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ORDINANCE 2024 - 03

AN ORDINANCE AMENDING TITLE 10, CHAPTER 6 OF THE LA VERKIN CITY CODE TO ADD AN ARTICLE WHICH ESTABLISHES A LUXURY RESORT ZONE

RECITALS

WHEREAS, Utah Code § 10-9a-101 *et seq.* allows for municipalities to regulate land use within their boundaries; and

WHEREAS, the City Council has recognized a need for a zone in which luxury resort development activities may occur, given the City's proximity to Zion National Park; and

WHEREAS, a duly-noticed public hearing was held by the Planning Commission on this proposed Ordinance on February 14, 2024; and

WHEREAS, upon recommendation of City Staff, and having heard, considered, and discussed any input received at said public hearing, the Planning Commission recommended this proposed Ordinance to the City Council; and

WHEREAS, the City desires to establish a luxury resort zone to allow for uses and development associated with luxury resort development proposals within the City; and

WHEREAS, having reviewed and carefully considered the proposed Ordinance, the City Council approves this Ordinance and deems it to be in the best interests of the City and its residents, guests, and businesses to amend the City Code as provided herein.

ORDINANCE

NOW THEREFORE BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF LA VERKIN, UTAH:

SECTION I: AMENDMENT OF THE LA VERKIN CITY CODE TO ADD AN ARTICLE TO CHAPTER 6 OF TITLE 10 WHICH CONTAINS THE FOLLOWING PROVISIONS:

ARTICLE G3. LUXURY RESORT ZONE (LR Zone)

SECTION:

10-6G3-1: Zone Change Approval Process

10-6G3-2: Short Title

10-6G3-3: Purpose

10-6G3-4: Permitted Uses

10-6G3-5: Prohibited Uses

10-6G3-6: Definitions

10-6G3-7: Development Agreement Requirements

10-6G3-8: Height Regulations
10-6G3-9: Area, Width and Yard Requirements
10-6G3-10: Miscellaneous Regulations
10-6G3-11: Fencing Requirement
10-6G3-12: Screening Requirement
10-6G3-13: Easement Required
10-6G-14: Landscaping Requirements

10-6G3-1: ZONE CHANGE APPROVAL PROCESS:

- A. Application. To apply for a zone change to the LR Zone, an application containing the information set forth in 10-6G3-1(B) must be submitted to the city staff. All applicants are encouraged to meet with the city staff prior to submitting an application for LR Zone approval to discuss the development concept, the review and approval process, and submission requirements.
- B. Information Required. An applicant must submit ten (10) copies of an application which contains the following information to the city staff:
- i. Written Statement. A written statement providing the following information:
 - (1) Proposed name of the development;
 - (2) Location and legal description of property to be developed;
 - (3) Name and address of the owners of the property to be developed;
 - (4) A copy of the current title policy on the property;
 - (5) Name, address, and qualifications of the design team;
 - (6) Type and number of permitted uses;
 - (7) A description of any buildings that will be associated with each permitted use;
 - (8) Tentative operation and maintenance data (landscaping, etc.);
 - (9) Existing and proposed utilities;
 - (10) Existing and proposed public and private streets;
 - (11) Anticipated timeline for completion of the development; and
 - (12) Density per acre.
 - ii. Schematic Drawings. Schematic drawings must be provided. Schematic drawings must be drawn to a minimum scale of one hundred feet per inch (1" = 100') and must include information concerning the following:
 - (1) Existing natural features, such as watercourses, rock outcroppings, wetlands, wood areas and greenways;
 - (2) Location of existing utilities and drainageways;
 - (3) Location and names of all prior platted streets, parks and utility rights of way;
 - (4) General location of existing and/or proposed buildings and structures and their uses, parking, open space and ownership pattern; and
 - (5) A traffic flow map showing circulation patterns within and adjacent to the proposed development, including trails, sidewalks, streets, parking lots, loading areas, etc. A traffic study, performed by a registered professional, may also be required.

