdoor eateries.

Funeral houses and mortuaries.

Health and beauty; includes hair or nail salons, wig sales and styling, barbershops, tanning facilities, consultants, fitness facilities, gyms, spas, outpatient weight control and diet services, yoga, cosmetic sales and production, massage.

Home improvements, including retail lighting and service, appliance sales/rental/repair where repair facilities are inside and are an integral part of the sales structure, decorating services, cabinetry sales, upholstery, carpet and floor treatments, window treatments, wallpaper, paint.

Janitorial, including housecleaning, emergency cleaning services and supply.

Landscape and gardening, including pest and weed control service and supplies; lawn, garden, yard supplies/equipment/repair; tree service; greenhouses; nurseries; landscape supplies including rock, wall and waterfall materials; patio furniture and supplies.

Light industrial, including mechanical contractors and supplies, insulation contractors and supplies, carpenters and supplies, plumbing contractors and supplies, electrical contractors and supplies, welding and sheet metal shops where any supplies are stored inside or behind screening (not to be confused with storage facilities).

Light manufacturing: furniture construction, cabinetry construction where work is performed on site and the final result is a value added product.

Medical services, including doctor clinics, hospitals, laboratories, chiropractors, dermatologists, plastic surgery, pharmacy, eye specialists - opticians, ophthalmologists, eye corrections services, dentists, dental specialists and laboratories, audiologists, hearing aid sales, ear specialists and ambulance service. No oxygen storage with any medical service provided.

Museums, including art, cultural, history, science and musicology displays.

Office supplies: office supplies, office machines, computer, fax or copy service, computer sales/service.

Parking, including areas whether underground, in parking structures or open lots for temporary customer parking. Shall not include parking for storage as a business.

Postal and shipping services.

Printing and publishing, including lithographic, magazines, newspapers, and similar publications.

Professional offices, including engineering, drafting, design, real estate brokers, accounting offices, CPAs, tax agencies, consultants, employment agencies, attorneys, title and mortgage companies, property management, insurance offices, offices incidental to other permitted uses.

Public or quasi-public area, including municipal buildings and offices, parks, schools, libraries, and fountains.

Recreation*facilities: hiking and biking trails.

Recreation sales, rental and service, including swimming pools; Jacuzzis; hot tubs; saunas; watercraft; jet skis; lake and snow ski equipment; sports gear; camping, fishing and hunting equipment; outfitters; excursions; paintballs; trampolines; other sporting goods. Service facilities shall be located inside and shall be an integral part of the sales structure.

Retail stores and shops: department stores, games and game supplies (except gambling devices), trophies and awards, movie sales and rentals, book sales, video device rental and sales, electronics, party supplies, antiques, coins, hardware, light building supply, florists,

jewelry, fabric shops including sewing machine sales and service, stained glass, vacuum dealers, variety stores, gifts, crafts sales and supplies, hobby shops, sunglasses, balloons, novelties and toys, not to include pawnbrokers.

Rocks, including rock shops for retail sales and landscaping.

Schools and studios, including dance, music, art, photography, martial arts, charter schools, business and technical schools, schools for any permitted health and beauty services.

Security service: alarms services, locks, locksmiths.

Self-service vending facilities, including vending machines and self-service (unmanned) business structures/facilities, subject to the conditions set forth in chapter 7 of this title.

Special events, including wedding/reception centers, banquet halls, convention centers, resort/meeting centers, concert halls and open air concert venues.

Storage units: facilities of not more than one thousand five hundred (1,500) square feet per one-half (1/2) acre minimum commercial lot.

Tourist support, including hotels, motels, inns, lodges, tourist information, curio and souvenir shops, camera and photo shops.

Transportation: taxis, shuttles, bus stops.

