ORDINANCE NO. 2022-14

AN ORDINANCE OF IVINS CITY, UTAH, AMENDING REGULATIONS FOR SHORT TERM RENTAL OVERLAY DISTRICTS TO ELIMINATE THE ABILITY TO APPLY FOR, OR OBTAIN APPROVAL FOR, FUTURE SHORT-TERM RENTAL OVERLAYS IN RESIDENTIAL ZONES WHILE RETAINING THE REGULATIONS FOR ANY SUCH OVERLAYS ALREADY APPROVED AND LEGALLY VESTED

WHEREAS, by Ordinance No. 2015-04, the Ivins City Council began allowing a Short-Term Rental Overlay district that would allow certain short-term rentals that met all of the requirements of that Ordinance; and

WHEREAS, on August 16, 2022, the Ivins City Planning Commission held a public hearing on, and recommended, amending the short-term rental overlay ordinance to eliminate any such overlays in the future in residential zones but to continue the existing regulations for any short-term rental overlays previously approved and legally vested; and

WHEREAS, on September 15, 2022, the Ivins City Council held a public hearing on the Planning Commission's recommendation; on September 29, 2022 the City Council unanimously voted to adopt the Planning Commission's recommendation; and

WHEREAS, the purpose of this ordinance is to amend the zoning text for short-term overlays to enact what the Planning Commission recommended and the City Council voted to adopt;

NOW, THEREFORE, BE IT ORDAINED BY THE IVINS CITY COUNCIL that the Title 16, Chapter 6 of the Ivins City Zoning Ordinance is hereby amended to now read as follows:

PART 8
SHORT TERM OVERLAY DISTRICT

16.07.801: PURPOSE: The purpose of this zone was to designate areas in the community where rental of residential units on an overnight or short term basis were believed to be, at that time, 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 thirty (30) days or less. (Ord. 2022-14, 2022)

16.07.802: APPLICATION REQUIREMENTS: The short term rental overlay district (STRO) is only permitted in those areas already approved and vested through their compliance with Ordinance 2015-04. No further applications for a short term rental district (STRO) will be accepted or approved in a residential zone.

In addition to the requirements for a zoning districts map amendment, as provided by chapter 5 of this title, an application for a zoning districts map amendment to establish a short term rental overlay district (STRO) shall provide

Identification of all sensitive lands areas. A sensitive lands determination and inventory shall be provided, if applicable, consistent with the requirements of chapter 8 of this title, which identifies all sensitive lands areas that may be located within the property boundaries proposed for the establishment of a short term rental overlay district (STRO). (Ord. 2022-14, 2022)

16.07.803: 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 were modified to the extent provided by the short term rental overlay district (STRO)set forth in Ordinance 2015-04. (Ord. 2022-14, 2022)

16.07.804: ZONING DISTRICTS ALLOWED: A short term rental overlay district (STRO) previously approved and vested in a residential zone, shall be identified on the Land Use Plan as "Recreational Resort – STRO" and on the Zoning Map by "STRO" near the underlying zoning designation. (Ord. 2202-14, 2022)

16.07.805: SHORT TERM RENTAL PROJECT PLAN REQUIRED: A short term rental project plan ("project plan") was required to be presented to the commission for recommendation, and approved by the city council, as part of the application for a zoning districts map amendment to establish a short term rental overlay district (STRO). The project plan must achieve, and must have identified techniques to provide, a short term rental development with uniform and compatible site and building standards when the project area is completely built out. The project plan was required to also demonstrate compliance with the requirements of this chapter, all provisions of this title, and all other land use ordinances, as applicable.

The project plan may have been required to be accompanied by a development agreement. Regardless of the size and ownership of lands proposed to be included within a short term rental development overlay district (STRO), all subdivisions are now required to have a development agreement prior to receiving final plat approval. The required project plan shall include amenities and elements to create, or complement a short term rental area.

The project plan and development agreement shall include all property proposed for a short term rental development overlay district (STRO) and shall show all phases of the development (including any phasing plans). Once approved by the city council, the project plan and development agreement 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 ordinances, as applicable. (Ord. 2022-14)

16.07.806: APPROVAL CRITERIA: A zoning districts map amendment application to establish a short term rental overlay district (STRO) must have been approved by the city council, following the receipt of a commission recommendation, concurrent with the approval of any required 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 application and conditional use permit application, must have findings that the short term rental overlay district (STRO) project plan and conditional use permit application complied with the following minimum conditions:

(1) (a) Is located on parcels of not less than 5 contiguous acres.

