# CHAPTER 11
# GENERAL DEVELOPMENT STANDARDS

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### 16.11.101: PURPOSE:

The purpose of general development standards is to further the purposes of the general plan, this title and all other land use ordinances. Compliance with all general development standards, as well as all other requirements of this title, and all other federal, state and local requirements, as applicable, is required for any land use application approval required by this title, or any other approval, permit or license required by all other land use ordinances. (Ord. 2005-13, 2005)

### 16.11.102: APPLICATIONS REQUIRED:

All requests to establish a use, or construction, alteration, enlargement, repair or removal of any building, structure or part thereof, shall be initiated by the submission of a land use application, as required by all land use ordinances and/or building permit application, as required by the adopted building code, as applicable. (Ord. 2005-13, 2005)

### 16.11.103: LAND USE APPLICATION APPROVAL AND BUILDING PERMIT REQUIRED PRIOR TO ANY CONSTRUCTION:

The construction, alteration, enlargement, repair or removal of any building, structure, or part thereof, shall not be commenced until after the receipt of a land use application approval, or building permit approval, as applicable. (Ord. 2005-13, 2005)

### 16.11.104: ALLOWED USES:

All uses allowed within the city are identified in the tables of uses, as contained in chapter 33 of this title. (Ord. 2005-13, 2005)

### 16.11.105: PROHIBITED USES:

Any use not specifically provided in the tables of uses is hereby declared a prohibited use in the city. (Ord. 2005-13, 2005)

**16.11.106: ALL USES, BUILDINGS AND STRUCTURES TO COMPLY WITH ZONING DISTRICT REQUIREMENTS:**
Every building or structure erected, reconstructed, altered, enlarged or moved, and every building, structure or land rearranged, designed or intended for any use shall be built or used only as allowed by the requirements of this title, including the requirements of the zoning district in which the building, structure or use is located, and all other land use ordinances. (Ord. 2005-13, 2005)

**16.11.107: ALL BUILDINGS TAXED AS REAL PROPERTY:**
All buildings shall be taxed as real property. For all mobile homes, an affidavit shall be filed with the state tax commission, pursuant to the requirements of Utah Code Annotated, as amended. (Ord. 2005-13, 2005)

**16.11.108: SUBDIVISION AND SALE OF PROPERTY:**
No person shall subdivide any land parcel, located wholly or in part within the city, for any purpose unless and until an approval for such subdivision has been received from the applicable land use authority. (Ord. 2005-13, 2005)

**16.11.109: ALLOWED MINIMUM USE OF LEGAL LOTS:**
Nothing in this title shall be construed to prevent the establishment of one single-family dwelling on any legal lot or parcel of land, as determined by the zoning administrator; provided, that such lot or parcel is located in a zoning district that permits single-family dwellings, and all proposed construction can qualify for a building permit, as required herein [1] . (Ord. 2005-13, 2005)

Notes

[1] 1. See also section 16.25.105 of this title.

**16.11.110: STATUS OF LOTS IN REPEALED PLANNED DEVELOPMENT ZONE (PD):**
A legal lot, created in any now repealed planned development zone (PD), as previously provided by chapter 16 of the city zoning ordinance adopted October 1996 and revised May 2000, and legally existing on the effective date hereof, is hereby determined to be a conforming lot, even if such lot is a size less than required by the zoning district. Such lot shall qualify for one single-family dwelling, provided the lot is located in a zoning district that permits single-family dwellings, and all proposed construction can qualify for a building permit [1] . (Ord. 2005-13, 2005)

Notes

[1] 2. See also section 16.25.105 of this title.

**16.11.111: ADEQUATE PUBLIC FACILITIES:**
(1) Land shall only be developed to the extent that adequate public infrastructure, facilities and services are available, or will be available concurrent with the development activity, and sufficient to meet the needs of the proposed development. A land use authority may require an adequate public facilities and services analysis to be provided

to determine if adequate public facilities and services are available to serve the proposed development, and if such development will change the existing levels of service, or will create a demand for services that exceeds existing service levels.