- C. Application Conference. Upon receiving a complete application, the city staff shall schedule an application conference with the applicant to review the application. At the application conference, the city staff shall also provide written comments to the applicant concerning the application.
- D. Recommendation of Planning Commission. After reviewing the comments made by the city staff, the planning commission may recommend approval, approval with modifications, or may recommend denial of the application to the city council.
- E. City Council Decision. Following a public hearing, and after receiving and reviewing the recommendation of the planning commission, the city council may approve, approve with modifications, or deny the application for zone change for the proposed luxury resort development.

10-6G3-2: SHORT TITLE:

This Luxury Resort Zone shall be referred to herein as the “LR Zone”.

10-6G3-3: PURPOSE:

To provide appropriate areas where luxury resort development may be established, maintained and protected.

10-6G3-4: PERMITTED USES:

The following shall be permitted uses within the LR Zone:

Art galleries.

Food: includes restaurants, confectionary shop, bakeries, ice cream parlors, cafes, juice bars, internet cafes, coffee shops, delis, buffets, grocery stores, catering, patio and outdoor eateries. (No drive throughs are permitted.)

Health and beauty: includes spas, nutrition stores, and saunas.

Luxury hotels: includes hotels that satisfy the definition provided in 10-6G3-6.

Outdoor activity center.

Retail stores and shops: gift shop, leather goods shop, flower shop, bicycle shop, 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.

Studio: includes art or music studio.

10-6G3-5: PROHIBITED USES:

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

10-6G3-6 DEFINITIONS:

DEVELOPMENT AGREEMENT: A binding contract between the city and an applicant wherein the detailed terms and conditions upon which a luxury resort development will proceed are agreed upon.

The development agreement shall specify any vested rights granted to the applicant or its successors or assigns.

LUXURY HOTEL: A hotel facility whose standards of operation and physical characteristics would provide substantially equal to or higher than the standard of operation and physical characteristics of a so-called four (4) star hotel or equivalent rating (based on the criteria employed by primary national hospitality industry rating services, including, but not limited to, Forbes Travel Guide, the Automobile Association of America, and Conde Naste Traveler).

MONUMENT SIGN: A low-profile sign, with an area that does not exceed 48 square feet and a height of less than six feet, that is used to display a building address and name, identify the building tenants, or to mark the building entrance.

UNDER-CANOPY SIGN: An under-canopy sign means a sign suspended over a sidewalk or pedestrian way by attachment to the underside of a canopy, marquee, awning, or similar structure, perpendicular to the wall.

10-6G3-7: DEVELOPMENT AGREEMENT REQUIREMENTS

- A. Development Agreement. Prior to the issuance of any building permit, a development agreement must be submitted for review and approval by the city council.
- i. Information Required. A development agreement entered into pursuant to this article must:
 - (1) Specify the duration of the development 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 buildings or 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) 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;
 - (7) Provide that construction shall be commenced within a specified timeframe and that the project or any phase thereof shall be completed within a specified timeframe;
 - (8) Include a provision which allows the parties to amend the expected timeframe for completion of the project or any phase thereof (if the city reasonably determines that such a provision is necessary);
 - (9) Provide for periodic review of the status of performance under the development agreement;
 - (10) Include a site plan that satisfies the requirements set forth in this article, as an exhibit that is incorporated by reference into the development agreement;
 - (11) Contain other exhibits or attachments that are incorporated into the development agreement by reference, including, but not limited to: (a) traffic, soil or any other studies deemed necessary by city staff; (b) a title report which shows 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 development by the city; (c) any other document, study or requirement the city staff deems reasonably necessary for the particular development.
 - ii. The city council may approve, approve with modifications, or deny the development agreement.
 - iii. After receiving approval from the city council, the city and the applicant must execute the development agreement. The development agreement must be recorded in the office of the county recorder within ten (10) days after it is fully executed.
 - iv. The city council may waive any of the above-listed requirements upon making a determination that such requirements are unnecessary due to the scope and nature of the proposed development.
- B. Site Plan. A site plan must be submitted by the applicant and reviewed by the zoning administrator. After the zoning administrator has reviewed the site plan, said site plan must be submitted for approval by the city council as an exhibit to the development agreement. Six (6) copies of the site plan, drawn to a scale of twenty feet per inch (20' = 1"), or such other scale as the zoning administrator deems appropriate, must be provided. The site plan must contain the following information:

i. Information Required.

