ORDINANCE NO. 2018-04

AN ORDINANCE OF IVINS CITY, UTAH, AMENDING THE ZONING ORDINANCE REGARDING RV Parking Restrictions & Carport Regulations

WHEREAS the Ivins City Planning Commission held a Public Hearing on November 14, 2017, regarding proposed amendments to the Zoning Ordinance (Title 16) regarding RV parking restrictions and carports; and

WHEREAS the Ivins City Planning Commission voted on January 16, 2018, to recommend approval of the proposed amendments to the Subdivision Ordinance; and

WHEREAS the Ivins City Council held a Public Hearing February 15, 2018, regarding the Planning Commission's recommendation to amend the Subdivision Ordinance; and

WHEREAS on February 15, 2018, the Ivins City Council voted to approve the Planning Commission's recommendation to amend the Subdivision;

NOW, THEREFORE, BE IT ORDAINED by the Ivins City Council that the Subdivision Ordinance be amended as follows:

SECTION 1. Section 16.12.111(1) of the City Code regarding RV parking restrictions in residential zones shall be amended to now read as follows:

16.12.111 PARKING RESTRICTIONS IN RESIDENTIAL ZONES:

(1) Private Recreational Vehicles (RVs) In Residential Zones: Generally, RVs may be parked or stored on any legal lot in a residential zone subject to the restrictions set forth herein. As used herein, "private recreational vehicle" (RV) includes motor homes, travel trailers, boats, camping trailers, truck campers, enclosed cargo trailers with no business name or logo visible, flatbed trailers, ATVs/motorcycles with associated trailers and other recreational vehicles and equipment.

(a) Occupiable RVs: As used herein, "occupiable RV" includes RVs equipped with habitable areas such as sleeping area, kitchens, bathrooms, but does not include tent trailers, small van conversions, and campers that are not subject to the restrictions set forth herein.

(b) Nonoccupiable RVs: As used herein "nonoccupiable RV" includes any RV not defined as occupiable.

(i) A maximum of ~~two (2)~~ one (1) occupiable RV~~s~~ and two (2) nonoccupiable RVs shall be allowed to be parked or stored on any legal residential lot with an occupied home without a solid screen fence .

(ii) ~~The two (2) occupiable RVs~~ If the number of RVs exceeds the number allowed in subparaph (i) above, they shall be parked in the side or rear yard areas and screened from view by a solid ~~six foot (6')~~ five foot (5') fence or behind the primary residence.

(iii) ~~Occupiable~~ RVs parked in the side yard may be parked in the required side setback area.

(iv) Occupiable RVs parked in the rear yard shall not be parked in the required rear setback area.

(v) ~~Occupiable~~ RVs shall not be parked or stored on any vacant lot prior to the beginning of construction of the primary residence.

(vi) ~~Occupiable~~ All RVs shall be kept in reasonable repair and operable condition.

~~(i) Nonoccupiable RVs shall be parked in the side or rear yard areas and screened by a solid six foot (6') fence.~~

~~(ii) A maximum of four (4) nonoccupiable RVs exceeding six feet (6') in height shall be allowed in side and rear yards.~~

~~(iii)~~ (vii) There is no limit to the number of nonoccupiable RVs ~~less than six feet (6') in height~~ when screened from view by a solid ~~six foot (6')~~ five foot (5') fence or parked behind the primary residence.

~~(iv) Nonoccupiable RVs shall not be parked or stored on any vacant lot prior to the construction of the primary residence.~~

~~(v) Nonoccupiable RVs shall be kept in reasonable repair and operable condition.~~

(c) Exceptions:

(i) A maximum of one occupiable or one nonoccupiable RV shall be allowed to be parked in the front setback area when lot constraints prevent it from being parked in the side or rear yards. RVs stored in the front yard shall be parked on a hard surface (concrete, asphalt, or gravel) and shall provide clear views at driveways pursuant to section 16.11.117 of this title. RVs stored in front yard areas shall not be parked or stored on driveways (including circular) that front the primary residence except to load and unload.

(ii) An occupiable RV may be occupied temporarily by family members or guests of the owner for a period of not greater than thirty (30) days in any consecutive one hundred eighty (180) day period.

(iii) One (1) occupiable RV may be parked on a residential lot during the construction of the primary residence.

(iv) There shall be no limit to the number of RVs stored in an enclosed garage.

(v) An RV may be parked in the front yard for a maximum of seventy two (72) hours for loading and unloading purposes.

(vi) A motor home, or a travel trailer attached to a tow vehicle, may be temporarily parked up to ten (10) days on a public road fronting the lot by special permit. See subsection 9.08.103(7)(c) of this Code.