(2) Public facilities that may be required by a land use authority to be included in an adequate public facilities and services analysis include, but are not limited to, road and street facilities, intersections and bridges, culinary water facilities, sanitary sewer facilities, storm drainage facilities, fire protection and suppression facilities, park and recreational facilities, culinary water pressure, fire and emergency services and response times, police protection services and response times, and other required public facilities and services. A land use authority may deny a land use application if the demand for public facilities and services exceeds existing service levels, or require the applicant for a land use application to provide the required infrastructure, facilities or services, concurrent with demand, consistent with all applicable legal authorities. (Ord. 2005-13, 2005)

**16.11.112: CULINARY WATER AND SANITARY SEWER REQUIREMENTS:**
All primary buildings requiring culinary water and sanitary sewer services shall be connected to the culinary water and sanitary sewer systems of the city. An on site sewer system may be approved by the city council only when the boundary of the lot or parcel on which the primary building is proposed is further than three hundred feet (300') from a public sewer line. (Ord. 2005-13, 2005)

**16.11.113: UTILITIES:**
(1) All primary buildings shall be connected to all necessary and required utilities.

(2) All water, sewer, telephone, cable television, power and other utilities shall be provided underground, with the following exceptions:

(a) Transformers, pedestals, fire hydrants and other appurtenances normally associated with "underground" utility installations are permitted on the surface of the ground.

(b) The development of existing lots in areas of the city now served with existing aboveground utilities, are exempt from this requirement.

(3) As practicable, underground utilities shall be located within or immediately adjacent to the disturbed areas of a development site, lot or parcel. (Ord. 2005-13, 2005)

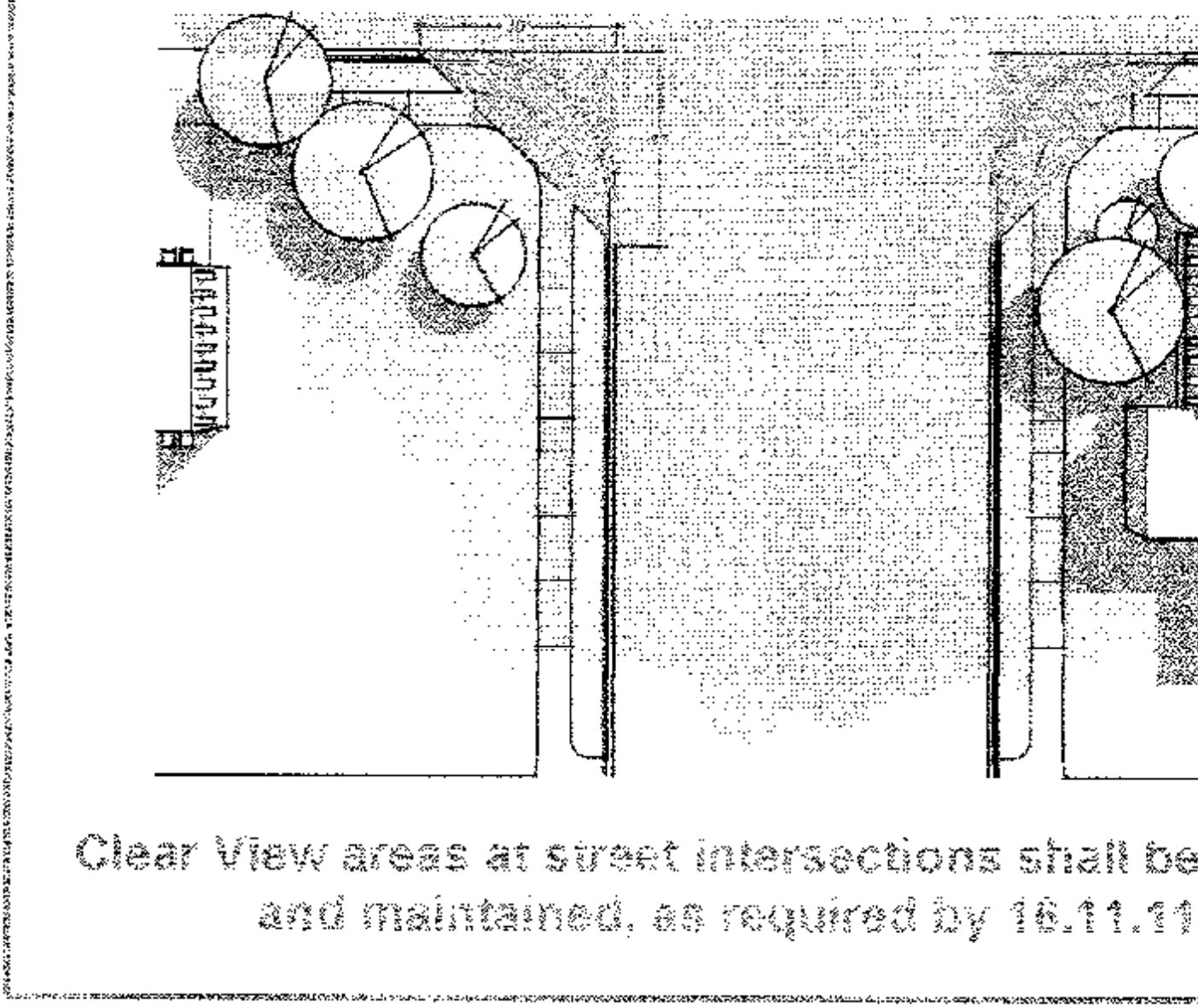
**16.11.114: REQUIRED STREETS, CURB, GUTTER, SIDEWALKS AND TRAILS:**
(1) The installation of necessary streets, street widening and improvements, curbs, gutters, sidewalks and trails of a type as required by the land use ordinances of the city shall be required as a condition of any required approval, permit or license.

