

AN ORDINANCE OF THE CITY COUNCIL OF LAVERKIN, UTAH, AMENDING THE LAVERKIN MUNICIPAL CODE BY ESTABLISHING A WORK/LIVE OVERLAY ZONE APPLICABLE TO PROPERTIES WITHIN THE RETAIL COMMERCIAL ZONE AND INCORPORATED INTO THE LAVERKIN MUNICIPAL CODE AS SECTION 10-6G1-9 ET. SEQ.

WHEREAS, the City of LaVerkin desires to provide opportunities within the City for individuals to work and live within the same unit, thereby encouraging economic development, reducing commuting, and promoting small business ownership; and

WHEREAS, the establishment of a Work/Live Overlay Zone within the existing Retail Commercial (Comm-R) zone will allow for such development under specific standards designed to ensure compatibility with surrounding uses and the general welfare of the community; and

WHEREAS, after notice and public hearing, the LaVerkin Planning Commission has recommended approval of a Work/Live Overlay Zone within the Retail Commercial (Comm-R) zone, subject to the terms and conditions contained herein; and

WHEREAS, the City Council, after due consideration, finds it necessary and desirable for the orderly growth and development of the City to adopt this ordinance;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of LaVerkin, Utah, that the establishment of a Work/Live Overlay Zone is hereby approved within the Retail Commercial (Comm-R) zone and incorporated into Section 10-6G1-9 et. seq. of the LaVerkin City Code as follows:

10-6G1-9-1: ESTABLISHMENT OF WORK/LIVE OVERLAY ZONE

The Work/Live Overlay Zone (WLO zone) is hereby established within the Retail Commercial Zone (Comm-R) subject to the requirements and provisions of this chapter.

10-6G1-9-2: PURPOSE

The Work/Live Overlay (hereafter “WLO”) Zone is a floating zone within the Retail Commercial (Comm-R) zone that is unmapped until applied to specific property in accordance with the provisions of this chapter. The purpose of the WLO is to provide for the establishment of mixed-use developments within designated Retail Commercial (RC) areas that allow individuals to both reside and conduct small-scale, non-intrusive business activities within the same unit. The WKO is designed to:

- A. Encourage entrepreneurial activity and small business ownership;
- B. Reduce commuting and vehicle trips

C. Create a pedestrian-friendly, mixed-use environment; and

D. Ensure that Work/Live Developments are compatible with adjacent residential and commercial uses.

10-6G1-9-3: APPLICABILITY

A. The WLO shall be available only for property within the Retail Commercial (Comm-R) zone.

B. The provisions of the WLO shall be supplementary to the provisions of the Retail Commercial (Comm-R) zone with which it is combined and shall not be applied to any land area as an independent zone. The Overlay shall not replace or alter the underlying zoning designation but shall provide an additional development option when approved in accordance with this Section.

C. Application of the WLO shall occur through an amendment to the official zoning map and adoption of a development agreement approved by the City Council following Planning Commission recommendation.

D. Any property to which the WLO applies shall comply with the standards and requirements of both the underlying Retail Commercial (Comm-R) Zone and the WLO. In case of conflict, the more restrictive provision shall govern.

10-6G1-9-4: DEFINITIONS

Work/Live Development: A mixed-use development comprising individual units that include both residential living space and workspace intended for commercial or professional use by the owner, manager, or employee of the business occupying the unit. The business component shall be limited to small-scale, low-impact uses compatible with adjacent properties.

Work/Live Unit: An individual building or portion of a building that combines both a commercial/work space and a residential living area within the same structure, typically with the business space on the ground floor and living space above.

10-6G1-9-5: LIMITATIONS

All Work/Live Developments established under the WLO shall comply with the following:

1. Minimum project area shall be three and one-half (3.5) acres;
2. The development shall be located within the Retail Commercial Zone;
3. The development shall be located outside a radius of two thousand feet (2,000') from the intersection of SR-9 and SR-17; and
4. The WLO shall be applied only upon City Council approval of a development agreement specifying the standards, uses, and obligations of the project.

