ORDINANCE NO. 2018-09

AN ORDINANCE OF IVINS CITY, UTAH, AMENDING CHAPTERS 3, 5, AND 6 OF THE ZONING ORDINANCE

WHEREAS the Ivins City Planning Commission held a Public Hearing on _____, 2018, regarding the proposed zoning text amendments; and

WHEREAS the Ivins City Planning Commission voted on _____, 2018 to recommend approval of the proposed zoning text amendments; and

WHEREAS the Ivins City Council held a Public Hearing on _____, 2018, to consider the Planning Commission's recommendation; and

WHEREAS on _____, 2018, the Ivins City Council heard and considered public comment on the issue, and the Planning Commission's recommendation; and

WHEREAS, in the exercise of its legislative authority and discretion the Ivins City Council found that the proposed zoning text amendments are consistent with the city's General Plan and that it would be in the interest of the general welfare of the city and its residents to approve the proposed zoning text amendments;

NOW, THEREFORE, BE IT ORDAINED by the Ivins City Council that Title 16, Chapters 3, 5, 6 and 7 of the Ivins City Code are hereby amended as follows:

TITLE 16

ZONING

* * *

CHAPTER 3

LAND USE AUTHORITIES AND DECISION MAKING

* * *

16.03.105 Sensitive lands committee. For the purposes of this title, and to promote the proper implementation of ~~the~~ sensitive lands development ~~overlay district (SL)~~, as provided by chapter 8 of this title, there is hereby created and established the Ivins City sensitive lands committee (hereinafter the "sensitive lands committee"). (Ord. 2018-09, 2018)

* * *

CHAPTER 5

AMENDMENTS TO GENERAL PLAN AND LAND USE ~~ORDINANCES~~ REGULATIONS

16.05.109 Procedures for amending land use ~~ordinances~~ regulations, zoning districts maps ~~(except map amendments to establish planned development (PD),~~

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~~**subdivision enhancement (SE) or mixed use (MU) overlay districts)**~~ **and official maps.** The procedures for the review and consideration of a land use ~~ordinance~~ regulation, zoning districts map ~~(except zoning map amendments to establish a Planned Development (PD), Subdivision Enhancement (SE) or Mixed Use (MU) Overlay District)~~ and official map amendment applications are identified by Figure 5-2 as set forth in this chapter. (Ord. 2018-09, 2018)

* * *

16.05.110 Repealed. (Ord. 2018-09, 2018)

* * *

FIGURE 5-2

LAND USE ~~ORDINANCE~~ REGULATION, ZONING MAP AMENDMENT ~~(EXCEPT PD, SE, AND MU APPLICATIONS)~~, AND OFFICIAL MAP AMMENDMENT APPLICATION PROCEDURES

(NOTE: The flow chart and text of Figure 5-2 remain unchanged.) (Ord. 2018-09, 2018)

* * *

Figure 5-3 is hereby Repealed. (Ord. 2018-09, 2018)

* * *

FIGURE 5-4

COMBINED LAND USE PLAN AND ZONING DISTRICTS MAP AMENDMENT APPLICATION PROCECDURES
~~(Except PD, SE, And MU Applications)~~

(NOTE: The remainder of Figure 5-4 remains unchanged.)

CHAPTER 6

ESTABLISHMENT OF ZONING DISTRICTS & OVERLAYS

16.06.101 Zoning ~~by~~ districts and overlays. 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: (Ord. 2017-06, 2017)

(NOTE: A-20 no longer exists as a zoning district. Delete any references to A-20 in text and on Zoning Map.)

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(1) Residential Agriculture Districts:

(a) Residential Agriculture Minimum Lot Size 5 Acres (RA-5);

(b) Residential Agriculture Minimum Lot Size 1 Acre (RA-1).

(2) Residential Estates Districts:

(a) Residential Estates Minimum Lot Size 43,000 square feet (RE-43.0);

(b) Residential Estates Minimum Lot Size 37,000 square feet (RE-37.0);

(c) Residential Estates Minimum Lot Size 25,000 square feet (RE-25.0);

(d) Residential Estates Minimum Lot Size 20,000 square feet (RE-20.0);

(e) Residential Estates Minimum Lot Size 17,500 square feet (RE-17.5);

(f) Residential Estates Minimum Lot Size 15,000 square feet (RE-15.0);

(g) Residential Estates Minimum Lot Size 12,500 square feet (RE-12.5).

(3) Single-Family Residential Districts:

(a) Single-Family Residential Minimum Lot Size 10,000 square feet (R-1-10);

(b) Single-Family Residential Minimum Lot Size 7,500 square feet (R-1-7.5);

(c) Single-Family Residential Minimum Lot Size 5,000 square feet (R-1-5).

(4) Multiple Residential Districts:

(a) Residential Twinhome Minimum Lot Size 10,000 square feet (R-2-10);

(b) Residential Townhouse Maximum Four Units per Building (TH);

(c) ~~Multiple~~ Multi-Family Residential (R-M).