(2) The city council, upon the receipt of a sensitive lands committee and/or commission recommendation, may provide that the installation of necessary streets, street widening and improvement, curbs, gutters, sidewalks and trails be delayed until a date certain, or provided as part of any areawide improvement plan. The timing of any improvement plan shall be at the sole discretion of the city council. (Ord. 2005-13, 2005)

**16.11.115: STREETS AND ROADS ON STEEP SLOPES:**
See section 16.08.209 of this title. (Ord. 2005-13, 2005)

**16.11.116: CLEAR VIEW AT INTERSECTING STREETS:**
In all zoning districts, no view obstruction, including a sight obscuring fence, wall, sign or other similar structure, and no landscaping which exceeds two feet (2') in height, shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at a point thirty feet (30') from the intersection of the street lines, except for a reasonable number of trees pruned high enough to permit unobstructed vision for automobile drivers, bicyclists and pedestrians.

Figure 11.1
Street Clear View Areas



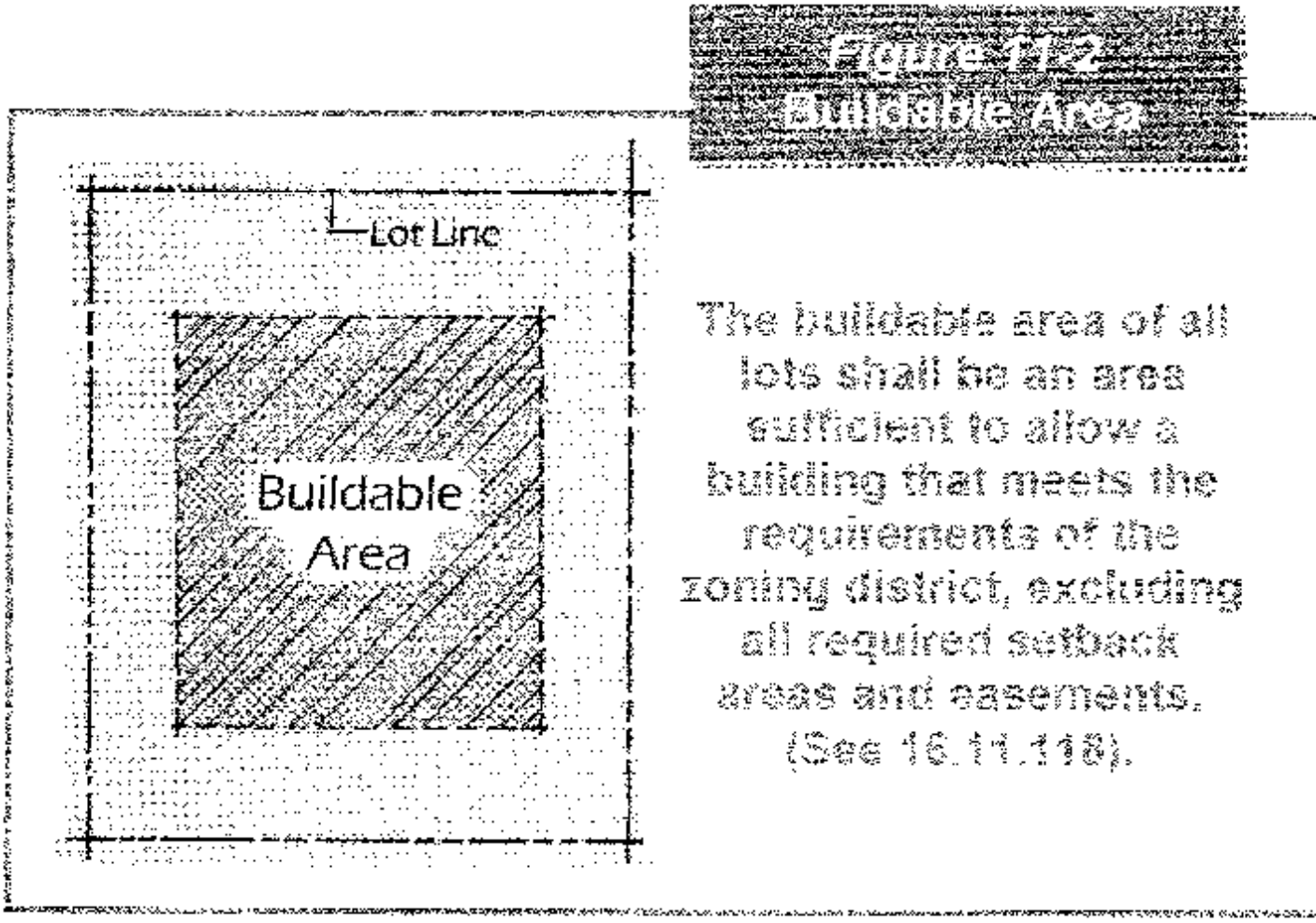

(Ord. 2005-13, 2005)

**16.11.117: CLEAR VIEW AT DRIVEWAYS:**
In all zoning districts, no view obstruction, including a sight obscuring fence, wall, sign or other similar structure, and no landscaping which exceeds two feet (2') in height, shall be placed within a triangular area formed by a driveway line, the street property line, and a line connecting them at points twelve feet (12') along the driveway line and twelve

