ORDINANCE NO. 2016-16

AN ORDINANCE OF IVINS CITY, UTAH, AMENDING THE ZONING ORDINANCE TO ADD A TOWNHOUSE ZONING DISTRICT UNDER HIGH DENSITY RESIDENTIAL LAND USE

WHEREAS the Ivins City Planning Commission held a Public Hearing on July 19, 2016, to consider adding a Townhouse Zoning District under High Density Residential Land Use; and

WHEREAS the Ivins City Planning Commission voted unanimously on July 19, 2016, to recommend approval of the proposed zoning amendment; and

WHEREAS the Ivins City Council held a Public Hearing on August 4, 2016, to consider the Planning Commission's recommendation to add a Townhouse Zoning District under High Density Residential Land Use; and

WHEREAS on August 4, 2016, the Ivins City Council considered public comment and the Planning Commission's recommendation for the proposed zoning text amendment and had a discussion on the recommendation prior to making a decision;

NOW, THEREFORE, BE IT ORDAINED by the Ivins City Council that the Title 16 of the Ivins City Code (Zoning Ordinance) be amended to add a Townhouse Zoning District under High Density Residential Land Use as set forth on the attachment (Exhibit "A"), which is incorporated herein by this reference.

Severability. If any section/portion of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Effective Date: This Ordinance shall become effective immediately upon passage and publication.

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THIS _____ DAY OF AUGUST, 2016 BY THE FOLLOWING VOTE:

	AYE	NAY	ABSTAIN	ABSENT
Dennis Mehr	_____	_____	_____	_____
Cheyne McDonald	_____	_____	_____	_____
Jenny Johnson	_____	_____	_____	_____
Steven Roberts	_____	_____	_____	_____
Ron Densley	_____	_____	_____	_____

_____
Chris Hart, Mayor

ATTEST:

_____
Kari Jimenez, City Recorder



Chapter 6
ESTABLISHMENT OF ZONING DISTRICTS

16.06.101: ZONING BY DISTRICTS:
16.06.102: ZONING DISTRICTS PURPOSE:

16.06.101: ZONING BY DISTRICTS:

In accordance with the provisions of the act that allows the council to divide the area of the city into zoning districts, as shown on the Ivins City zoning districts map, the zoning districts regulate and restrict the erection, construction, reconstruction, alteration, repair and use of buildings and structures and the use of land. The zoning districts map is incorporated herein by reference and identifies the number, shape, location, and area of each zoning district provided. All uses, activities, buildings and structures, and all required approvals, permits, and licenses shall comply with the provisions, standards, and requirements of the applicable zoning district. As provided by the act, neither the size of a zoning district nor the number of landowners within the zoning district may be used as evidence of the illegality of a zoning district or the invalidity of any decision of a land use authority.

To achieve the purposes of this title, the following zoning districts are provided:

(1) Agricultural District:

(a) Agriculture (A-20).

(2) Residential Agriculture Districts:

(a) Residential agriculture (RA-5);

(b) Residential agriculture (RA-1).

(3) Residential Estates Districts:

(a) Residential estates (RE-75.0);

(b) Residential estates (RE-43.0);

(c) Residential estates (RE-37.0);

(d) Residential estates (RE-25.0);

(e) Residential estates (RE-20.0);

(f) Residential estates (RE-17.5);

(g) Residential estates (RE-15.0);

(h) Residential estates (RE-12.5).

(4) Single-Family Residential Districts:

(a) Single-family (R-1-10);

(b) Single-family (R-1-7.5);

(c) Single-family (R-1-5).

(5) Multiple Residential Districts:

(a) Multiple residential (R-M);

(b) Multiple residential / Townhouse (R-M/Townhouse)

(c) Two-family (R-2-6).

(6) Mobile Home District:

(a) Mobile home (M-H). (Ord. 2009-09, 2009)

(7) Commercial Districts:

(a) Neighborhood commercial (CN);

(b) Community commercial (C-1);

(c) Resort commercial (RC);

(d) Resort mixed use (RMU);

(e) Commercial professional and research (CPR);

(f) Commercial with light manufacturing (CLM). (Ord. 2014-05, 2014)

(8) Industrial District:

(a) Industrial (I). (Ord. 2009-09, 2009)

(9) Special Purpose Districts:

(a) Open space and habitat preservation (OS);

(b) Drinking water source protection overlay (SP);

(c) Sensitive lands overlay (SL);

(d) Planned development overlay (PD);

(e) Subdivision enhancement overlay (SE);

(f) Mixed use development overlay (MU);

(g) Subdivision lot averaging overlay (SLA). (Ord. 2014-05, 2014)

16.06.102: ZONING DISTRICTS PURPOSE:

The zoning districts of the city are provided to achieve the purposes of the general plan, the purposes of all land use ordinances, including this title, and the purposes of the act.