(b) All approved short term residential properties are managed by either an onsite Property Manager or an offsite property manager which is located within 20 twenty 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 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 & 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 are located on the interior of the development, with at least at 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.

(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 is available for RV/boat parking. On-street parking of such vehicles is not allowed, except for temporary loading and unloading not to exceed 6 hours.

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

(g) All short term residential rental properties must have a 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&R's and all sales literature 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 must be completely landscaped. The property manager is responsible for landscape maintenance.

(j) The Land Use Plan and Zoning District map must designate where short term residential property has been approved.

(k) All short term rental residential properties must provide parking as follows. Detached Single Family Units –a two car garage with two parking spaces on drive way fronting garage. Multi Attached Units including Condominiums,

Townhomes, and Apartments, must provide one parking space for one bedroom units, two parking spaces for 2+ bedroom units and .25 spaces per unit for guest parking. One covered parking space must be provided for each unit. Driveways fronting garages shall be 20' in length from the back of curb or back of sidewalk where sidewalk is present. Driveways width must be a minimum of 16' feet. Single family detached homes with a 2 car garage and driveway meets 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 contains recreation facilities consistent with the size of the project. Recreation facilities include, pickle ball courts, clubhouse and swimming pool, parks with playgrounds & picnic areas, tennis courts, etc. The minimum area reserved for recreation facilities must be at least 200 square feet per short term rental unit.

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

(q) Short term rental of residential properties met all other standard requirements of the base Zoning District.

(r) Subdivisions/Projects having Residential Dwellings Units which are approved for short term rental must be accompanied by, or included with the provisions of, a development agreement.

(s) Short term rentals located within the RM (Multiple Residential District) must comply with chapter 18 – Multi Family Design Residential Design Guidelines and standards.

(t) Short term rentals located in single family residential zones must comply with chapter 19 – Site Plan and Building Design Requirements.

(Ord 2022-14, 2022)

(2) Short Rental Business Licensing

(a) An annual Short Term Rental Business license is required by Ivins City.

(b) The licensee for rentals must 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.

(Ord. 2022-14, 2022)

(3) Penalties, Violations, and Revocation

(a) The owner and onsite 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. 2015-04, 2015)

16.07.807: APPROVAL OF SUBDIVISION APPLICATIONS AND OTHER APPLICATIONS LOCATED IN SHORT TERM RENTAL OVERLAY DISTRICT: Applications for subdivision approval or any other application for any approval, permit or license required by all land use ordinances for lands located in a short term rental overlay district (STRO) shall be submitted and reviewed in accordance with the requirements and procedures of all land use ordinances, as applicable. (Ord. 2015-04, 2015)

16.07.808: BASE DENSITY: The allowed base density for any proposed subdivision/project located in a single family and two family zones with a short term rental overlay district (STRO) 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 in the subdivision enhancement overlay district.)

For subdivisions/projects located in a multi-family zone with a short term rental overlay district (STRO) see Chapter 18 Multi-Family Design Guidelines and Standards. (Ord. 2015-04, 2015)

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 (STRO) 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 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.

For subdivisions located in a multi-family zone with a short term rental overlay district (STRO) see Chapter 18 Multi-Family Design Guidelines and Standards. (Ord. 2015-04, 2015)

16.07.810: DENSITY INCENTIVES: Density incentives may be granted by the city council, with the receipt of a commission recommendation, for a subdivision located in single family and two family zones located within an area identified as a short term rental overlay district (STRO) for the provision of additional improved open space, or for the provision of additional subdivision features as more particularly set forth by sections 16.07.511 through 16.07.514 of this chapter. Such density incentives shall be calculated from the base density as determined in accordance with the provisions of this chapter. In no event shall the maximum density incentives for any subdivision located in a short term rental overlay district exceed twenty five percent (25%) of the base density, as provided by sections 16.07.511, 16.07.513 and 16.07.514 of this chapter. (See appendix B of this title for an example of a calculation of density incentives in the subdivision enhancement overlay district.) (Ord. 2005-13, 2005)