- (1) The applicant's name, address, telephone number and interest in the property;
- (2) The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;
- (3) The street address, tax parcel number and legal description of the subject property;
- (4) The zoning classification, zoning district boundaries and present use of the subject property;
- (5) A vicinity map with north arrow, scale and date, indicating the zoning classifications and current uses of properties within one hundred feet (100') of the subject property;
- (6) The proposed title of the project and the names, addresses and telephone numbers of the architect, landscape architect, planner or engineer on the project;
- (7) A signature panel for the zoning administrator to sign to certify that a review of the site plan has been completed by the zoning administrator;
- (8) The boundaries of the subject property, all existing property lines, setback lines, existing streets, buildings, watercourses, waterways or lakes, wetlands, and other existing physical features in or adjoining the project;
- (9) Topographic survey, showing the elevation of streets, alleys, buildings, structures, watercourses and their names. The topography shall be shown by adequate spot elevations. The finished grade for the entire site shall be shown as well as the first floor elevation of all buildings;
- (10) Significant topographical or physical features of the site, including existing trees;
- (11) The elevation of the curb (if existing or proposed) in front of each lot;
- (12) Elevations of the top of bank and toe of slope, slope ratio of fill, and limits of fill, including access;
- (13) The location and size of sanitary and storm sewers, water, gas, telephone, electric and other utility lines, culverts and other underground structures in or affecting the project, including existing and proposed facilities and easements for these facilities. In the case of city owned utilities, such information shall be provided to the applicant by the department of public utilities;
- (14) The location, dimensions and character of construction of proposed streets, alleys, loading areas including numbers of parking and loading spaces, outdoor lighting systems, storm drainage and sanitary facilities, sidewalks, curbs and gutters and all curb cuts. Additional area may also be required to indicate connections or proposed connections to major utilities;
- (15) The location of all proposed buildings and structures, accessory and principal, showing the number of stories and height, dwelling type if applicable, major elevations and the total square footage of the floor area by proposed use;
- (16) The location, height, type and material of all fences and walls;
- (17) The location, character, size, height and orientation of proposed signs, to be erected in accordance with chapter 11 and any limitations set forth in this article, and elevations of buildings showing signs to be placed on exterior walls;

- (18) The proposed nature and manner of grading of the site, in accordance with soils engineering studies to prevent soil erosion and excessive runoff;
- (19) The location of dumpsters or other outdoor trash receptacles;
- (20) The location and dimensions of proposed recreation areas, open spaces and other required amenities and improvements;
- (21) A tabulation of the total number of acres in the project and the percentage and acreage thereof proposed to be allocated to off street parking, open space, parks and other reservations;
- (22) A tabulation of the total number of hotel units or commercial spaces in the project and the overall project density in hotel units or commercial spaces per gross acre;
- (23) The proposed and required off street parking and loading areas, including parking and access for the handicapped, as specified in the most current version of the International Building Code, and in accordance with any other specifications provided in this article:
- (24) Landscaping plans which comply with Title 8, Chapter 8;
- (25) A proposed architectural plan which provides the colors, textures, and design elements to be used within the project, each of which must be in harmony with the natural environment;
- (26) Studies required to analyze the impact of the project, as determined by the zoning administrator, including, but not limited to, a traffic impact study, studies relating to noise, drainage, or any other study the zoning administrator determines is required to adequately analyze the impact of the project;
- (27) If the project will require placement of a temporary office or construction trailer on the site, the site plan must address any parking, fencing, lighting, and signage that will be required for said temporary office or construction trailer. The site plan must also specify the duration of time for which the temporary office or construction trailer will be present on the site.