(1) Agricultural District: The agriculture district (A-20) is provided to preserve areas for agricultural use. Additionally, this district is provided to allow low density residential uses compatible with and recognizing the environmental values and qualities of the property. The agriculture (A-20) district recognizes and allows existing agricultural and farming activities to continue, consistent with the provisions and requirements of the agriculture (A-20) district.

(2) Residential Agriculture Districts: The residential agriculture districts (RA-5 and RA-1) are provided to allow low density residential uses with the opportunity for the keeping of domestic livestock and the operation and maintenance of small farms and hobby farms. The primary land uses allowed are small farms, single-family dwellings, and associated and compatible incidental or accessory uses.

(3) Residential Estates Districts: The residential estates districts (RE-75.0, RE-43.0, RE-37.0, RE-25.0, RE-20.0, RE-17.5, RE-15.0, and RE-12.5) are provided for low density and medium density residential estates neighborhoods with a quality of openness. These districts are intended to promote, preserve, and protect single-family residential development. The principal land use allowed is single-family dwellings and incidental and accessory uses provided in recognition and sensitivity to the physical environment of the district.

(4) Single-Family Residential Districts: The single-family residential districts (R-1-10, R-1-7.5, R-1-5) are provided to maintain and protect medium density and high density single-family residential areas for single-family residential dwellings.

(5) Multiple Residential Districts: The multiple residential districts (R-M, R-M/TownHouse, R-2-6) are provided to allow high density and multiple-family residential uses. These districts allow the development of townhouses, apartments and other high density residential dwellings with provisions of adequate light, air, open space, and landscaped areas. The principal land use is multiple-family residential uses and incidental or accessory uses.

(6) Mobile Home District: The mobile home district (M-H) is provided to recognize the existing areas of the city already developed as mobile home subdivisions and mobile home uses. This district is specifically provided to avoid nonconforming existing mobile home uses. This district will only be applied to existing mobile home areas and will not be provided to allow the establishment of any new mobile home areas. (Ord. 2009-09, 2009)

(7) Commercial Districts: The neighborhood commercial (CN), community commercial (C-1), resort commercial (RC), resort mixed use (RMU), and commercial professional and research (CPR) districts are provided to allow a variety of commercial uses and intensity of uses, with differing development standards that provide a diversity of commercial uses to meet the needs of city residents and visitors. It is a general plan goal of Ivins City to become a destination and resort community, sensitive to the high quality of the surrounding desert environment, landscape, and views. The commercial districts provided are designed to provide locations for commercial uses with the establishment of uses sensitive to the goals of the city. All commercial uses are required to enhance and add to the character of the city by providing site and building features sufficient to achieve the goals of the general plan and this title.

(8) Commercial With Light Manufacturing District: The commercial with light manufacturing district (CLM) is provided to recognize and provide areas of the city used for light industrial uses. All uses provided shall be clean, light manufacturing or industrial activities that do not create any nuisances to adjoining properties, complement the character of the city, and promote the goals of a destination resort community. The commercial with light manufacturing district will only be established to provide clean industrial and manufacturing uses, sufficient to meet the needs of residents of the city.

(9) Special Purpose Districts: The special purpose districts of open space and habitat preservation (OS), drinking water source protection overlay (SP), sensitive lands overlay (SL), planned development overlay (PD), subdivision enhancement overlay (SE), mixed use development overlay (MU), and subdivision lot averaging overlay (SLA), are provided as stand alone or

overlay zoning districts to meet specific needs and goals of the city as follows: (Ord. 2014-05, 2014)

(a) Open Space And Habitat Preservation (OS): This district is provided to preserve and protect areas of significant natural resources and open spaces, such as areas of native vegetation, rock outcrops, and views. Additionally, areas identified by federal or state wildlife agencies required to protect and preserve the habitats of endangered or threatened wildlife species, and to recognize the economic value and benefits of open space and undisturbed and undeveloped areas will be included in this district.