feet (12') along the street property line, except for a reasonable number of trees pruned high enough to permit unobstructed vision for automobile drivers, bicyclists and pedestrians. (Ord. 2005-13, 2005)

**16.11.118: BUILDABLE AREA AND SURVEY REQUIREMENTS:**

(1) Every lot or parcel created after the effective date hereof shall have a buildable area sufficient to establish a building or structure thereon, which meets the minimum standards of the zoning district in which the lot or parcel is located. Buildable areas shall be required to be identified for each lot on all subdivision plats and plans for the purposes of ensuring that a buildable lot or parcel is provided, and to inform future owners of the approved buildable area. Any area located within an easement may not be included within any buildable area unless the easement beneficiary executes and records a release of the easement in a form acceptable to the city attorney.




(Ord. 2005-13, 2005; amd. Ord. 2008-17, 2008)

(2) In the event that a lot lacks clearly identified boundaries, the building inspector shall require official recorded survey pins to be placed prior to the issuance of a building permit. Such survey pins shall remain in place for required inspections (footing, foundation, etc.). A copy of the survey shall be provided to confirm that the survey pins'

placement corresponds with the property corners. In the event site constraints make it difficult to place survey pins at a property corner, the affected survey pin may be placed at a different location and noted on the survey. This subsection shall not apply to small accessory buildings.