10-6G1-9-6: PERMITTED AND PROHIBITED USES

A. Permitted Uses:

1. Residential occupancy within approved Work/Live Units; and
2. Business uses approved by the Administrative Land Use Authority (ALUA) in accordance with Section 10-6H-6.

B. Prohibited Business Uses:

- automobile repair (commercial);
- banks;
- building material outlets;
- car wash;
- vehicle/RV sales;
- convenience stores;
- daycare centers;
- department stores;
- entertainment venues;
- equipment sales;
- funeral services;
- gas stations;
- grocery/markets;
- gyms;
- heavy industrial/manufacturing;
- large-scale retailers;
- outdoor storage;
- recreation facilities;
- restaurants;
- retail stores (large scale);
- sheet metal shops;
- special event centers;
- studios/schools;
- vacation rentals;
- veterinary services; or
- any other use deemed by the ALUA to be incompatible with the purpose and intent of the WLO.

10-6G1-9-7: BUSINESS USE APPROVAL

A. Any proposed business use within a Work/Live Unit shall first be reviewed and approved by the development's property owners' association (POA).

B. Upon written approval by the POA, the applicant shall submit the proposed use to the Administrative Land Use Authority (ALUA) for review and approval.

C. The ALUA shall determine whether the proposed business use is consistent with the purpose of the WLO and shall consider potential impacts related to dust, heat, noise, glare, odor, vibration, or other business-related effects.

D. The ALUA may approve, conditionally approve, or deny the proposed use and may establish hours of operation or other conditions necessary to protect the character of the development and surrounding area.

10-6G1-9-8 HEIGHT REGULATIONS

No building or structure shall exceed two (2) stories or thirty-five (35) feet in height, measured from its highest point. Architectural facades or roofline features may extend up to forty-five (45) feet. The residential portion of each unit shall be located on the uppermost floor, and the business portion shall occupy the ground floor.

10-6G1-9-9: AREA, WIDTH, AND YARD REQUIREMENTS

<u>Standard</u>	<u>Requirement</u>
Maximum Lot Coverage	75% of total lot area
Maximum Density	10 units per acre
Front Setback (abutting SR-9 or SR-17)	35 feet
Front Setback (other city streets)	25 feet
Side Setback	10 feet landscaped; 20-foot buffer and 60-foot building setback when adjacent to residential zone
Rear Setback	10 feet landscaped; 20-foot buffer and 60-foot building setback when adjacent to residential zone

Landscape Notes:

1. Minimum fifteen (15) foot landscaped area between any building or parking area and the property line facing a street.
2. All landscaping shall comply with 8-8-1 et. seq. of the LaVerkin City Code. (Conservation Landscaping Requirements).

10-6G1-9-10: WORK/LIVE UNIT REQUIREMENTS

Unless otherwise approved by the ALUA after a finding of extraordinary circumstances, each Work/Live Unit shall meet the following requirements:

- A. All work/live units shall be under single ownership.

- B. No portion of a work/live unit shall be separately leased or sold.
- C. No portion of a work/live unit shall be rented or used as a short-term rental, nightly rental or other transient rental.
- D. The bottom floor of a work/live unit shall be used exclusively for business or commercial purposes.
- E. A minimum of 700 square feet located on the uppermost floor of a work/live unit shall be used for residential purposes.
- F. No work/live unit shall be occupied for residential purposes unless the bottom floor of the unit is simultaneously occupied by an operating business for which a valid business license has been issued.
- G. That portion of a work/live unit used for residential purposes shall be occupied only by a person directly connected to the day-to-day operation of the business as a manager, employee or owner.
- H. All work/live units shall meet fire/health/safety requirements adopted by the City of LaVerkin.
- I. A maximum of one (1) employee per 1000 square feet of floor area is permitted to work at a work/live unit.
- J. A two-foot (2') by three-foot (3') sign shall be allowed on the front of each unit indicating the name of the business and hours of operation. No other signage shall be allowed on the buildings
- K. A single freestanding sign on the exterior of the property is permitted to display the name of the development or business park. The sign may have a maximum size of sixty-four (64) square feet and a height of up to four (4) feet from ground level. It must be set back at least ten (10) feet from the back of the sidewalk, unless it is located at an intersection. For signs near intersections, a clear visibility area must be maintained. This area is defined by a triangular shape formed by the corners of the intersection and a point on the curb that is thirty (30) feet from the intersection or entranceway. All signage shall be approved by the (ALUA)