Travel agencies. (Ord. 2007-26, 10-3-2007; amd. Ord. 2008-14, 8-6-2008; Ord. 2015-04, 7-1-2015; Ord. 2018-01, 1-3-2018; Ord. 2018-02, 2-7-2018)

10-6G-3: PROHIBITED USES 1 :

(Rep. by Ord. 2007-26, 10-3-2007)

Notes

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

10-6G-4: HEIGHT REGULATIONS:

No building shall be erected to a height greater than thirty five feet (35') as measured from its tallest side or point, except that facades, rooflines and other non-occupied building improvements may be constructed to a maximum height of forty five feet (45') inclusive of the underlying building structure. However, the City shall not impose or restrict the height of a structure in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the City demonstrates that imposition of the burden on that person, assembly or institution:

A. *Is in furtherance of a compelling governmental interest; and*

B. *Is the least restrictive means of furthering that compelling governmental interest. (Ord. 2006-09, 3-1-2006)*

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

District	Area	Lot Width In Feet	Setback In Feet		
			Front	Side	Rear
C	1/2 acre (21,780 square feet) ²	70	35 for commercial buildings abutting SR-9 and SR-17; 25 when abutting City streets	See note 1	See note 1

Notes:

1. *Side and rear setbacks shall be 10 feet where abutting a residential zone which may be reduced, provided proper visual and sound screening, along with construction per the applicable building related code(s), and provided drainage is not allowed to cross property lines. Maximum height of structure shall not exceed 18 feet.*

2. *Commercial condominium projects shall meet the 1/2-acre minimum requirement for the project, but buildings may be divided into subunits and platted for individual ownership within the project.*

(Ord. 2007-16, 4-4-2007; amd. Ord. 2007-24, 8-15-2007)

10-6G-6: SCREENING REQUIREMENT:

As a condition of any use granted under this article, an eight-foot (8') masonry or concrete wall shall be required when abutting a residential zone for proper visual and sound screening; provided that where a masonry or concrete wall of at least six feet (6') already exists, no new wall shall be required. (Ord. 2008-07, 5-7-2008)

ARTICLE G1. RETAIL COMMERCIAL (COMM-R)

SECTION:

10-6G1-1: Purpose

10-6G1-2: Permitted Uses

10-6G1-3: Prohibited Uses 1 (Rep. by Ord. 2007-26, 10-3-2007)

10-6G1-4: Height Regulations

10-6G1-5: Area, Width, And Yard Requirements

10-6G1-6: Screening Requirement

10-6G1-7: Easement Required

Notes

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

10-6G1-1: PURPOSE:

To provide appropriate areas where pedestrian-oriented retail commercial activities may be established, maintained and protected. (Ord. 2006-03, 1-18-2006)

10-6G1-2: PERMITTED USES:

The following shall be permitted uses:

Accessory buildings: *secondary buildings and uses customarily incidental to permitted uses.*

Animal services: *fish and aquarium retail shops.*

Art dealers and galleries: *including fine arts, photography, and graphic design.*

Automobiles: packaged automobile part stores.

Banks and financial offices, including banks, ATM machines, investment and securities agencies, tax service agencies.

Bicycles, ATVs; includes sales, rental, parts sales and service where repair facilities are inside and are an integral part of the sales structure.

Car wash, including hand and automated car wash and car vacuum facilities.

Clothing; includes retail sales, tailoring and clothing repair, shoes, accessories, screen printing, t-shirt shops, formal wear rental and sales, costume sales and rental.

Communications; includes cable, phone, internet, satellite, and wireless services.

Convenience stores; includes gas stations, gas and goodie stores.

Entertainment services, including recording studios/services, instrument sales/rental/repair, talent/art studios, supplies.

Food; includes restaurants, ice cream parlors, cafes, juice bars, internet cafes, coffee shops, fast food, delis, buffets, bakeries, grocery stores, convenience marts, supermarkets, catering, patio and outdoor eateries.

Health and beauty; includes hair or nail salons, wig sales and styling, barbershops, tanning facilities, consultants, fitness facilities, gyms, spas, outpatient weight control and diet services, yoga, cosmetic sales and production, massage.

Home improvements, including retail lighting and service, decorating services, appliance sales, upholstery, carpet and floor treatments, window treatments, wallpaper, paint.

Landscape and gardening; landscape supplies including rock, wall and waterfall materials; patio furniture and supplies.

Medical services, including doctor clinics, hospitals, laboratories, chiropractors, dermatologists, plastic surgery, pharmacy, eye specialists - opticians, ophthalmologists, eye corrections services, dentists, dental specialists and laboratories, audiologists, hearing aid sales, ear specialists and ambulance service. No oxygen storage with any medical service provided.

