# ORDINANCE NO. 2018-16

## AN ORDINANCE OF IVINS CITY, UTAH, AMENDING CHAPTERS 7 AND 8 OF THE ZONING ORDINANCE REGARDING SPECIAL PURPOSE DISTRICTS AND OVERLAYS

**WHEREAS** the Ivins City Planning Commission held a Public Hearing on March 19, 2019, regarding the proposed zoning text amendments; and

**WHEREAS** the Ivins City Planning Commission voted on March 19, 2019 to recommend approval of the proposed zoning text amendments; and

**WHEREAS** the Ivins City Council held a Public Hearing on _____, 2019, to consider the Planning Commission's recommendation; and

**WHEREAS** on _____, 2019, 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 7 and 8 of the Ivins City Code are hereby amended as follows:

# TITLE 16

# ZONING

* * *

# CHAPTER 7

# SPECIAL PURPOSE DISTRICTS AND OVERLAYS

### Part 1

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

**16.07.101 Purpose.** This district is provided to preserve and protect areas of significant natural resources and open spaces, such as areas of rock outcroppings, washes, and ridgelines. 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. (2018-16, 2019)

**16.07.102 Applicability.** The open space and habitat preservation district (OS) may be applied to lands owned by the city or privately owned land for the purpose of keeping the land as open space, with the written consent of the private property owner. All land areas

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included within the open space and habitat preservation overlay shall be identified on the city zoning districts map. (2018-16, 2019)

**16.07.103 Table of uses.** The special purpose districts table of uses (table 7-1 in this chapter) identifies the uses allowed within the open space and habitat preservation district (OS) (Ord. 2005-13, 2005)

**16.07.104 Table of development standards.** The special purpose districts table of development standards (table 7-2 in this chapter) identifies the requirements for the establishment of any use allowed within the open space and habitat preservation district (OS). (Ord. 2005-13, 2005)

(NOTE: Tables 7-1 and 7-2 should be amended to eliminate the categories for Drinking Water Source Protection Overlay District and Planned Development Overlay District.)

## Part 2

## Drinking Water Source Protection Overlay District (SP)

Repealed. (2018-16, 2019)

## Part 3

## Sensitive Lands Overlay District (SL)

(See Chapter 8, Part 2.)

## Part 4

## Planned Development Overlay District (PD)

Repealed. (2018-16, 2019)

## Part 5

## Subdivision Enhancement Overlay (SE)

### 16.07.501 Purpose.

(1) The subdivision enhancement overlay (SE) is provided by the city to encourage the development of improvements, features, and open space for the enjoyment and benefit of adjoining subdivisions and the broader community not typically required by the land use regulations of the city. This is accomplished by encouraging the following in exchange for specified density bonuses:

(a) The voluntary provision of improved, landscaped open space, as defined in paragraph (2) below.

(b) The voluntary provision of subdivision design and architectural features that benefit adjoining subdivisions and the broader community, such as single-story homes, hip and/or lower pitched roofs, and lower building heights.

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(c) Subdivision design and architectural features. The voluntary provision of variations to lot sizes for perimeter lots along public streets and adjoining subdivisions.

(2) For purposes of the subdivision enhancement overlay, open space means land with landscaping improvements set aside for the enjoyment and benefit of adjoining subdivisions and the broader community, as follows:

(a) streetscape enhancements and improvements wider than typically required or provided on streets external to the subdivision;

(b) street tree plantings;

(c) street medians;

(d) pedestrian and biking facilities;

(e) buffering and screening treatments;

(f) landscaped buffer areas;

(g) landscaping around detentions basins;

(h) park and landscaped open space areas, including pedestrian trails;

(i) active park areas with children's play equipment;

(j) benches, drinking fountains, and landscaping improvements;

(k) areas of natural beauty or amenity.

Except as stated above, open space areas shall not include areas within any lot, or internal subdivision street right of way. Open space areas shall not include lands used for schools, churches, or any similar uses. (Ord. 2018-16, 2019)

**16.07.502 Application requirements. Repealed.** (Ord. 2018-16, 2019)

**16.07.503 Application, approval and designation.** As an overlay, the identification of the allowed uses, development requirements and standards, and all other applicable requirements, are determined and controlled by the underlying zoning district, or "base zone", unless such standards are modified to the extent provided by the subdivision enhancement overlay.