(3) In the case of lots abutting nondeveloped public property, all survey pins must be in place. (Ord. 2008-17, 2008)

**16.11.119: LOT STANDARDS; NONCOMPLYING LOTS PROHIBITED:**
Every lot existing, or created, shall comply with the minimum lot size, frontage and all other requirements of this title, and the city's other land use ordinances, or prior enactments, for the zoning district in which such lot is located. No lot shall be created that does not conform to the zoning district requirements in which it is located. (Ord. 2005-13, 2005)

**16.11.120: EVERY BUILDING OR STRUCTURE TO BE ON A LOT:**
All buildings and structures, as defined herein, shall be located and maintained on a separate legal lot, such lot meeting all requirements of the land use ordinances, including the requirements of the zoning district in which the lot is located. (Ord. 2005-13, 2005)

**16.11.121: LOT FRONTAGE REQUIRED:**
Every lot shall have frontage upon a dedicated or publicly approved road or street, or right of way providing direct access to a dedicated or publicly approved road or street. (Ord. 2005-13, 2005)

**16.11.122: LOTS IN TWO OR MORE ZONING DISTRICTS:**
Where a lot of record at the time of passage of the ordinance codified herein, or any amendment thereto, falls into two (2) or more zoning districts, the requirements of the more restrictive zoning district shall apply. (Ord. 2005-13, 2005)

**16.11.123: REQUIRED YARD AREAS FOR ONE BUILDING ONLY:**
(1) No required yard or setback area for a lot or building shall be considered as providing the required yard or setback for any other lot or building.

(2) No area required to meet the lot width, area, setback or other requirements of this title for any lot or building may be divided, sold or leased separate from such lot or building. (Ord. 2005-13, 2005)

**16.11.124: GENERAL BUILDING REQUIREMENTS:**
Ivins City is uniquely located at the base of Red Mountain in a desert environment. Views are spectacular. Aesthetic features of the city have significant economic value for all city residents, businesses, and property owners. It is in the best interest of the city and the general welfare of all residents, businesses, and property owners to protect the environmental values of the city. In recognition of the goal of the city to protect and preserve the naturally occurring values of the city, the following requirements are provided:

(1) Architectural Style: Architectural styles that are inconsistent with a desert environment and the Ivins City site plan and design requirements and found to be

foreign to Ivins City and tending to detract from the appearance of the city are prohibited. Prohibited building styles shall include, but are not limited to, A-frames, geodesic domes, Swiss chalets, log and earth shelter homes. Prohibited building materials shall include, but are not limited to, glass bottles, used tires, carpet tiles or other atypical exterior finish materials.

(2) Minimum Width Of Single-Family Dwelling Units: All single- family dwelling units shall be a minimum of twenty feet (20') wide at the narrowest point of the first story, excluding any accessory structure. The building width shall be considered the lesser of the two (2) primary dimensions of the building.

(3) Permanent Foundation Required: All buildings shall be located on and permanently attached to a site built permanent foundation that meets the Building Code, as adopted. All manufactured homes shall meet the applicable requirements of the Building Code for the construction, establishment, and location for manufactured housing installations.

(4) Garage Requirements: All ~~accessory dwelling units for an owner or employee and all single-family~~ single-family dwellings, two-family dwellings, condominium, manufactured and mobile home dwelling units shall provide a minimum of a two car garage (400 square foot minimum) per unit. All multi-family dwelling units shall provide a minimum of one (1) covered off street parking space, and one (1) additional off street parking space.

