ORDINANCE NO. 2016-28

AN ORDINANCE OF IVINS CITY, UTAH, APPROVING A ZONING DISTRICTS MAP AMENDMENT FROM RA-1 TO RV RESORT FOR THE PROPERTY LOCATED ON THE SOUTH SIDE OF HIGHWAY 91 AT APPROXIMATELY 100 WEST

WHEREAS, the Ivins City Planning Commission held a Public Hearing on November 15, 2016, regarding the applicant's proposal to amend the zoning districts map for property located on the south side of Highway 91 at approximately 100 West (Main to 200 West, the "Property") from RA-1 to RV Resort; and

WHEREAS, the Ivins City Planning Commission voted unanimously on November 15, 2016, to deny the proposed zoning districts map amendment on the basis that the Planning Commission has always been against an RV Resort on the Property, and did not believe the timing was right to recommend amending the zoning district to RV Resort until the district court review of the City Council's land use decision had been finalized; and

WHEREAS, the Ivins City Council held a Public Hearing on December 1, 2016, to consider the Planning Commission's recommendation to deny the proposed zoning districts map amendment for the Property; and

WHEREAS, on December 1, 2016, the Ivins City Council considered public comment and the Planning Commission's recommendation, had a discussion regarding same prior to making a decision and concluded that it was not legally prohibited from considering applicant's application for a zoning districts map amendment for the Property and actually had an obligation to timely process and act on this application; and

WHEREAS, during their open discussions and deliberations in both of their December meetings, the Ivins City Council considered each of the factors listed in Section 16.05.111 of the Ivins City Code relevant to approval of zoning districts map amendments; and

WHEREAS, on December 15, 2016, the Ivins City Council continued their discussion and consideration regarding this zoning districts map amendment request and also considered the outcome of the discussions between the applicant and the adjoining property owners to the west to see if they could agree on a transition use between the two properties that would be satisfactory to both; and

WHEREAS, the Ivins City Council found that the Recreational Resort (RV) Resort Zoning District Ordinance that it had passed, a copy of which is attached hereto as Exhibit "B" for reference, would impose requirements for the construction of an RV Resort that would satisfy much of the public's concern expressed during the public hearing – for example, the view of the RV Resort would be mitigated by the requirements for setbacks and landscaping around the perimeter of the resort as well as within the resort, and the concerns about the slow moving speeds of some of the larger RV's would be mitigated by the requirements for turning lanes, acceleration lanes and deceleration lanes to be constructed on Highway 91; and

WHEREAS, the Ivins City Council found that large RV's already travel on Highway 91 and, although there have been some tragic accidents that have occurred on Highway 91, none have involved RV's; and

WHEREAS, with regard to consideration of the proposed use with nearby and adjoining properties in particular, the Ivins City Council found that the objections of the owners of the two homes located on over 14.5 acres of property directly to the west (with approximately 180 feet between the closest home and the common boundary with the Property), the Property would nevertheless be a good location for an

RV Resort since the Property has immediate access to Highway 91, abuts BLM property to the south and to the east has a steep drop off that will likely not result in an incompatible use, as well as an existing unsightly electric substation; and

WHEREAS, the Ivins City Council requested the applicant and the property owners immediately to the west of the Property to meet once again and to pursue negotiation of a possible transition zone useable to the applicant that would still mitigate the adverse impact to the two homes immediately to the west; and

WHEREAS, those parties did meet and agree to a transition zone whereby a designated area extending 180 feet into the applicant's property and then extending northward, as depicted on Exhibit "A" attached hereto and by this reference incorporated herein, would remain at its current zoning of Residential Agricultural – 1 acre lots minimum (RA-1) with the zoning on the remainder of the applicant's Property changed to Recreational Vehicle Resort (RV Resort); and

WHEREAS, in the exercise of its legislative authority and discretion the Ivins City Council found that it would be in the interest of the general welfare of the city and its residents to approve the proposed zoning districts map amendment as depicted on Exhibit "A" particularly since the Ivins City Council previously found that there is a need for this type of recreational use within the City for visitors who prefer to travel and/or stay in recreational vehicles, small cabins or tents rather than more traditional types of hotel lodging; and

WHEREAS, with the majority of the lodging sites allowed within an RV Resort (according to the regulating Ordinance previously adopted by the Ivins City Council) only allow stays of 29 days or less, there is the potential for the city to collect transient room taxes from this proposed use of the Property;

NOW, THEREFORE, BE IT ORDAINED by the Ivins City Council that applicant's application for a zoning districts map amendment to change the zoning on the Property from RA-1 to RV Resort is hereby approved as depicted on Exhibit "A" attached hereto and by this reference incorporated into this decision as agreed to by applicant and the adjoining property owners immediately to the west of applicant's Property.

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 DECEMBER, 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