The application of the subdivision enhancement overlay to any areas proposed to be subdivided for residential uses shall require the approval of a zoning districts map amendment application. If approved, and as an example only, a zoning districts map amendment application to allow a subdivision enhancement overlay for an area located within an existing residential R-1-10 district, would be identified on the zoning districts map as R-1-10 (SE). (Ord. 2018-16, 2019)

**16.07.504 Zoning districts allowed.** A subdivision enhancement overlay shall only be applied to property located within the residential estates RE-37.0, RE-25, RE-20.0, RE-17.5, RE-15.0 and RE-12.5 districts and the single-family residential R-1-10 and R-1-7.5 districts. (Ord. 2018-16, 2019)

**16.07.505 Approval criteria.**

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(1) The decision to approve a subdivision enhancement overlay is a legislative action by the City Council following a recommendation by the Planning Commission and after public hearings before each body. As is the case with other zoning map amendment applications, approval shall be based upon a finding that in the exercise of its legislative authority and discretion, the Ivins City Council found that the requested amendment was consistent with the Land Use Plan and that it would be in the interest of the general welfare of the city and its residents.

(2) The determination to what extent a proposed subdivision is entitled to a density bonus as set forth in this Part is an administrative decision. (Ord. 2018-16, 2019)

**16.07.506 Approval of subdivision applications and other applications located in a subdivision enhancement overlay.** Applications for subdivision approval, or any other application for land use approval, permit or license located in a subdivision enhancement overlay shall be submitted and reviewed in accordance with the requirements and procedures of all **l**and use regulations, as applicable. (Ord. 2018-16, 2019)

**16.07.507 Base density.** The allowed base density for any proposed subdivision located in a subdivision enhancement overlay shall be determined by dividing the total area of the subdivision site, less twenty percent (20%) of the total site area required for street rights of way, utility easements and other encumbrances, by the minimum lot size requirement of the base zoning district in which the property is located, and excluding any areas proposed to be used for schools, churches, public facilities or any other similar uses. (See appendix B of this title for an example of a calculation of base density for a subdivision enhancement overlay.) (Ord. 2018-16, 2019)

**16.07.508 Development agreement required.** A subdivision enhancement development agreement must identify the voluntary subdivision enhancement features being provided by the developer and the density bonus that was achieved in considerations of those features. Ord. 2018-16, 2019)

**16.07.509 Required minimum open space.**

(1) Any subdivision development located within an area identified as a subdivision enhancement overlay shall provide a minimum of ten percent (10%) of the total area of the development site as improved open space, as defined in Section 16.07.501(2) above, provided in accordance with the open space standards, maintenance and dedication requirements of the city.

(2) The following sections present a number of density incentive/bonus opportunities. The proposed subdivision may select any combination of incentives presented herein. However, the maximum total density incentive is limited to 25% even though adding up all of the incentive options listed herein results in a higher percentage. (Ord. 2018-16, 2019)

**16.07.510 Density incentives.** Density incentives for elements meeting the requirements of this part shall be granted by the city council, after receipt of a commission recommendation, for a subdivision located within a subdivision enhancement overlay for the provision of additional improved open space and/or for the provision of additional subdivision features as more particularly set forth in this. Such density incentives shall be calculated from the base density as determined in accordance with the provisions of this

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chapter. In no event shall the maximum density incentives for any subdivision located in a subdivision enhancement overlay district exceed twenty five percent (25%) of the base density. (See appendix B of this title for an example of a calculation of density incentives in the subdivision enhancement overlay.) (Ord. 2018-16, 2019)

**16.07.511 Provision of additional open space.** A density incentive for the provision of open space areas, in addition to the required minimum ten percent (10%) of the subdivision site, shall be provided as follows:

| **Improved Open Space Area Being Provided As A Percentage Of The Total Subdivision Site** | | **Maximum Density Incentive (Percentage Of Allowed Base Density)** |
|---|---|---|
| 10 | | 0 .0 |
| 11 | | 1 .0 |
| 12 | | 2 .0 |
| 13 | | 3 .0 |
| 14 | | 4 .0 |
| 15 | | 5 .0 |
| 16 | | 6 .0 |
| 17 | | 7 .0 |
| 18 | | 8 .0 |
| 19 | | 9 .0 |
| 20+ | | 10 .0 |