(5) Enclosed Storage Required: All dwellings, excepting single-family dwellings, shall provide a minimum of sixty four (64) square feet of enclosed storage with a minimum height of six feet (6') located in the garage area, or in an accessory building, meeting the requirements of this title. (Ord. 2009-09, 2009)

**16.11.125: MINIMUM HEIGHT OF ALL PRIMARY BUILDINGS:**
No primary building shall be erected to a height less than one (1) story entirely above grade. (Ord. 2009-09, 2009)

**16.11.126: MAXIMUM HEIGHT OF ALL PRIMARY BUILDINGS:**
(1) No primary building located on a lot or parcel in any RA-5, RA-1, RE-43.0, RE-37.0, RE-25.0, RE-20.0, RE-17.5, RE-15.0, RE-12.5, R-1-10, R-1-7.5, R-1-5, R-2-10, Townhouse, or R-M District, such lot or parcel being and created after the effective date hereof, shall be constructed to a height greater than twenty five feet (25'), including the height of all roof mounted mechanical and ancillary equipment, and including, but not limited to, towers, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain a building, and fire or parapet walls. Additional height restrictions and architectural restrictions may apply in accordance with section 16.11.134 Grading and Drainage for lots that abut existing developments that lie downhill from the new development. Garages can not be a height greater than 22” (twenty two feet).

(2) No primary building located on a lot or parcel in a Sensitive Lands Overlay District (SL) shall be constructed to a height greater than eighteen feet (18'), including the height of all roof mounted mechanical and ancillary equipment, and including, but

not limited to, towers, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain a building, and fire or parapet walls.

(3) No primary building located on a lot or parcel in any CN, C-1, RC, RMU, or CLM District shall be constructed to a height greater than thirty five feet (35'), including the height of all roof mounted mechanical and ancillary equipment, and including, but not limited to, towers, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain a building, and fire or parapet walls.

(4) The height of all accessory buildings shall comply with the requirements of chapter 12 of this title.

(5) Maximum height of all buildings and structures shall be measured to the highest point of the building from the natural or finished grade, whichever is lower, unless a higher finished grade is required by the City for proper drainage in which case it will be measured from the finished grade.

(a) Exception: Where there is a variation in the grade on a lot or parcel, the building height may be measured from the "average grade" height as measured between the "upper grade" and the "lower grade" with the following restrictions (see illustration):

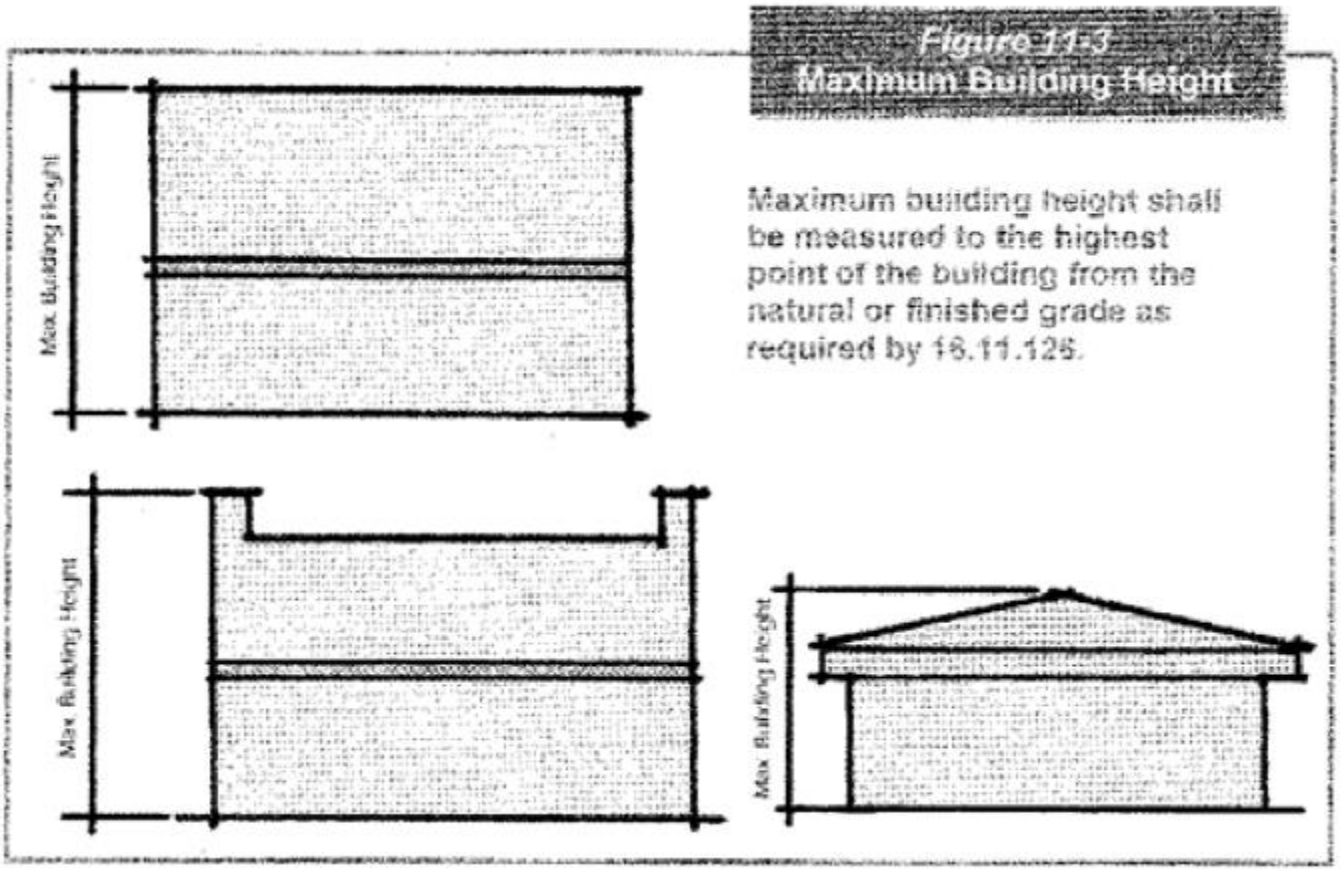
(i) The highest point on a building or structure, as defined in this section, shall not exceed the maximum allowed height as measured from the "average grade".