10-6G1-9-11: DEVELOPMENT REQUIREMENTS AND STANDARDS

All developments within the WLO shall meet the following requirements and standards:

- A. Usage: For all work/live units, a minimum of fifty percent (50%) of the total unit square footage shall be dedicated to commercial or business use. The entire bottom floor of any unit shall be used exclusively for commercial or business purposes. The upper floor(s) may be used

for both residential and commercial purposes, provided that the minimum residential square footage shall be 700 square feet located on the uppermost floor.

B. Block wall: A block wall shall be required along the perimeter of a property as prescribed in Section 10-7-7 of the La Verkin Municipal Code.

C. Vehicular access/parking: Work/Live developments shall have driveways, points of vehicular ingress and egress and parking. Live/work units shall have a minimum two-car garage. The two-car garage may be used for business purposes unless the owner/operator of the business is required by the ALUA to use the two garage spaces for employee parking. Two exterior parking spaces for customers/employees shall be provided in front of the two-car garage. The two exterior parking stalls shall be a total of 18 by 18 feet in size. One nine (9) foot by 18-foot guest parking space shall be provided for every three live/work units. All parking lots are required to have a minimum of twenty-five (25) feet of driving aisle between stalls

D. Buildings: All buildings shall front a street unless determined otherwise by the ALUA.

E. Open space: Two hundred (200) square feet of private patio open space shall be provided per live/work unit. One hundred (100) of the square feet of open space can be provided in a common area.

F. Storage areas: Two hundred and fifty (250) cubic feet of enclosed storage shall be provided per unit. This storage is in addition to room closets, coat closets, water heater closets, etc. No outdoor storage is permitted.

G. Loading areas: One dedicated and marked 10-foot by 20-foot loading space shall be required for every 15 dwelling units and live/work units. This loading space requirement is in addition to the resident/guest parking space requirement outlined in the parking requirement above.

H. Trash enclosures: Trash dumpster bins located in a decorative enclosure shall be provided for a development. Size and quantity of trash bins shall be determined by the ALUA.

I. Development Agreement: Approval of any work/live development shall be conditioned upon the City and developer entering into a development agreement which shall be recorded at the office of the Washington County Recorder simultaneously with the recording of a plat or map of the development. Such development agreement shall incorporate by reference the rules and regulations of this chapter and shall:

(a) provide for establishment of a property owners association (POA) with authority to enforce all Work/Live requirements.

(b) require that one unit be designated as an on-site manager's unit at all times. The manager shall be authorized by the POA to monitor compliance and report violations to the City.

(c) grant to the POA the power to levy fines of up to One Hundred Dollars (\$100.00) per day per violation, collectible as an assessment lien against the violating owner's unit.

(d) require all purchasers and tenants of units to acknowledge and agree to the Work/Live restrictions as a condition of occupancy.

(e) provide for independent enforcement of the development agreement by the City through:

(i) allowing periodic inspection of units at reasonable times;

(ii) withholding of permits or approvals;

(iii) issuance of citations and seeking injunctive relief;

(iv) revoking certificates of occupancy for continued violations.

J. Streets: All streets in or adjacent to the Work/Live Zone shall meet the requirements of the city's construction and development standards including curb, gutter and sidewalk.