Museums includes art, cultural, history, science and musicology displays.

Office supplies; office supplies, office machines, computer, fax or copy service, computer sales/service.

Parking, including areas whether underground, in parking structures or open lots for temporary customer parking. Shall not include parking for storage as a business.

Postal and shipping services.

Professional offices, including engineering, drafting, design, real estate brokers, accounting offices, CPAs, tax agencies, consultants, employment agencies, attorneys, title and mortgage companies, property management, insurance offices, offices incidental to other permitted uses.

Public or quasi-public area, including Municipal buildings and offices, parks, schools, libraries, and fountains.

Recreation facilities, including golf, minigolf, go-carts, bumper cars, laser tag, bowling, recreation/sports center, skating rinks and parks, movie theaters, theaters for stage productions, amusement parks, water parks, swimming pools, billiards, arcade games, tennis, paintball game centers, hiking and biking trails, festivals, no alcohol dance centers for recreation or instruction.

Recreation sales, rental and service: sports gear; camping, fishing and hunting equipment; outfitters; excursions; paintballs; trampolines; packaged sporting goods.

Retail stores and shops: department stores, games and game supplies (except gambling devices), trophies and awards, movie sales and rentals, book sales, video device rental and sales, electronics, party supplies, antiques, coins, hardware, light building supply, florists, jewelry, fabric shops including sewing machine sales and service, stained glass, vacuum dealers, variety stores, gifts, crafts sales and supplies, hobby shops, sunglasses, balloons, novelties and toys, not to include pawnbrokers.

Rocks, including rock shops for retail sales and landscaping.

Schools and studios, including dance, music, art, photography, martial arts and charter schools, business and technical schools, schools for any permitted health and beauty services.

Security service: alarms services, locks, locksmiths.

Self-service vending facilities, including vending machines and self-service (unmanned) business structures/facilities, subject to the conditions set forth in chapter 7 of this title.

Special events, including wedding/reception centers, banquet halls, convention centers, resort/meeting centers, concert halls and open-air concert venues.

Tourist support, including hotels, motels, inns, lodges, tourist information, curio and souvenir shops, camera and photo shops.

Transportation: taxis, shuttles, bus stops.

Travel agencies. (Ord. 2007-26, 10-3-2007; amd. Ord. 2008-14, 8-6-2008; Ord. 2015-04, 7-1-2015; Ord. 2018-01, 1-3-2018)

10-6G1-3: PROHIBITED USES 1 :

(Rep. by Ord. 2007-26, 10-3-2007)

Notes

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

10-6G1-4: HEIGHT REGULATIONS:

A. *Restrictions: No building shall be erected to a height greater than thirty-five feet (35') as measured from its tallest side or point, except that facades, rooflines and other non-occupied building improvements may be constructed to a maximum height of forty five feet (45') inclusive of the underlying building structure. However, the City shall not impose or restrict the height of a structure in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the City demonstrates that imposition of the burden on that person, assembly, or institution:*

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

B. *Modification: Modification of height restrictions may be made through a development agreement as outlined in chapter 12 of this title. (Ord. 2007-16, 4-4-2007)*

C. *No Hotels, Motels, Inns, Lodges, shall be erected to a height greater than fifty-five feet (55') as measured from its tallest side or point, except that facades, rooflines and other non-occupied building improvements may be constructed to a maximum height of sixty-six feet (66') inclusive of the underlying building structure.*

~~1. Height Modification: A development agreement as outlined in chapter 12 of this title. (Ord. 2007-16, 4-4-2007) will not apply to Hotels, Motels, Inns, Lodges~~

10-6G1-5: AREA, WIDTH, AND YARD REQUIREMENTS:

District	Area	Lot Width In Feet	Setback In Feet		
			Front	Side	Rear
Comm-R	1/2 acre (21,780 square feet) ²	70	35 for commercial buildings abutting SR-9 and SR-17; 25 when abutting city streets	See note 1	See note 1

Notes:

1. Side and rear setbacks shall be 10 feet where abutting a residential zone which may be reduced, provided proper visual and sound screening, along with construction per the applicable building related code(s), and provided drainage is not allowed to cross property lines.