(Ord. 2005-13, 2005)

**16.07.512 Improvements and enhancements to open space areas.** For a subdivision to qualify for a subdivision enhancement overlay, and to qualify for any density incentives that may be provided, the subdivision shall provide open space area, as defined in Section 16.05.501(2) above, for the benefit of adjoining subdivisions and the broader community. (Ord. 2018-16, 2019)

**16.07.513 Design and architectural elements.** Subdivisions located within a subdivision enhancement overlay that provide certain design and architectural elements, as defined below, may receive up to a 10% density incentive as follows:

| | **Bonus** | **Bonus** |
|---|---|---|

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| | Elements apply to total development | Elements apply only to all perimeter lots along public streets and adjoining subdivisions |
|---|---|---|
| Single-story homes (no attic bonus room) | 3% | 2% |
| Hip roof and/or less than 4/12 pitch | 3% | 2% |
| Maximum 20' height | 3% | 2% |
| Less than 20' height: 1% for each 1' with 3% maximum bonus (17' height or lower) | 3% max | 2% max |

To receive a density incentive for design and architectural elements, the subdivision drawings and covenants, conditions and restrictions (CC&Rs) and Development Agreement shall include sufficient guarantees to provide the subdivision design and architectural elements. (Ord. 2018-16, 2019)

**16.07.514 Increased Rear Yard Setbacks.** Subdivisions located within a subdivision enhancement overlay that provide at least a fifty percent (50%) increase in standard subdivision rear setbacks that adjoin existing subdivisions may receive up to a 5% density incentive. The additional setback area will be included in the development's open space calculation, as defined in 16.07.501(2). To receive a bonus for increased rear yard setbacks, the subdivision drawings and covenants, conditions and restrictions (CC&Rs) and the Development Agreement shall include sufficient guarantees to provide the increased rear yard setbacks. (Ord. 2018-16, 2019)

**16.07.515 Lot standards.**

(1) Lot Area: In order to provide for creativity and flexibility in subdivision design and to meet the purposes of this chapter, lots located within a subdivision enhancement overlay may be smaller than the minimum size required by the underlying zone, as recommended by the commission and approved by the city council, but in no event less than the lot standards required in an R-1-5 Zoning District.

(2) Lot Width and Frontage: The minimum lot width and lot frontage of lots located in a subdivision enhancement overlay may be less than required by the underlying zone, as recommended by the commission and approved by the city council, but in no event less than the lot width and frontage required in an R-1-5 Zoning District.

(3) Other Lot Standards: All other lot standards, except lot area, width and frontage, shall meet the requirements of the underlying zone. (Ord. 2018-16, 2019)

**16.07.516 Building standards.** All requirements for primary and accessory buildings, as provided by the underlying zone shall be met, including building height. (Ord. 2005-13, 2005)

**16.07.517 Setback requirements.** The design of subdivisions located in a subdivision enhancement overlay may consider variations in the siting and orientation of buildings and structures, but shall comply with the following minimum setback standards. Exceptions to these minimum setback requirements may be recommended by the

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commission and approved by the city council during the subdivision application approval processes when determined appropriate.

(1) Front Yard Setback: The minimum front yard setback for primary buildings shall be twenty feet (20').

(2) Rear Yard Setback: The minimum rear yard setback for primary buildings shall be fifteen feet (15').

(3) Side Yard Setback: The minimum side yard setback for lots located in a subdivision enhancement overlay may be less than required by the underlying zone, as recommended by the commission, and approved by the city council.

(4) Side Yard Corner Setback: The minimum side yard setback for lots located in a subdivision enhancement overlay may be less than required by the underlying zone, as recommended by the commission, and approved by the city council.