- ii. Waiver Of Requirements. The zoning administrator may waive any of the above listed requirements upon making a determination that such requirements are unnecessary due to the scope and nature of the proposed development.

C. Zoning Administrator Review. The zoning administrator shall review the site plan, and may provide written comments to the applicant. The authority of the zoning administrator through the review process to require modification of a proposed site plan shall include the following elements in order to achieve the objectives set forth below:

- i. Traffic And Parking.

- (1) Minimizing dangerous traffic movements.
- (2) Promoting the smooth and efficient flow of traffic in accordance with standards in the Institute of Traffic Engineers' "Transportation And Traffic Engineering Handbook", and other local sources of authority as adopted by ordinance.
- (3) Optimizing the efficient use of parking facilities through provisions for adequate interior circulation, parking stalls and travel aisles.

- ii. Site Layout.

- (1) Promoting compatibility with adjacent and nearby properties.
- (2) Preserving and protecting valuable natural features and amenities to the greatest extent practical.
- (3) Promoting the efficient provision of public services.

iii. Environmental Protection.

- (1) Preserving existing healthy and long lived trees wherever economically feasible.
- (2) Designing drainage facilities to promote the use and preservation of natural watercourse and patterns of drainage.
- (3) Minimizing alterations to existing topography.
- (4) Protecting important views and vistas as identified in adopted plans.

iv. Landscaping.

- (1) Promoting the use of plant material compatible with the climate of the region and microclimate conditions on the site.
- (2) Ensuring that plant material can be maintained for long term health and continued growth.
- (3) Maximizing water and energy conservation through the appropriate use of plant materials.
- (4) Ensuring that the arrangement of required landscaping produces the optimal visual effect.

v. Signage.

- (1) Ensuring that the location, size and orientation of signage do not impair the visibility of or distract motorists.
- (2) Ensuring that the location, size and orientation of signage minimize obstructions and hazards to pedestrians.

10-6G3-8: HEIGHT REGULATIONS:

Maximum building height shall not exceed two stories or forty (40) feet. Accessory buildings shall not exceed eighteen (18) feet in height.

10-6G3-9: AREA, WIDTH AND YARD REQUIREMENTS:

District	Maximum Building Coverage Per Parcel	Hotel Unit Density	Setback in Feet		
			Front	Side	Rear
Luxury Resort Zone (LR Zone)	The total square footage of buildings on any given parcel shall not exceed 75% of the total parcel area	Maximum hotel unit density shall not exceed four hotel units per acre	25 Ft.	10 Ft.	10 Ft.

10-G3-10: MISCELLANEOUS REQUIREMENTS:

A. Parking Requirements. Parking requirements shall be as follows:

- a. Any luxury hotel must have a paved driveway leading into the designated parking lot for the luxury hotel that originates from a paved portion of a street owned by the city. Points of vehicular ingress and egress, as well as the location of the designated parking lot for any luxury hotel, shall be determined by the city.