(vii) A maximum of one (1) RV is allowed to be parked in the front yard area when the front yard area extends behind the minimum required front setback line, provided the RV is parked behind the required front setback line. (Ord. No. 2018-04, 2018)

~~(viii) A maximum of two (2) RVs are allowed to be parked in the side or rear yard without a six foot (6') solid fence.~~

SECTION 2. Sections 16.13.103 and 16.13.104 of the City Code regarding accessory buildings, including carports, and accessory uses in residential zones shall be amended to now read as follows:

16.12.103: ACCESSORY BUILDINGS AND ACCESSORY USES; GENERAL REQUIREMENTS:

(1) Accessory buildings and accessory uses may be authorized in association with a primary building or primary use.

(2) Accessory buildings and accessory uses shall only be authorized concurrently with, or following, the establishment of the primary building or primary use.

(3) An accessory garage may be attached to, or detached from, the primary building.

(a) An accessory garage that is attached to a primary building shall meet all requirements for the location of the primary building.
(i) All garages and other accessory buildings located within ten feet (10') of the primary building shall be considered attached and part of the primary building and the setback requirements applicable to the primary building shall apply.
(ii) See also section 16.12.104 of this chapter.

(b) An accessory garage that is detached from a primary building shall meet all requirements for the location of a detached accessory building, as provided herein.

(c) All garages and other accessory buildings located ten feet (10') or more away from the primary building shall have the ~~following~~ setbacks from the rear and side property lines and maximum wall height limitations in accordance with Table 16-1:

Table 16-1

Setback	Maximum Wall Height	Maximum Building Height
3'	8'	12'
5'	10'	15'
10'	16'	20'

Note: Accessory buildings located closer than five feet (5') to the property line shall be one hour fire resistant construction or shall be less than two hundred (200) square feet as required by the international residential code.

~~(i) All garages and other accessory buildings located ten feet (10') or more away from the primary building may be located no less than three feet (3') from the side or rear property line, and no portion of any garage or accessory building, including any roof overhangs, shall be allowed within one foot (1') of any property line.~~

(ii) No stormwater runoff from any accessory building shall be allowed to run onto adjacent property.

~~(iii) See also section 16.12.104 of this chapter.~~

(4) Accessory buildings, located on corner lots, shall meet the required corner side yard setback, applicable in the zoning district in which the accessory building is located.

(5) Accessory buildings, except for agricultural use accessory buildings, shall be constructed of similar materials and colors and be an architectural style designed to blend with the primary building.

(6) Agricultural use accessory buildings, including barns and stables, shall be constructed of materials and colors designed to blend with the primary building.

(7) Accessory buildings shall comply with the requirements of the most recently adopted building code, as applicable.

(8) No mobile home, travel trailer, boat or similar recreational vehicle shall be used as an accessory building.

(9) No shipping container, cargo container, shipping crate, box, trailer or similar movable piece of equipment or object shall be used as an accessory building.

(10) No utility connections or meters, separate from the primary building, shall be allowed for accessory buildings.

(11) No accessory buildings shall be rented, leased or sold separately from the rental, lease or sale of the primary building.

(12) No accessory building shall be used as a permanent dwelling unit.

~~(13) No accessory building shall be located closer than three feet (3') to any side or rear property line, and no portion of any garage or accessory building, including any roof overhangs, shall be allowed within one foot (1') of any property line.~~

~~(14) No stormwater runoff from any accessory building shall be allowed to run onto adjacent property.~~

~~(15)~~ (13) Accessory buildings used for the housing of domestic livestock or fowl shall comply with the requirements of section 16.12.113 of this chapter, and specifically subsection 16.12.113(8) of this chapter.

(16) All accessory buildings associated with a commercial kennel shall comply with the requirements of section 16.12.115 of this chapter. (Ord. 2005-13, 2005)

(17) Accessory ~~metal~~ carports are allowed in those areas identified in figure 12-2 of this section provided they comply with the following:

Definition: A carport is a shelter structure open on at least three sides used generally for covering an automobile or recreational vehicle. It may be attached to the house or freestanding. Freestanding carports shall be open on four sides. The floor surface can be concrete, gravel or asphalt. There can be no enclosed use above a carport. Any structure which does not comply with the above definition must comply with all regulations relating to a garage.

(a) Maximum size: Twelve feet ~~by twenty two feet (12' x 22')~~ in width by 50 feet in length or calculated by the following formulas:

(i) The total square footage of any attached carport shall not be greater than fifty percent (50%) of the square footage of the footprint of the primary structure excluding the attached garage on lots less than one-half ($^1/_2$) acre, sixty percent (60%) on lots one-half ($^1/_2$) but less than one acre and seventy percent (70%) on lots one acre or larger.

(ii) The total square footage of any detached carport shall not be greater than fifty percent (50%) of the square footage of the footprint of the primary structure including the attached

garage on lots less than one-half ($^1/_2$) acre, sixty percent (60%) on lots one-half ($^1/_2$) acre to less than one acre, and seventy percent (70%) on lots one acre or larger.