(5) Accessory Buildings: The minimum yard requirements for accessory buildings and structures, including all setback requirements, shall be as required by the underlying district. (Ord. 2018-16, 2019)

**16.07.518 Repealed.** (Ord. 2018-16, 2019)

## Part 6

## Mixed Use Overlay District (MU)

(See Chapter 8, Part 1.)

## Part 7

## Subdivision Lot Averaging Overlay ~~District~~ (SLA)

**16.07.701 Purpose.** The subdivision lot averaging overlay (SLA) is to provide the option for residential subdivision layouts based upon average lot size rather than the strict minimum lot size requirements of the underlying zoning district. The subdivision lot averaging overlay 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. The subdivision lot averaging overlay allows for flexibility and creativity in subdivision design and encourages nontraditional/non-cookie cutter subdivision layouts. The subdivision lot averaging overlay meets the intent of the underlying zoning district by requiring an average lot size equal to or greater than the underlying zoning district minimum lot size. (Ord. 2018-16, 2019)

**16.07.702 Repealed.** (Ord. 2018-16, 2019)

**16.07.703 Application, approval and designation.** As an overlay, the identification of the allowed uses, development requirements and standards, and all other applicable requirements, are determined and controlled by the underlying zoning district, or "base zone".

The application of the subdivision lot averaging overlay to any areas proposed to be subdivided for residential uses shall require the approval of a zoning map amendment

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application, as provided by chapter 5 of this title, concurrent with the approval of a subdivision application. If approved, and as an example only, a zoning map amendment application to allow a subdivision lot average overlay for an area located within an existing Residential R-1-10 zoning district, would be identified on the zoning districts map as R-1-10 (SLA). (Ord. 2018-16, 2019)

**16.07.704 Zoning districts allowed.** A subdivision lot averaging overlay (SLA) shall only be applied to property located within the Residential Estates RE-43.0, RE-37.0, RE-20,0, RE-17.5, RE-15.0 districts and the Single Family Residential R-1-10 district. (Ord. 2018-16, 2019)

**16.07.705 Approval criteria.**

(1) The decision to approve a subdivision lot averaging overlay is a legislative action by the City Council following a recommendation by the Planning Commission and after public hearings before each body. As is the case with other zoning map amendment applications, approval shall be based upon a finding that in the exercise of its legislative authority and discretion, the Ivins City Council found that the requested amendment was consistent with the Land Use Plan and that it would be in the interest of the general welfare of the city and its residents.

(2) The determination whether or not a subdivision within this overlay has met the lot averaging formula as set forth in this Part is an administrative decision. (Ord. 2018-16, 2019)

**16.07.706 Repealed.** (Ord. 2018-16, 2019)

**16.07.707 Lot averaging formula**.

(The text of this Section remains unchanged.)

**16.07.708 Minimum lot size requirements**.

(The text of this Section remains unchanged.)

**16.07.709 Development standards.** All lots within the subdivision lot averaging overlay shall comply with the development/lot standards of the underlying zone found in 16.33.103, table 33-3 and 16.33.104, table 33-4 of this title. (Ord. 2018-16, 2019)

## Part 8

## Short Term Rental Overlay (STR)

**16.07.801 Purpose.** The purpose of this 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" shall be defined to mean a period of less than thirty (30) days. (Ord. 2018-16, 2019)

**16.07.802 Repealed.** (Ord. 2018-16, 2019)

**16.07.803 Application, approval and designation.** As an overlay, the identification of the allowed uses, development requirements and standards, and all other applicable

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requirements, are determined and controlled by the underlying zoning district, or "base zone", unless such standards are modified to the extent provided by the short term rental overlay (STR).

The application of the short term rental overlay (STR) to any areas proposed to be subdivided for residential uses shall require the approval of a zoning districts map amendment application, as provided by chapter 5 of this title. If approved, and as an example only, a zoning districts map amendment application to allow a short term rental overlay (STR) for an area located within an existing residential R-1-10 district, would be identified on the zoning districts map as R-1-10 (STR), identifying the residential R-1-10 district as the underlying district with a short term rental overlay (STR) as the "overlay".

