# ORDINANCE NO. 2017-06

## AN ORDINANCE OF IVINS CITY, UTAH, AMENDING VARIOUS SECTION OF TITLE 16 THE IVINS CITY CODE REGARDING ZONING

**WHEREAS** Title 16 of the Ivins City Code entitled "Zoning Regulations" needs to be updated to more closely conform to the requirements of the Municipal Land Use, Development and Management Act (the "Act") and to make certain deletions and additions thereto;

**NOW, THEREFORE, BE IT ORDAINED** by the Ivins City Council that Title 16 of the Ivins City Code be amended as follows:

Section 1. Sections 16.06.101(2) and 16.06.101(4) are hereby amended to delete zoning district RE-75 and to replace zoning district R-2-6 (Duplex, 6,000 sq. ft. minimum lot size) with R-2-10 (Twinhome, 10,000 sq. ft. minimum lot size) and shall now read as follows:

**16.06.101: ZONING BY DISTRICTS.** 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:

* * *

(2) Residential Estates Districts:

~~(a) Residential estates (RE-43.0);~~

(a) Residential estates (RE-43.0);

(b) Residential estates (RE-37.0);

(c) Residential estates (RE-25.0);

(d) Residential estates (RE-20.0);

(e) Residential estates (RE-17.5);

(f) Residential estates (RE-15.0);

(g) Residential estates (RE-12.5).

* * *

(4) Multiple Residential Districts:

(a) Twin Home (R-2-10);

b) Townhouse;

(c) Multiple residential (R-M).

(Ord. 2017-06, 2017)

Section 2. Section 16.06.102(2) and 16.06.102(4) shall also be amended to reflect the foregoing amendments and shall now read as follows:

**Section 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.

* * *

(2) 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) Multiple Residential Districts: The multiple residential districts (R-M, Townhouse and R-2-10) are provided to allow higher density and multiple-family residential uses. These districts allow the development of twin homes, 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.

* * *

(2017-06, 2017)

Section 3. Section 16.07.404 shall be amended to strike the zoning district RE-75.0 and shall now read as follows:

**16.07.404 Zoning Districts Allowed.** A planned development overlay district (PD) shall only be applied to property located within a residential agricultural RA-5 or RA-1 district, or a residential estates ~~RE-75.0~~ RE-43.0, RE-37.0, or RE-25.0 district. (Ord. 2017-06, 2017)

Section 4. Table 8-1 shall be amended to strike reference to the RE-75.0 zoning district under column A.

Section 5. Sections 16.11.126 (1) shall be amended to strike reference to the RE-75.0 zoning district and to amended zoning district R-2-6 to R-2-10; section 16.11.126 (2) shall be stricken in its entirety since it is primarily a duplicate of subparagh (1) but states a conflicting maximum height. The remaining subparagaphs shall be renumbered in sequence as (2) through (5). Subparagraph (1) shall now read as follows:

**16.11.126 Maximum Height of All Primary Buildings.**

(1) No primary building located on a lot or parcel in any RA-5, RA-1, ~~RE-75.0~~ RE-43.0, RE-37.0, RE-25.0, RE-20, RE-17.5, RE-15.0, RE-12.5, R-1-10, R-1-7.5, R-1-5, R-2-10, Townhouse, or R-m district, such lot or parcel being and created after the effective date hereof, shall be

constructed to a height greater than twenty-five feet (25'), including the height of all roof mounted mechanical and ancillary equipment, and including, but not limited to, towers, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain a building, and fire or parapet walls.

* * *

(Ord. 2017-06, 2017)

Section 6. Tables 33-1, 33-3 and 33-4 shall strike the column for RE-75.0. Appearing at the end of each amended Table shall be the reference to this ordinance, namely: (Ord. 2017-06, 2017).

Section 7. Table 33-1 shall also be amended to include a new row that includes the definition of "Twinhome" and designates the zoning districts in which twinhomes would be allowed. See attached Exhibit "A" which is incorporated herein by this reference.

Section 8. Sections 16.01.104 and 16.01.107 shall be updated and amended to be more in conformance with the Act:

**16.01.101 Purpose.** The purpose of this title shall conform to the purposes state in the Act, as amended, namely: to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the city and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the state's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values. (Ord. 2017-06, 2017)

**16.01.107 Permits and Licenses to Conform.** All land use authorities, as identified herein, with the authority to issue approvals, permits or licenses required by this title, shall require that such approvals, permits or licenses conform to the provisions of this title and shall not issue any approvals, permits or licenses for uses, buildings or structures for any purpose in conflict with the provisions of this title. ~~Any approval, permit or license issued in violation of this title shall be void and invalid.~~ (Ord. 2017-06, 2017)

Section 9. Sections 16.04.102 and 16.05.108 are hereby amended to recognize that a combined application process for amending the Land Use Plan and Zoning Districts Map concurrently is also a Legislative Proceeding and that a combined application for such an amendment may be filed and processed by the city:

**16.04.102 Decision Making Standards.** The decision making standards set forth in this chapter are provided based on the distinction between legislative and administrative proceedings. Legislative proceedings establish new law while administrative proceedings implement a law already in existence.

(1) Legislative Proceedings. The city council is hereby identified to be the only land use authority of the city authorized to render a decision on any legislative matter and subject to a legislative proceeding. The following types of applications are hereby declared legislative matters and subject to legislative proceedings:

(a) General plan amendment applications.

(b) Land use ordinance amendment applications, including zoning ordinance and subdivision ordinance amendment applications.

(c) Zoning map amendment applications (rezones), including site-specific rezones.

(d) Official map amendment applications.

(e) Temporary land use regulations.

(f) Combined land use map and zoning map amendments.

* * *

(Ord. 2017-06, 2017)

**16.05.108 Amendments to Lan Use Ordinance, Zoning Districts Map and Official Maps:** A proposed amendment to any land use ordinance, land use plan, zoning districts map, or both, or any other official map may be initiated by any property owner, any resident, any business owner, the council, commission, sensitive lands committee, zoning administrator, or other city staff by filing the appropriate amendment application with the city zoning administrator. (Ord. 2017-06, 2017)

Section 10. Figures 5-1 through 5-3 are hereby amended as attached and Figure 5-4 is hereby added as attached to update the flow of current application procedures and to allow for a combined application process for amending the Land Use Plan and Zoning Districts Map concurrently. See attached Exhibit "B" which is incorporated herein by this reference.

Section 11. The following section shall be added to Chapter 18 of Title 16:

**16.18.111 Redevelopment of Multi-Family.**

(1) Density: Up to six (6) units of existing density may be replaced with the same or less density in townhouses.

(2) Parking. A minimum of two (2) parking spaces per unit is required; however, no covered parking is required.

(3) Setbacks. The setbacks applicable to the townhouse zoning district shall apply, *i.e.* ten feet (10').

(4) Open Space. The open space requirements of this chapter are not applicable. (Ord. 2017-06, 2017)

**Severability.** If any section, clause, or 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 _____, 2017 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