(b) Maximum entry height: ~~Ten feet (10').~~ Thirteen feet, six inches (13' 6")

(c) ~~Constructed of 26-gauge steel or aluminum with a baked on finish to be compatible with the metal material compatible with the exterior of the primary structure.~~ Carports may be constructed of materials to match the architectural style of the existing residence or shall be an engineered metal building. Poles supporting a metal carport shall be of a color compatible with the exterior of the primary structure.

(d) Comply with the ~~setback requirements of subsection (3) of this section.~~minimum setback requirements ~~of subsection (3) of this section~~ for the zoning district in which it is located.

(e) ~~No carport shall be located in any required front yard.~~ The front of the carport shall be located at least three feet back from the front of the structure on the side that it is located on.

~~(e)~~ (f) Engineered to resist ~~a~~ wind and seismic loads ~~of ninety (90) miles per hour.~~ in conformance with the most recently adopted edition of the building and/or residential code.

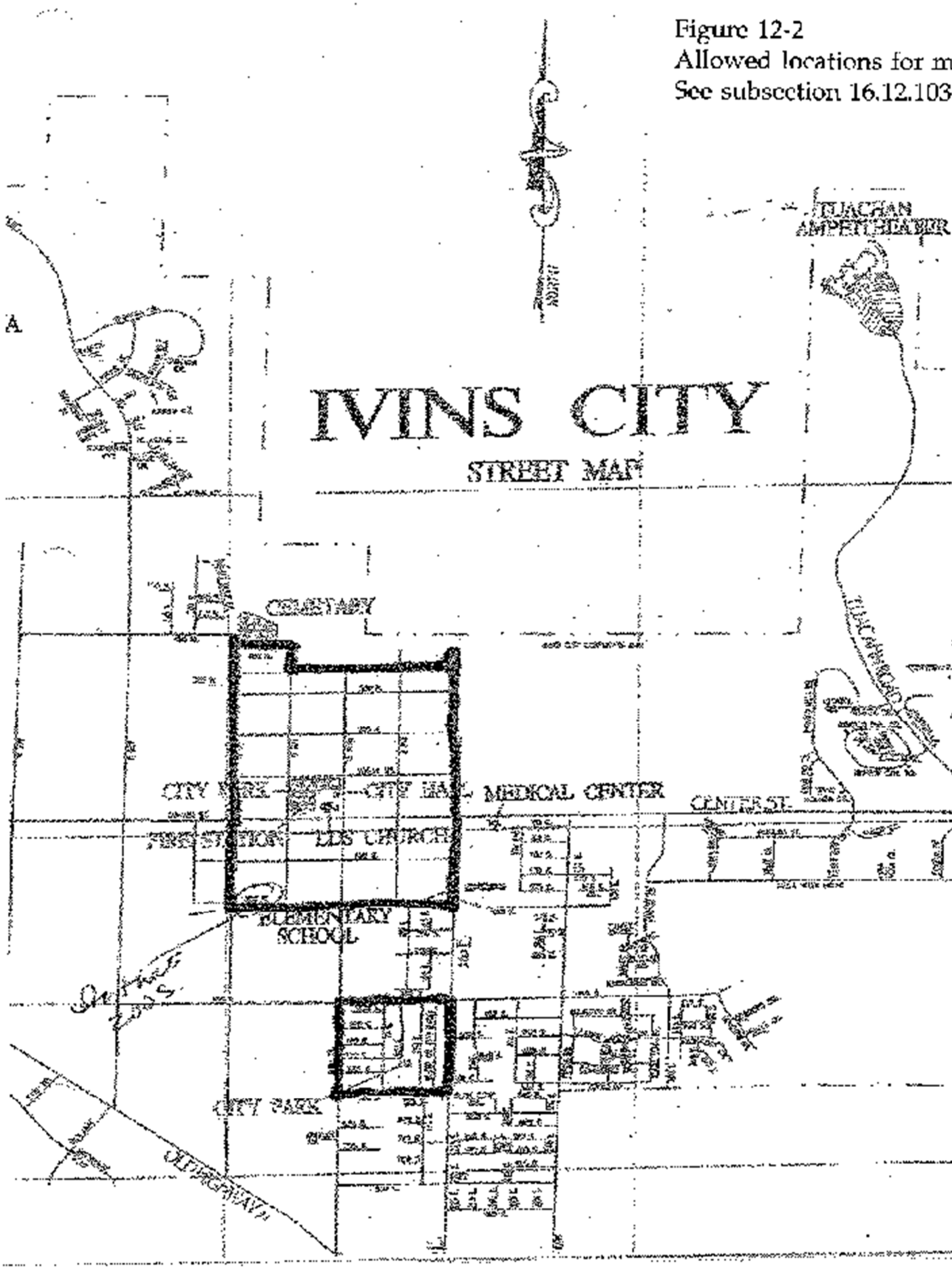
(f) (g) No more than one ~~metal~~ carport shall be permitted for each dwelling unit.