**16.07.804 Zoning Districts Allowed.** A short term rental overlay (STR) is allowed within the residential zoning districts, including multiple residential (R-M). (Ord. 2018-16, 2019)

**16.07.805 Repealed.** (Ord. 2018-16, 2019)

**16.07.806 Approval Criteria.** The decision to approve a short term rental overlay (STR) is a legislative action by the City Council following a recommendation by the Planning Commission and after public hearings before each body. As is the case with other zoning map amendment applications, approval shall be based upon a finding that in the exercise of its legislative authority and discretion, the Ivins City Council found that the requested amendment would be in the interest of the general welfare of the city and its residents.

The city council in approving a short term rental overlay (STR) application, and the commission in formulating a recommendation, shall consider a staff determination that the project meets the following requirements:

(1) Requirements:

(a) Shall be located on parcels of not less than five (5) contiguous acres.

(b) All approved short term residential rental properties must be managed by either an on site property manager or an off site property manager which is located within twenty (20) minutes (commute time) of the development. The property manager shall be the "responsible party" for the entire development and shall provide information on current occupants to police, emergency, or city personnel as needed. The property manager shall be available twenty four (24) hours a day and shall respond to complaints and concerns within one hour of any phone call. The property manager shall maintain a Utah sales tax license, and shall collect and submit to the state tax commission the required transient room tax for all short term residential rental units.

(c) All short term rental associated amenities, parking areas, garbage collection areas shall be located on the interior of the development, with at least one row of short term rental units forming a buffer on all project boundaries. Landscaped open space may be used in lieu of short term rental units when it provides equivalent buffer distance.

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(d) If less than an entire project is requested the city council may approve a certain number of units that may be used for short term rental.

(e) Off street parking shall be available for RV/boat parking. On street parking of such vehicles is not allowed, except for temporary loading and unloading not to exceed six (6) hours.

(f) One or more garbage collection bins may be required to be located on site in addition to garbage cans for individual units.

(g) All short term residential rental properties shall install a six foot (6') colored masonry wall on all perimeter property lines, unless prohibited by a geographic reason where the wall may be located in a location approved by the city council.

(h) The recorded plat, CC&Rs and all sales literature shall clearly state that the project, or any approved part thereof, is approved for short term rental purposes.

(i) All units, open spaces, recreational amenities within short term residential rental developments shall be completely landscaped. The property manager shall be responsible for landscape maintenance.

(j) The land use plan and zoning district map shall designate where short term rental residential property has been approved.

(k) All short term rental residential properties shall provide parking as follows. Detached single-family units - a two (2) car garage with two (2) parking spaces on driveway fronting garage. Multi-attached units including condominiums, townhomes, and apartments, shall provide one parking space for one bedroom units, two (2) parking spaces for two plus (2+) bedroom units and 0.25 space per unit for guest parking. One covered parking space shall be provided for each unit. Driveways fronting garages shall be twenty feet (20') in length from the back of curb or back of sidewalk where sidewalk is present. Driveway width shall be a minimum of sixteen feet (16'). Single-family detached homes with a two (2) car garage and driveway meet the parking requirements with no additional guest parking required.

(l) On street parking within the project may be used to meet the parking requirement for a "self-contained" project. "Self-contained" means that all units in the project are designated for short term rental.

(m) Tandem parking in driveways may be used to meet the parking requirement for a "self-contained" project.

(n) The parking of any vehicles, recreational vehicles, trailers, etc., on public streets which front the short term rental project is strictly prohibited.

(o) The project shall contain recreation facilities consistent with the size of the project. Recreation facilities include, pickleball courts, clubhouse and swimming pool, parks with playgrounds and picnic areas, tennis courts, etc. The minimum area reserved for recreation facilities shall be two hundred (200) square feet per short term rental unit.

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(p) Short term rental of residential properties shall not be permitted in existing subdivisions or projects.

(q) Short term rental of residential properties shall meet all other standard requirements of the base zoning district.

(r) Subdivisions/projects having residential dwelling units which are approved for short term rental may be required to be accompanied by, or included with the provisions of a development agreement, when deemed necessary by the city council.

(s) Short term rentals located within the R-M (multiple residential district) shall comply with chapter 18, "Multi-Family Residential Design Guidelines And Standards", of this title.