(ii) The top of the concrete foundation wall shall not exceed eighteen inches (18") above the "upper grade" level.

(iii) The structure shall be limited to a maximum of one (1) story above the foundation.

~~(iv) The rear yard setback shall be increased one hundred percent (100%) when the rear yard is located on the perimeter of the subdivision or is adjacent to a minor or major arterial or collector street.~~

(v) The maximum variation allowed between "upper grade" and "lower grade" is ten feet (10') (figure 11-3 of this section).




(Ord. 2009-09, 2009; amd. Ord. 2013-09, 2013; Ord. 2014-05, 2014; Ord. 2017-06, 2017; Ord. 2020-16, 12-3-2020)

**16.11.127: EXCEPTIONS TO MAXIMUM HEIGHT LIMITATIONS:**
The requirement for maximum building height shall not apply to:

(1) Flagpoles.

(2) All primary buildings for which a special exception to the allowed maximum building height has been approved by the City Council, as provided by chapter 28 of this title. (Ord. 2005-13, 2005)

**16.11.127: BUILDING LOT COVERAGE:**

(1) Building Lot coverage is based on lot size as follows:

Table 127.1

| Lot Size in sqft | Allowable Coverage in % within setbacks |
|---|---|
| Up to 19999 | 100% |

| | |
|---|---|
| 20,000 to 24,999 | 60% |
| 25,000 to 29,999 | 55 % |
| 30,000 to 34,999 | 50 % |
| 35,000 to 39,999 | 45 % |
| 40,000 and larger | 40 % |

(2) All primary and accessory structures shall not have a combined foot print greater than the allowable coverage area in % in table 127.1.
(3) The buildable area is a percentage of the area of the parcel or lot.
(4) Setback for attached and considered attached are as per table 16.33.103 and setbacks for detached structures are as per chapter 12 of this ordinance.

16.11.127: GARAGES AND CARPORTS

(1) The combination of attached garages and carports can not be greater than 70% of the footprint of the habitable area of the primary dwelling not to include garages, porches and awnings.

16.11.128: PATIOS AND AWNINGS

(1) Patios and awnings not greater than 800 feet, one story in height and open on three sides can be within three feet of the property line.

(2) Patios and awnings 800 feet and greater have to be within the setback area and less than or equal to the allowed percent coverage in Table 127.1

**Renumber below**