(b) Drinking Water Source Protection Overlay District (SP): The purpose of the drinking water source protection district is to ensure the continued supply and safety of the culinary water supply of Ivins City. The drinking water source protection overlay district shall be applied to areas surrounding the Ivins City 400 East well, an invaluable source of culinary water for the city.

(c) Sensitive Lands Overlay District (SL): The purpose of the sensitive lands overlay district is to provide development opportunities on lands that possess naturally occurring physical or environmental constraints, while recognizing the environmental limitations and development sensitivity of these areas. Lands which are included in the sensitive lands overlay district include lands subject to flooding and wetlands, areas that possess a natural slope of eight percent (8%) or greater, habitat areas of threatened or endangered species, and areas of lava flow(s) and rock outcroppings.

(d) Planned Development Overlay (PD): The planned development district is provided as an overlay zoning district to allow residential development opportunities with a greater degree of flexibility than may be allowed by the underlying A-20, RA-5, RA-1, RE-75.0, RE-43.0, RE-37.0, or RE-25.0 district. The PD district requires creativity and uniqueness in the proposed development with recognition of the environmental and community values existing on the development site. The PD district also promotes the efficient use of all land resources and requires the provision of development and community amenities, with the preservation of the natural and scenic qualities of the development site.

(e) Subdivision Enhancement Overlay (SE): The subdivision enhancement overlay district is provided as an overlay zoning district to encourage and reward subdivisions located in the RE-20.0, RE-17.5, RE-15.0, RE-12.5, R-1-10, and R-1-7.5 zoning districts for the provision of subdivision and community features not typically required by the subdivision requirements of the city. These features may include street enhancement and improvement dedications, subdivision landscaping, buffering, and compatibility features, and amenities. The subdivision enhancement overlay district (SE) is provided by the city as an "overlay zone" to encourage the provision of desirable and attractive residential estates (RE-20.0, RE-17.5, RE-15.0, and RE-12.5) and single-family residential (R-1-10 and R-1-7.5) subdivision areas.

(f) Mixed Use Development Overlay District (MU): The purpose of the mixed use district is to provide opportunities to create land use patterns and layouts that provide for a complementary and compatible mix of uses and a diversity of dwelling unit types. The mixed use overlay district allows a combination of compatible residential and nonresidential uses, with necessary supporting uses, consistent with a convenient and pedestrian friendly development layout and a destination resort community. It is the purpose of the MU district to allow flexibility and creativity in the combination and arrangement of uses while promoting efficiencies in the delivery of required infrastructure and services. (Ord. 2009-09, 2009)

(g) Subdivision Lot Averaging Overlay District (SLA): The subdivision lot averaging overlay district (SLA) is provided by the city as an "overlay district" to provide the option for residential subdivision layout based upon average lot size rather than the strict minimum lot size requirements of the underlying district. The subdivision lot averaging overlay district (SLA) does not establish any allowed uses or density for the subject property. Rather, the identification of the allowed uses and allowed density (or base density) is provided by the underlying zoning. (Ord. 2014-05, 2014)

16.33.101: TABLE 33-1, TABLE OF USES, RESIDENTIAL ZONING DISTRICTS:

Class I Uses (identified by "I") are determined to be temporary uses, subject to the requirements of Chapter 14, herein.
Class II Uses (identified by "II") are determined to be permitted uses, subject to the requirements of Chapter 15, herein.
Class III Uses (identified by "III") are determined to be permitted uses, subject to the requirements of Chapter 15, herein.
Class IV Uses (identified by "IV") are determined to be conditional uses, subject to the requirements of Chapter 16, herein.
Class V Uses (identified by "V") are determined to be conditional uses, subject to the requirements of Chapter 16, herein.
A Use, identified by "X" is determined to be a prohibited use in the zoning district.
A Use not identified in the Table of Uses is determined to be a prohibited use within Ivins City.

USE	A-20	RA-5	RA-1	RE-75.0	RE-43.0	RE-37.0	RE-25.0	RE-20.0	RE-17.5	RE-15.0	RE-12.5	R-1-10	R-1-7.5	R-1-5	R-2-6	MH	RM	RM/ Town House
TOWNHOUSE: A single family dwelling unit constructed in a group of three or more attached units in which each unit extends from the foundation to roof and with a yard or public way on at least two sides.	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	IV	IV