(5) Commercial Districts:

(a) Neighborhood Commercial (CN);

(b) Community Commercial (C-1);

(c) Resort Commercial (RC);

(d) Recreational Vehicle Resort (RV);

(e) Commercial Professional and Research (CPR);

(f) Commercial With Light Manufacturing (CLM).

~~(6) Industrial District:~~

~~(a) Industrial (I).~~

(6) Special Purpose Districts and Overlays:

(a) Open Space and Habitat Preservation District (OS)

~~(b) Drinking Water Source Protection Overlay (SP);~~

~~(c) Sensitive Lands Overlay (SL);~~

~~(d) Planned Development Overlay (PD);~~

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(e) Subdivision Enhancement Overlay (SE);

~~(f) Mixed Use Development Overlay (MU);~~

(g) Subdivision Lot Averaging Overlay (SLA);

(h) Short Term Rental Overlay (STRO);

(b) Historic Township Overlay (HT);

(c) Subdivision Lot Averaging Overlay (SLA);

(d) Short Term Rental Overlay (STR).

(8) Mixed Use Overlays; Sensitive Lands Overlay

(a) Mixed Use Development Overlays;

(b) Sensitive Lands Overlay (SL);

16.06.102 Purpose of Zoning Districts ~~Purpose~~ and Overlays. The zoning districts and overlays of the City are provided to achieve the purposes of the General Plan, the purposes of all land use ~~ordinances~~ regulations, including this title, and the purposes of the Act.

(1) Residential Agriculture Districts: Thee 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.

(2) Residential Estates Districts: The Residential Estates Districts (RE-43.0, RE-37.0, RE-25.0, RE-20, RE-17.5, RE-15, 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. (Ord. 2017-06, 2017)

(3) 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.

(4) Multiple Residential Districts: The Multiple Residential Districts (R-M, Townhouse and R-2-10) are provided to allow high density and multiple-family residential uses. These districts allow the development of twinhomes, 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. (Ord. 2017-06, 2017)

(5) Commercial Districts: The Neighborhood Commercial (CN), Community Commercial (C-1), Resort Commercial (RC, Recreational Vehicle Resort (RV Resort), ~~Resort Mixed Use (RMU),~~ and Commercial Professional and Research (CPR) Districts are provided to allow a variety of commercial uses and intensity of

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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.

(6) 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.

(7) Special Purpose Districts and Overlays: The Special Purpose Districts and Overlays ~~Drinking Water Source Protection Overlay (SP) Sensitive Lands Overlay (SL), Planned Development Overlay (PD), Subdivision Enhancement Overlay (SE), Mixed Use Development Overlay (MU),~~ Subdivision Lot Averaging Overlay (SLA), Short Term Rental Overlay (STRO), and Historic Township Overlay (HO) are provided as ~~stand alone~~ special purpose zoning districts or overlays ~~zoning districts~~ to meet ~~specific~~ special needs and goals of the City as follows:

(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 befits of open space and undisturbed and undeveloped areas will be included to this district.

~~(b) Drinking Water Source Protection Overlay District (SP): The purpose of the Drinking Water Source Protection Overlay 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. (Ord. 2016-16, 2016)~~

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~~(d) Planned Development Overlay (PD): The Planned Development District Overlay 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 RA-5, RA-1, RE-43.0, RE-37.0, or RE-25.0 District. The PD District Overlay requires creativity and uniqueness in the proposed development with recognition of the environmental and community values existing on the development site. The PD District Overlay also promotes the efficient use of all land resources and requires 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.~~

(b) 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-37, RE-25, 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 "overly 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 Overlay 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 Overlay to allow flexibility and creativity in the combination and arrangement of uses while promoting efficiencies in the delivery of required infrastructure and services.~~

(c) 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 district.

(d) Short Term Rental Overlay ~~District~~ (STR~~O~~): The purpose of this ~~zone~~ overlay is to designate areas in the community where rental of residential units on an overnight or short term basis is desirable and in the best interests of the community, and to aid the development of housing in those areas, particularly by owners who reside elsewhere and wish to rent their units when not in use. "Short term" is ~~shall be~~ defined to mean a period ~~of~~ less than thirty (30) days ~~or less~~.

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(e) Historic Township Overlay ~~District~~ (H~~O~~T) The purpose of this overlay ~~district~~ is to minimize flag lots and to encourage infill and redevelopment within the Historic Township.

(f) Mixed Use Development Overlay ~~District~~ (MU): The purpose of the Mixed Use ~~District~~ Overlay 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~~ Overlay to allow flexibility and creativity in the combination and arrangement of uses while promoting efficiencies in the delivery of required infrastructure and services.

(g) 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. (Ord. 2018-09; 2018)

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 _____, 2018 BY THE FOLLOWING VOTE:

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

_____
Chris Hart, Mayor

ATTEST:

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_____

Kari Jimenez, City Recorder

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