(t) Short term rentals located in single-family residential zones shall comply with chapter 19, "Site Plan And Building Design Requirements", of this title.

(2) Short Term Rental Business Licensing:

(a) An annual short term rental business license is required by Ivins City.

(b) The licensee for rentals shall be both the local representative and the owner. The local representative shall be deemed the responsible party.

(c) All new and renewal applications must contain the property manager's name, a sales tax collection and accounting number, the street address of each unit, the name and address of a local responsible party who is available by telephone twenty four (24) hours per day.

(3) Penalties, Violations, And Revocation:

(a) The owner and on site manager of short term rentals are responsible for regulating the occupancy of the unit and any nuisances created by the occupants including noise, illegal conduct, failure to use off street parking, or any other abuse, which violates any law regarding use or occupancy of the premises, including failure to collect and deposit sales tax, shall be grounds for revocation of rental business license, and subject to civil and criminal penalties for violation of city codes and other legal or equitable remedy available to the city. (Ord. 2018-16, 2019)

**16.07.808 Repealed.** (Ord. 2018-16, 2019)

**16.07.809 Required minimum open space.** Any proposed subdivision located in single-family and two-family zones located within an area identified as a short term rental overlay district (STR) shall provide a minimum of ten percent (10%) of the total area of the development site as improved open space such as areas of natural beauty or amenity, active park areas, and areas voluntarily being provided for streetscape treatments and enhancements for the community benefit and wider than typically required or provided. Improved open space areas shall not include areas within any lot, or internal subdivision street right of way. Open space areas shall not include lands used for schools, churches, or any other similar uses.

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For subdivisions located in a multi-family zone with a short term rental development overlay see chapter 18, "Multi-Family Residential Design Guidelines And Standards", of this title. (Ord. 2018-16, 2019)

**16.07.810 Repealed.** (Ord. 2018-16, 2019)

**16.07.811 Repealed.** (2018-16-2019)

**16.07.812 Improvements ad enhancements to open space areas.** For a subdivision located in single-family and two-family zones to for a short term rental overlay district (STR), open space improvements may include improvements to facilitate public access and use, park equipment, trails and walkways, public art features, streetscape landscaping and buffering treatments.

For subdivisions located in a multi-family zone with a short term rental overlay district (STR) see chapter 18, "Multi-Family Residential Design Guidelines And Standards", of this title. (Ord. 2018-16, 2019)

**16.07.813 Repealed.** (Ord. 2018-16, 2019)

**16.07.814 Repealed.** (Ord. 2018-16, 2019)

**16.07.815 Lot standards.**
(1) Lot Area: In order to provide for creativity and flexibility in subdivision design and to meet the purposes of this chapter, lots located within a subdivision located in single-family and two-family zones with a short term rental overlay district (STR) may be smaller than the minimum size required by the underlying zone, as recommended by the commission, and approved by the city council.

(2) Lot Width And Frontage: The minimum lot width and lot frontage of lots located in single-family and two-family zones with a short term rental overlay district (STR) may be less than required by the underlying zone, as recommended by the commission, and approved by the city council.

(3) Other Lot Standards: All other lot standards, except lot area, width and frontage, shall be met, as required by the underlying zone.

For subdivisions located in a multi-family zone with a short term rental overlay district (STR) see chapter 18, "Multi-Family Residential Design Guidelines And Standards", of this title. (Ord. 2018-16, 2019)

**16.07.816 Building standards**. All requirements for primary and accessory buildings, as provided by the underlying zone, shall be met, or as allowed by this title. (Ord. 2015-04, 2015)

**16.07.817 Setback requirements.** The design of a subdivision located in single-family and two-family zones with a short term rental overlay district (STR) may consider variations in the siting and orientation of buildings and structures, but shall comply with the following minimum setback standards. Exceptions to these minimum setback requirements may be recommended by the commission and approved by the city council during the subdivision application or use application approval processes when determined appropriate.

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(1) Front Yard Setback: The minimum front yard setback for primary buildings shall be twenty feet (20').

(2) Rear Yard Setback: The minimum rear yard setback for primary buildings shall be ten feet (10').