2. Commercial condominium projects shall meet the 1/2-acre minimum requirement for the project, but buildings may be divided into subunits and platted for individual ownership within the project.

(Ord. 2007-16, 4-4-2007; amd. Ord. 2007-24, 8-15-2007)

10-6G1-6: SCREENING REQUIREMENT:

As a condition of any use granted under this article, an eight-foot (8') masonry or concrete wall shall be required when abutting a residential zone for proper visual and sound screening; provided that where a masonry or concrete wall of at least six feet (6') already exists, no new wall shall be required. (Ord. 2008-07, 5-7-2008)

10-6G1-7: EASEMENT REQUIRED:

All lots shall have easements on side and rear property lines of a minimum of seven and one-half feet (7 1/2') and on a street side property line of ten feet (10') minimum, to be used for utilities and drainage. (Ord. 2008-07, 5-7-2008)

ARTICLE G2. TOURIST/RESORT COMMERCIAL (COMM-T)

SECTION:

10-6G2-1: Purpose

10-6G2-2: Permitted Uses

10-6G2-2-5: Recreational Vehicle Resorts And Small Transient Living Quarters

10-6G2-3: Prohibited Uses 1 (Rep. by Ord. 2007-26, 10-3-2007)

10-6G2-4: Height Regulations

10-6G2-5: Area, Width And Yard Requirements

10-6G2-6: Screening Requirement

10-6G2-7: Easement Required

Notes

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

10-6G2-1: PURPOSE:

To provide appropriate areas where tourist/resort commercial activities may be established, maintained and protected. (Ord. 2006-04, 1-18-2006)

10-6G2-2: PERMITTED USES:

The following shall be permitted uses:

Accessory buildings: secondary buildings and uses customarily incidental to permitted uses.

Art dealers and galleries, including fine arts, photography, and graphic design.

Automobiles: tourism related automobile rental agencies, for the short term rental of motor vehicles other than (and not including) recreational vehicles (RVs), travel trailers, storage/moving vans and/or trailers, motorized watercraft (except as provided hereinbelow).

Banks and financial offices, including banks, ATM machines, investment and securities agencies, tax service agencies.

Bicycles, ATVs, snowmobiles, motorcycles, mopeds, motor scooters, jet skis, and similar small/portable motorized and nonmotorized transportation, including sales, rental, parts sales,

and service and/or repair (where service/repair facilities are conducted inside an enclosed building and constitute an integral part of the sales structure).

~~Car wash, including hand and automated car wash and car vacuum facilities.~~

Clothing; includes retail sales/rental, shoes, accessories, screen printing, t-shirt shops.

Communications; includes cable, phone, internet, satellite, and wireless services.

Food; includes restaurants, ice cream parlors, cafes, juice bars, internet cafes, coffee shops, fast food, delis, buffets, bakeries, grocery stores, convenience marts, patio and outdoor eateries.

Health and beauty; includes hair or nail salons, wig sales and styling, barbershops, tanning facilities, consultants, fitness facilities, gyms, spas, outpatient weight control and diet services, yoga, cosmetic sales and production, massage.

Museums includes art, cultural, history, science and musicology displays.

Parking; includes areas whether underground, in parking structures or open lots for temporary customer parking. Shall not include parking for storage as a business.

Postal and shipping services.

Professional offices, including real estate brokers, title and mortgage companies, property management, insurance offices, offices incident to other permitted uses.

Public or quasi-public area; includes municipal buildings and offices, parks, schools, libraries, and fountains.

Recreation facilities, including golf, minigolf, go-carts, bumper cars, laser tag, bowling, recreation/sports center, skating rinks and parks, movie theaters, theaters for stage productions, amusement parks, water parks, swimming pools, billiards, arcade games, tennis, paintball game centers, hiking and biking trails, festivals, no alcohol dance centers for recreation or instruction.

Recreation sales, rental and service; sports gear; camping, fishing and hunting equipment; outfitters; excursions.

Retail stores and shops; games and game supplies (except gambling devices), trophies and awards, movie sales and rentals, book sales, video device rental and sales, electronics, party supplies, antiques, coins, florists, jewelry, stained glass, variety stores, gifts, crafts sales and supplies, hobby shops, sunglasses, balloons, novelties and toys, not to include pawnbrokers.