- b. For the following uses, one parking space shall be required for every 250 square feet of building square footage: any permitted use which is categorized as health and beauty, an art gallery, an outdoor activity center, or a retail store and shop.
 - c. For the following uses, one parking space shall be required for every 100 square feet of restaurant floor area: any permitted use which is categorized as food.
 - d. Each luxury hotel must have a minimum of one parking space dedicated to each hotel unit, and at least three parking spaces to accommodate staff parking. One additional parking space shall be required for every three hotel units to accommodate additional guests.
 - e. Any parking for electric bicycles must be approved by the zoning administrator. Proposed parking for electric bicycles must be shown on the site plan.
- B. Loading Areas. Loading areas must be provided at a ratio of one per every 15,000 square feet of building square footage, or as determined by the city. Each loading area must be 10 feet by 40 feet. One 10 foot by 20 foot loading area shall be required for each luxury hotel.
- C. Minimum Hotel Unit Size. The minimum hotel unit size is 270 square feet.
- D. Storage Areas. Up to 250 square feet of enclosed storage is allowed per hotel unit or for any retail store or shops. This storage is in addition to room closets, coat closets, water heater closets, etc. No outdoor storage is permitted.
- E. Trash Enclosures. One trash dumpster bin (with a four yard minimum) located in an enclosure shall be provided for each permitted use. Additional trash enclosures may be required as determined by the city.
- F. Specific Signage Requirements and Limitations. All signage must comply with chapter 11 of this title, to the extent that this article does not conflict with chapter 11. To the extent that any provisions of this article conflict with chapter 11, the provisions contained in this article shall govern. All proposed signage must be submitted to and approved by the city prior to installation. Only the following types of signs may be approved within the LR Zone: building signs, under-canopy signs, monument signs, and temporary signs. Further, all signage must comply with the following requirements, as applicable:
- 1. Design of Sign. The design of each sign, regardless of the type, must be harmonious with the theme, materials, colors, and elements of the building that it is intended to correspond with.
 - 2. Building Signs. Building signs are permitted so long as a ratio of 1.25 square feet of sign area for each linear foot of building space frontage is maintained. This ratio shall be calculated by taking into account only the side of the building which provides frontage.
 - 3. Under-Canopy Signs. Under-canopy signs may be used for hotel unit identification. An under-canopy sign may not exceed a size of eight square feet and must be consistent with the design theme of the building.
 - 4. Monument Signs. One monument sign is allowed for each building which provides any of the following permitted uses: a retail stores or shop, a luxury hotel, or a restaurant. Monument signs must be located adjacent to a public street and must be spaced at least 300 feet apart. All monument signs must comply with § 10-7-6.
 - 5. Temporary Signs. All temporary signs must be approved by the city prior to installation. Temporary signs must be consistent with the design standards of the approved signage plan.
- G. Lighting. All lighting must conform to and be provided, installed, maintained, and regulated in accordance with applicable provisions of the city code, including, but not limited to, Title 4, Chapter 7, et seq.

10-6G3-11: FENCING REQUIREMENT:

All fencing must conform to the design of the luxury resort development and must be approved by the city prior to installation.

10-6G3-12: 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.

10-6G3-13: 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.

10-6G3-14: LANDSCAPING REQUIREMENTS:

A landscaping plan must be submitted and approved by the city prior to issuance of a building permit for any structure in the LR Zone. All landscaping plans must comply with Title 8, Chapter 8.

SECTION II: 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.

SECTION III: 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 a 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 IV: EFFECTIVE DATE.

In the opinion of the City Council of La Verkin City, it is necessary for the preservation of the peace, welfare, health, and safety of the inhabitants of La Verkin 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.

ORDINANCE NO. 2024-03

PASSED AND ADOPTED by the City Council of La Verkin City this 21, February, 2024.

ATTEST:


CHRISTY BALLARD, City Recorder



KELLY WILSON, Mayor

The foregoing Ordinance was presented at a regular meeting of the La Verkin City Council held at the La Verkin City Office Building on the 21 day of February, 2024. Whereupon a motion to adopt and approve said Ordinance was made by Blair Gubler and seconded by Richard Hirschi. A roll call vote was then taken with the following results:

Patricia Wise	AYE	X	NAE	ABSTAIN	ABSENT
Micah Gubler	AYE		NAE	ABSTAIN	ABSENT X
Blair Gubler	AYE	X	NAE	ABSTAIN	ABSENT
Darren Prince	AYE		NAE	ABSTAIN	ABSENT X
Richard M. Hirshi	AYE	X	NAE	ABSTAIN	ABSENT

Christy Ballard
 CHRISTY BALLARD, City Recorder

