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 _____, 2018, regarding the proposed zoning text amendments; and

WHEREAS the Ivins City Planning Commission voted on _____, 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)

(NOTE: Section 16.07.101 is re-written to be consistent with Section 16.06.102)

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 ~~by the city council, following the receipt of a commission recommendation,~~ to lands

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owned by the city or ~~other local, state or federal government agencies for the purpose of the district. The open space and habitat preservation district (OS) may also be applied to~~ 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 included within the open space and habitat preservation overlay shall be identified on the city zoning districts map ~~and the requirements of the district shall automatically apply to all such lands without any further action by the commission or city council~~. (2018-16, 2018)

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)

(NOTE: The need for the Drinking Water Source Protection Overlay District (SP) no longer exists. Therefore, this entire Part of Chapter 7 is stricken in its entirety.)

~~Part 3~~

~~Sensitive Lands Overlay District (SL)~~

(See Chapter 8, Part 2.)

~~Part 4~~

~~Planned Development Overlay District (PD)~~

Repealed. (2018-16, 2019)

(NOTE: This overlay district has never been used since it was created in 2005; Subdivision Enhancement Overlay has been expanded in scope to take the place of this overlay. Therefore, this entire Part of Chapter 7 is stricken in its entirety.)

Part 5

Subdivision Enhancement Overlay ~~District~~ (SE)

(Will consider at future meeting)

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~~**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 ~~District~~ (SLA) is ~~provided by the City as an "overlay district"~~ 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 ~~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. The subdivision lot averaging overlay ~~district (SLA)~~ allows for flexibility and creativity in subdivision design and encourages nontraditional/non-cookie cutter subdivision layouts. The subdivision lot averaging overlay ~~district~~ (SLA) meets the intent of the underlying zoning district ~~base zone~~ by requiring an average lot size equal to or greater than the underlying zoning district ~~base zone~~ minimum lot size. (Ord. 2018-16, 2019)

16.07.702 ~~Application requirements.~~ Repealed. (Ord. 2018-16, 2019)

16.07.703 Application, approval and designation. As an overlay ~~district~~, 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 ~~district (SLA)~~ 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, concurrent with the approval of a subdivision application. If approved, and as an example only, a zoning ~~districts~~ map amendment application to allow a subdivision lot average overlay ~~district (SLA)~~ 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)~~, identify the Residential R-1-10 District as the underlying district with a subdivision enhancement overlay district (SLA) as the "overlay" district~~. (Ord. 2018-16, 2019)

16.07.704 Zoning districts allowed. A subdivision lot averaging overlay ~~District~~ (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.

(NOTE: The following replaces prior text used in this section.)

(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

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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 ~~Approval of Subdivision Applications and Other Applications Located in Subdivision Lot Averaging Overlay District.~~ 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 ~~district (SLA)~~ 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 ~~District~~ (STR~~O~~)

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

16.07.802 ~~Application Requirements.~~ Repealed. (Ord. 2018-16, 2019)

16.07.803 Application, approval and designation. As an overlay ~~district~~, 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 short term rental overlay ~~district~~ (STR~~O~~).

The application of the short term rental overlay ~~district~~ (STR~~O~~) 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~~, concurrent with the approval of a subdivision application or use application~~. If approved, and as an example only, a zoning districts map amendment application to allow a short term rental overlay ~~district~~ (STR~~O~~) 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~~O~~), identifying the residential R-

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1-10 district as the underlying district with a short term rental overlay ~~district~~ (STRO) as the "overlay" ~~district~~.

16.07.804 Zoning Districts Allowed. A short term rental overlay ~~district~~ (STR~~O~~) ~~shall only be applied to property identified on the land use plan as "recreational resort – short term rental overlay" and located~~ is allowed within the residential ~~zoned~~ zoning districts, including multiple residential (R-M). (Ord. 2018-16, 2019)

16.07.805 ~~Short Term Rental Project Plan Required.~~ 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.

~~A zoning districts map amendment application to establish a short term rental overlay district (STRO) may be approved by the city council, following the receipt of a commission recommendation, concurrent with the approval of a subdivision application or use application, and following the completion of all requirements for a zoning districts map amendment application, as required by chapter 5 of this title.~~ The city council in approving a ~~zoning districts map amendment~~ short term rental overlay (STR) application, and the commission in formulating a recommendation, shall consider a staff determination that the project meets ~~find that the short term rental overlay district (STRO) project plan complies with~~ the following requirements ~~conditions~~:

(1) ~~Conditions~~ 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 ~~Base Density.~~ 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~~O~~) shall provide a minimum of ten percent (10%) of the total area of the development site as improved open space~~, provided in accordance with the open space standards, maintenance and dedication requirements set forth by section 16.07.104 of this chapter. Such required open space may include~~ 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 ~~district (STRO)~~ see chapter 18, "Multi-Family Residential Design Guidelines And Standards", of this title. (Ord. 2018-16, 2019)

16.07.810 ~~Density Incentives.~~ Repealed. (Ord. 2018-16, 2018)

16.07.811 ~~Provision of additional open space.~~ Repealed. (2018-16-2018)

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~~O~~), ~~and to qualify for any density incentives that may be provided, the subdivision shall provide~~ open space improvements ~~and features to the open space area for the benefit of both subdivision and community residents. These 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 ~~or other improvements and enhancements as recommended by the commission, and approved by the city council~~.

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)

16.07.813 ~~Consistency in design elements.~~ Repealed. (Ord. 2018-16, 2019)

16.07.814 ~~Convenience in layout, variety of lot sizes and unique subdivision features.~~ 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~~O~~) 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 (STRO) 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~~O~~) 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 ~~Yard regulations~~ Setback requirements. The design of a subdivision located in single-family and two-family zones with a short term rental overlay district

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(STR~~O~~) 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.

(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 Open space standards, use, permanent protection, ownership and maintenance regulations. Repealed. (Ord. 2018-16, 2019)

Part 9

Historic Township Overlay ~~District~~ (HT)

(The remainder of this part remains unchanged.

CHAPTER 8

MIXED USE ~~DEVELOPMENT OVERLAY~~ DISTRICT (MU) AND SENSITIVE LANDS DEVELOPMENT REGULATIONS ~~OVERLAY DISTRICT (SL)~~

Part 1

Mixed Use Development ~~Overlays~~ District (MU)

(Will consider at future meeting)

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