K. Curb, gutter, sidewalk and paving: All facilities/uses shall have curb, gutter and sidewalk and shall have asphalt paving from the curb and gutter out to any existing street asphalt subject to city approval.

L. Outdoor Storage: Outdoor storage is prohibited. In addition, balconies shall not be used for storage or for hanging laundry or other materials.

M. Balconies: Balconies shall be enclosed with a solid material (wall) to a height prescribed by the International Building Code if such balconies are facing exterior property lines of the overall development as well as the first ten (10) feet turning back into the interior. Wrought iron or open fencing is permitted on balconies if the balconies face the interior of the project. Balconies separating the units must be enclosed with a solid material wall up to the roof's edge.

N. Easements: All lots shall have easements on side and rear property lines of a minimum of seven and one-half (7½) feet and on a street side property line of ten (10) feet minimum to be used for utilities and drainage (Ord. 2024-03, 2-21-2024).

10-6G1-9-12: APPLICATION REQUIREMENTS:

A. Any new development within the WLO shall submit to the city an application for approval which contains the following information:

1. Precise Plan: A precise plan shall be submitted to the city for review and approval. A dimensioned site plan(s) must show the entire development under consideration including building location(s), setbacks, lot coverage, access locations, parking lot design, required parking calculations, perimeter wall(s) locations and design, loading spaces, lighting location and type, preliminary landscape plan trash enclosures design and locations, storage locations (if any), utilities plan (including fire hydrant locations), equipment locations and screening, phasing (if any) and any other pertinent design features or aspect of the development. The site plan shall provide the location of all existing and proposed main buildings and accessory buildings as well as distance and contemplated uses.

2. Architectural drawings: Architectural drawings shall be included as part of the precise plan application. Plans shall consist of building elevation/façade renderings with exterior materials clearly depicted, proposed colors, identification of building massing and design and roof type and color and any other design feature. Material and color palettes shall be included as part of the submission.
3. Landscaping: A landscaping plan shall be submitted as part of the application process and shall follow the requirements of 8-8-1 et. seq. LaVerkin City Code (Conservation Landscaping Requirements)
4. Lighting: A lighting plan, including parking lot lights, security lights and illuminated signs, shall be designed and directed in a manner to prevent glare on adjacent properties and into the sky. In order to more fully implement this requirement, a photometric lighting plan may be required to show that there will be no significant overflow lighting. All lighting shall follow 4-7-1 et. seq. LaVerkin City Code (city's outdoor lighting/night sky ordinance).
5. Plat Map: Processing of a plat map shall be required to establish individual ownership.
6. Other studies: The City may require additional traffic, drainage, noise or geotechnical studies as the City deems necessary for analysis of the application.

B. The precise plan, architectural drawings, landscaping plan, lighting plan, plat map, and such other studies as deemed necessary by the City to analyze the impact of traffic, noise, drainage and geotechnical issues shall be submitted to the Planning Commission for review and recommendation.

C. Upon receipt from the Planning Commission of a recommendation, the City Council may approve, deny or modify any proposed WLO.

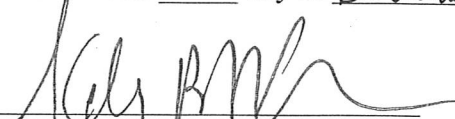
10-6G1-9-13: ENFORCEMENT AND ADMINISTRATION

A. The Property Owners Association and the City shall have concurrent authority to enforce compliance with this Overlay and the Development Agreement.

B. The City may enforce by inspection, citation, injunction, withholding of permits, or revocation of certificates of occupancy.

C. Violations shall constitute a zoning violation under Title 10 of the LaVerkin Municipal Code.

PASSED AND APPROVED by the LaVerkin City Council this 3rd day of December, 2025.



Kelly B. Wilson, Mayor

ATTEST:



Nancy Cline, City Recorder