~~(i)~~ (h) Carports constructed of corrugated metal, fiberglass panels, and fabric materials are expressly prohibited.

(i) Carports may be up to the height of the primary residence or up to 15 feet tall, whichever is lower. The carport may have a flat roof.

~~(h) Carports shall be permanently open on three (3) sides from the grade surface to the eaves line.~~

Figure 12-2
Allowed locations for m
See subsection 16.12.103



16.12.104: LIMITATIONS ON HEIGHT, SIZE AND LOCATION OF GARAGES AND OTHER ACCESSORY BUILDINGS IN RESIDENTIAL ZONES: In an effort to avoid the appearance of commercial style buildings in residential zones, and to protect the character and stability of residential neighborhoods, the following requirements for garages and other accessory buildings located in residential zones are provided:

(1) Maximum Garage Height:

(a) No detached garage shall be higher than twenty feet (20'), measured from finish grade to the highest point of its roof, or higher than the highest point of the roof of the primary building, whichever is less. Exception: Detached garages located a minimum of forty feet (40') from the primary building may be twenty feet (20') maximum height regardless of the height of the primary building.

(b) No attached garage shall be higher than the primary building.

(2) Number Of Garages: A maximum of one attached and one detached garage may be allowed on each lot in association with a primary residential dwelling unit. All other structures shall be considered accessory buildings.

(3) Maximum Accessory Building Height: No accessory building, including agricultural use accessory buildings, shall be higher than fifteen feet (15'), measured from average finish grade, unless a higher finished grade is required by the city for proper drainage in which case it will be measured from the finished grade. (Ord. 2011-15, 2011)

(4) Size, Location, And Construction Of Attached And Detached Garages And Other Accessory Buildings In Residential Zones:

(a) The total square footage of any attached garage shall not be greater than fifty percent (50%) of the square footage of the footprint of the primary structure excluding the attached garage on lots less than one-half (0.5) acre, sixty percent (60%) on lots one-half (0.5) but less than one acre and seventy percent (70%) on lots one acre or larger. (Ord. 2012-02, 2012)

(b) The total square footage of any detached garage or other accessory building including agricultural use accessory buildings shall not be greater than fifty percent (50%) of the footprint of the primary structure including the attached garage on lots less than one-half ($^1/_2$) acre, sixty percent (60%) on lots one-half ($^1/_2$) acre to less than one acre, and seventy percent (70%) on lots one acre or larger. Note: Habitable space located in the attic areas of detached garages shall be included in the total square footage.

(c) Agricultural use accessory buildings constructed prior to the primary building as allowed in the agriculture (A) zone and residential agriculture (RA) zone shall be a maximum of two thousand five hundred (2,500) total square footage and shall be constructed of materials and colors that blend with the natural environment.

(d) Agricultural use accessory buildings larger than two thousand five hundred (2,500) square feet shall require a class III conditional use permit.

(e) The cumulative total square footage of all attached garages, detached garages and all other accessory buildings, including agricultural use accessory buildings, shall not be greater than twenty five percent ~~(25%) of the rear yard. For the purposes of this section the "rear yard" is defined as the area located~~ behind the rear wall line of the primary structure.

(f) All garages and other accessory buildings located within ten feet (10') of the primary building shall be considered attached and part of the primary building and the setback requirements applicable to the primary building shall apply.

~~(g) All garages and other accessory buildings located ten feet (10') or more away from the primary building shall have the following setbacks from the rear and side property lines and maximum wall height limitations:~~

~~Setback~~	~~Maximum Wall Height~~	~~Maximum Building Height~~
~~3'~~	~~8'~~	~~12'~~
~~5'~~	~~10'~~	~~15'~~
~~10'~~	~~16'~~	~~20'~~

~~Note: Accessory buildings located closer than five feet (5') to the property line shall be one hour fire resistant construction or shall be less than two hundred (200) square feet as required by the international residential code.~~

~~(h)~~ (g) No detached garage or other accessory buildings shall be located in any required front yard. (Ord. 2011-15, 2011)

SECTION 3. 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.

SECTION 4. Effective Date. This ordinance shall become effective immediately upon passage.

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THIS ____ DAY OF FEBRUARY, 2018 BY THE FOLLOWING VOTE:

	AYE	**NAY**	**ABSTAIN**	**ABSENT**
Dennis Mehr	_____	_____	_____	_____
Cheyne McDonald	_____	_____	_____	_____
Jenny Johnson	_____	_____	_____	_____
Miriah Elliott	_____	_____	_____	_____
Ron Densley	_____	_____	_____	_____

_____
Chris Hart, Mayor

ATTEST:

_____
Kari Jimenez, City Recorder