Self-service vending facilities, including vending machines and self-service (unmanned) business structures/facilities, subject to the conditions set forth in chapter 7 of this title.

Special events, including wedding/reception centers, banquet halls, convention centers, resort/meeting centers, concert halls and open air concert venues.

Tourist support, including hotels, motels, inns, lodges, bed and breakfast facilities and/or vacation rentals (VRs), and tourist information, curio and souvenir shops, camera and photo shops. [VRs are allowed with an approved site plan and development agreement; and are limited to developments that are at least two (2) acres in size and for which VRs and their private and limited public space do not cumulatively occupy more than fifteen percent (15%) of the development.] Condominiums and timeshare units are allowed with a development agreement. Recreational vehicles (RVs), small transient living quarters not specified hereinabove (including, but not limited to, cabins and yurts), subject to the provisions of section 10-6G2-2-5 of this article.

Transportation: taxis, shuttles, bus stops.

Travel agencies. (Ord. 2007-26, 10-3-2007; amd. Ord. 2008-14, 8-6-2008; Ord. 2015-04, 7-1-2015; Ord. 2017-01, 2-1-2017; Ord. 2017-02, 2-15-2017; Ord. 2018-01, 1-3-2018; Ord. 2022-10, 9-21-2022)

Notes

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

10-6G2-4: HEIGHT REGULATIONS:

A. Restrictions: No building shall be erected to a height greater than thirty-five feet (35') as measured from its tallest side or point, except that facades, rooflines and other non-occupied building improvements may be constructed to a maximum height of forty five feet (45') inclusive of the underlying building structure. However, the city shall not impose or restrict the height of a structure in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the city demonstrates that imposition of the burden on that person, assembly or institution:

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

B. Modification: Modification of height restrictions may be made through a development agreement as outlined in chapter 12 of this title. (Ord. 2007-16, 4-4-2007)

C. No Hotels, Motels, Inns, Lodges, shall be erected to a height greater than fifty-five feet (55') as measured from its tallest side or point, except that facades, rooflines and other non-occupied building improvements may be constructed to a maximum height of sixty-six feet (66') inclusive of the underlying building structure.

~~1. Height Modification: A development agreement as outlined in chapter 12 of this title. (Ord. 2007-16, 4-4-2007) will not apply to Hotels, Motels, Inns, Lodges~~

10-6G2-5: AREA, WIDTH AND YARD REQUIREMENTS:

District	Area	Lot Width In Feet	Setback In Feet		
			Front	Side	Rear
Comm-T	1/2 acre (21,780 square feet)2	70	35 for commercial buildings abutting SR-9 and SR-17; 25 when abutting city streets	See note 1	See note 1

Notes:

1. Side and rear setbacks shall be 10 feet where abutting a residential zone which may be reduced, provided proper visual and sound screening, along with construction per the applicable building related code(s), and provided drainage is not allowed to cross property lines.

2. Commercial condominium projects shall meet the 1/2 acre minimum requirement for the project, but buildings may be divided into subunits and platted for individual ownership within the project.

(Ord. 2007-16, 4-4-2007; amd. Ord. 2007-24, 8-15-2007)

10-6G2-6: SCREENING REQUIREMENT:

As a condition of any use granted under this article, an eight foot (8') masonry or concrete wall shall be required when abutting a residential zone for proper visual and sound screening; provided that where a masonry or concrete wall of at least six feet (6') already exists, no new wall shall be required. (Ord. 2008-07, 5-7-2008)

10-6G2-7: EASEMENT REQUIRED:

All lots shall have easements on side and rear property lines of a minimum of seven and one-half feet (7 1/2') and on a street side property line of ten feet (10') minimum, to be used for utilities and drainage. (Ord. 2006-04, 1-18-2006)

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

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 the 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)

~~F. Development agreement for height modification for Hotels, Motels, Inns, Lodges, is not allowed~~

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 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 buildout 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 pursuant to this chapter shall contain provisions that:

(1) Specify the terms 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 commence 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- five feet (65'), 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- five feet (65') 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 any building greater than Fifty- five feet (55') or building improvement greater than Sixty- five feet (65')** 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 pursuant to this chapter shall contain provisions that:

(1) Specify the terms 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 commence 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)