(3) Side Yard Setback: The minimum side yard setback for lots located in single-family and two-family zones with a short term rental overlay district (STR~~O~~) may be less than required by the underlying zone, as recommended by the commission, and approved by the city council.

(4) Side Yard Corner Setback: The minimum side yard setback for lots located in single-family and two-family zones with a short term rental overlay district (STR~~O~~) may be less than required by the underlying zone, as recommended by the commission, and approved by the city council.

(5) Accessory Buildings: The minimum yard requirements for accessory buildings and structures, including all setback requirements, shall be as required by the underlying district.

(6) For subdivisions located in a multi-family zone with a short term rental overlay district (STR~~O~~) see chapter 18, "Multi-Family Residential Design Guidelines And Standards", of this title. (Ord. 2018-16, 2019)

**16.07.818 Repealed.** (Ord. 2018-16, 2019)

**Part 9**

**Historic Township Overlay (HT)**

**(The remainder of this part remains unchanged.**

# CHAPTER 8

# MIXED USE DISTRICT (MU) AND SENSITIVE LANDS DEVELOPMENT REGULATIONS

**Part 1**

**Mixed Use Development District (MU)**

**16.08.101 Purpose.** The mixed use district is provided to allow 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 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 mixed use 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. 2018-16, 2019)

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**16.08.102 Uses allowed within mixed use district; district establishment.** The mixed use District (MU) allows a combination of uses according to an approved mixed use project plan, as provided herein.

The uses allowed by the establishment of a mixed use District (MU) shall be a combination of those uses allowed by one (1) of the residential zoning districts identified in table 8-1, column A of this section, with those uses allowed by one (1) of the nonresidential zoning districts identified in Table 8-1, column B of this section. If the resort commercial zoning district is selected as the commercial component, the mixed use district may be designated on the zoning map as (RMU); otherwise a mixed use district is designated on the zoning map as (MU). (Ord. 2018-16, 2019)

TABLE 8-1
MIXED USE DISTRICT COMBINATIONS

| Allowed Zoning Districts | |
|---|---|
| **A** | **B** |
| Residential Agriculture (RA-5) | Neighborhood Commercial (CN) |
| Residential Agriculture (RA-1) | Community Commercial (C-1) |
| Residential Estates (RE-43.0) | Resort Commercial (RC) |
| Residential Estates (RE-37.0) | |
| Residential Estates (RE-25.0) | |
| Residential Estates (RE-20.0) | |
| Residential Estates (RE-17.5) | |
| Residential Estates (RE-15.0) | |
| Residential Estates (RE-12.5) | |
| Single-Family (R-1-10) | |
| Single-Family (R-1-7.5) | |
| Single-Family (R-1-5) | |

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| | |
|---|---|
| Twinhome (R-2-10) | |
| Townhouse (TH) | |
| Multi-Family Residential (R-M) | |

(Ord. 2018-16, 2019)

**16.08.103 Approval procedures.** The establishment of a mixed use district shall require the approval of a zoning map amendment application, and the approval of a mixed use project plan. (Ord. 2018-16, 2019)

**16.08.104 Approval criteria.** The establishment of a mixed use District (MU) may be approved by the City Council, following the receipt of a commission recommendation, with a finding that a mixed use overlay District will:

(1) Enhance the subject property by integrated planning and design as a whole, pursuant to the provisions of this chapter.

(2) Meet the intent and purpose of the General Plan and this Title in the exercise of the City Council's legislative authority and discretion.

(3) Be in the interest of the general welfare of the city and its residents.

(4) Promote economies in the provision of infrastructure, facilities and services, and promote efficiencies in the long term maintenance of open space areas and the amenities being provided.

(5) Provide a better land use pattern, site design and increased amenities than would be likely if the property were developed as separate zoning districts.

(6) Enhance the economic base of the City.