For subdivisions located in a multi-family zone with a short term rental overlay district (STRO) see Chapter 18 Multi-Family Design Guidelines and Standards. (Ord. 2015-04, 2015)

16.07.811: PROVISION OF ADDITIONAL OPEN SPACE: For a subdivision located in single family and two family zones located within an area identified as a short term rental overlay district (STRO), a density incentive 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

For subdivisions located in a multi-family zone with a short term rental overlay district (STRO) see Chapter 18 Multi-Family Design Guidelines and Standards. (Ord. 2015-04, 2015)

16.07.812: IMPROVEMENTS AND ENHANCEMENTS TO OPEN SPACE AREAS: For a subdivision located in single family and two family zones to qualify for a short term rental overlay district (STRO), and to qualify for any density incentives that may be provided, the subdivision shall provide 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 (STRO) see Chapter 18 Multi-Family Design Guidelines and Standards. (Ord. 2015-04, 2015)

16.07.813: CONSISTENCY IN DESIGN ELEMENTS: Subdivisions located in single family and two family zones to qualify for a short term rental overlay district (STRO) that provide and incorporate a consistent and overall subdivision design theme, such as unified architectural building styles, consistency in building materials, colors, height, type and quality, or provide other subdivision design features and amenities, designed to add long term attractiveness and quality to the subdivision, and recommended by the commission, and approved by the city council, may receive up to a five percent (5%) density incentive. To receive a density incentive for design elements, the subdivision drawings and covenants, conditions and restrictions (CC&Rs) shall be reviewed and accepted by the commission and city council as including sufficient guarantees to provide the subdivision features and building design elements.

For subdivisions located in a multi-family zone with a short term rental overlay district (STRO) see Chapter 18 Multi-Family Design Guidelines and Standards. (Ord. 2015-04, 2015)

16.07.814: CONVENIENCE IN LAYOUT, VARIETY OF LOT SIZES AND UNIQUE SUBDIVISION FEATURES: Subdivisions located in single family and two family zones to qualify for a short term rental overlay district (STRO) that provide creative, or extraordinary design layout, including variations in lot sizes, and incorporate unique features and amenities for the benefit of subdivision and community residents, not typically required or provided in other subdivisions, and recommended by the commission, and approved by the city council, may receive up to a ten percent (10%) density incentive. To receive a density incentive for creative or extraordinary subdivision design, unique features and amenities, the subdivision drawings and covenants, conditions and restrictions (CC&Rs) shall be reviewed and accepted by the commission and city council as including sufficient guarantees to provide the variety of lot sizes and unique subdivision features.

For subdivisions located in a multi-family zone with a short term rental overlay district (STRO) see Chapter 18 Multi-Family Design Guidelines and Standards. (Ord. 2015-04, 2015)

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 (STRO) 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 (STRO) see Chapter 18 Multi-Family Design Guidelines and Standards. (Ord. 2015-04, 2015)

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 article. (Ord. 2015-04, 2015)

16.07.817: YARD REGULATIONS: The design of a subdivision located in single family and two family zones with a short term rental overlay district (STRO) 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 (STRO) 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 (STRO) 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.

For subdivisions located in a multi-family zone with a short term rental overlay district (STRO) see Chapter 18 Multi-Family Design Guidelines and Standards. (Ord. 2015-04, 2015)

16.07.818: OPEN SPACE STANDARDS, USE, PERMANENT PROTECTION, OWNERSHIP AND MAINTENANCE REGULATIONS: All matters relating to open space areas being provided with a subdivision located in single family and two family zones with a short term rental overlay district (STRO), including development standards, allowed uses, permanent protections, ownership and maintenance shall be controlled by the requirements and provisions of sections 16.07.417 through 16.07.421 of this chapter.

For subdivisions located in a multi-family zone with a short term rental overlay district (STRO) see Chapter 18 Multi-Family Design Guidelines and Standards. (Ord. 2015-04, 2015)

Effective Date: This Ordinance shall become effective immediately upon passage and publication.

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THE 20TH DAY OF OCTOBER, 2022, BY A UNANIMOUS VOTE. ALL COUNCIL MEMBERS WERE PRESENT AT THE MEETING AND VOTED IN FAVOR.