(7) Not create a burden on the infrastructure, facilities and service capacities of the City. (2018-16, 2019)

**16.08.105 Mixed use project plan required.** A mixed use project plan ("project plan") shall be a blend of the residential and commercial zoning districts selected for the project and shall be presented to the commission for recommendation, and approval by the city council. The project plan shall be part of the application for a zoning districts map amendment to establish a mixed use development district. The project plan must achieve, and must identify techniques to provide, a mixed use development with uniform and compatible site and building standards when the project area is completely built out. The project plan must also demonstrate compliance with the requirements of this chapter, all provisions of this title, and all other land use regulations, as applicable. The regulations of the project plan must be taken from one or both of the selected residential/commercial zoning districts. If a portion of the project is strictly residential, however, the regulations in the project plan for that portion of the project must follow the residential zoning district selected to be part of the mixed use development. Any portions of the mixed use development which have a commercial component may use all or a portion of the

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regulations of the commercial zoning district selected to be part of the mixed use development.

The project plan shall be required to be accompanied by a development agreement when the project is to be constructed in phases and may be required when otherwise deemed necessary by the city council. Regardless of the size and ownership of lands proposed to be included within a mixed use development district, the required project plan shall include amenities and elements to create, or complement a "walkable" mixed use area.

The project plan shall include all property proposed for a mixed use development ~~overlay~~ district and shall show all phases of the development (including any phasing plans). Once approved by the city council, the project plan shall be controlling for all required future approvals, permits and licenses, including, but not limited to, subdivision and use applications, and any additional procedural requirements set forth in this chapter, this title and all other land use regulations, as applicable. (Ord. 2018-16, 2019)

**16.08.106 Development approval procedures.** Applications for any required approvals, permits or licenses for property located in a mixed use development district shall be submitted, processed and considered in accordance with the requirements and procedures set forth in all land use regulations, including this title, consistent with the approved project plan. Amendments to any existing approvals, permits or licenses shall be obtained by following the procedure required for the original approval. (Ord. 2018-16, 2019)

**16.08.107 Development requirements and standards.** The purpose of this section is to achieve the purposes of this chapter and to ensure all allowed uses are located and conducted so as to not adversely impact adjacent uses, including, but not limited to, traffic, noise and safety. All proposed uses and activities shall be approved only if such uses and activities comply fully with the following standards, in addition to all other applicable requirements of this title. Table 8-2 of this section identifies the development requirements and standards applicable to all mixed use development districts-(MU). (2018-16, 2019)

TABLE 8-2
MIXED USE DEVELOPMENT DISTRICT
DEVELOPMENT REQUIREMENTS AND STANDARDS

(NOTE: The text of Table 8-2, other than the change to its title, remains unchanged.)

(2018-16, 2019)

## Part 2

## Sensitive Lands Development Regulations

**16.08.201 Purpose.** The purposes of sensitive lands development regulations are to:

(NOTE: The rest of this section remains unchanged.) (2018-16, 2019)

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* * *

**16.08.209 Sensitive Lands Protection Regulations; Slopes, Low Density Residential:**

* * *

(5) Maximum Limits of Disturbance Area. The maximum area of any lot or parcel that may be disturbed shall be limited as determined by the average slope of the subdivision lot or parcel, as provided by table 8-3 of this section. The maximum limits of disturbance area shall be identified on each lot or parcel and shall include all graded, excavated, filled or otherwise disturbed areas, the area occupied by the primary building, all accessory building areas, areas of hard surfacing, including driveways, walkways, patios, off street parking areas, and all areas of disturbance of nonnative vegetation. (2018-16, 2019)

* * *

TABLE 8-3

MAXIMUM SUBDIVISION LOT OR PARCEL LIMITS OF DISTURBANCE

(NOTE: Column C of Table 8-3, dealing with maximum limits of disturbance for lots located in a planned development overlay (PD) district, shall be stricken in its entirety.) (2018-16, 2019)

* * *

TABLE 8-4

SENSITIVE LANDS DEVELOPMENT RIGHTS

(NOTE: Column B of Table 8-4, dealing with transferable sensitive land development rights located in a planned development overlay (PD) district, shall be stricken in its entirety.) (2018-16, 2019)

* * *

**16.06.216 Repealed.** (2018-16, 2019)

**16.08.217 Repealed.** (2018-16, 2019)

**16.08.218 Repealed.** (2018-16, 2019)

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.

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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 _____, 2019 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

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