ORDINANCE NO. 2025-01

AN ORDINANCE OF IVINS CITY, UTAH, AMENDING TITLE 16, CHAPTER 14 OF THE IVINS CITY CODE TO SIMPLIFY THE APPLICATION PROCESS FOR CLASS I USE PERMITS AND TO CLARIFY THE LENGTH OF TIME TEMPORARY STRUCTURES ARE ALLOWED

WHEREAS the city council for Ivins City (the "City Council") is authorized by law to exercise its legislative powers through ordinances as are necessary for carrying into effect the duties and powers of the City Council and as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of Ivins City and its inhabitants, and for the protection of property in Ivins City;

WHEREAS before the City Council can pass an ordinance regulating land use the planning commission for Ivins City (the "Planning Commission") must consider the regulation and conduct a public meeting regarding the proposed land use regulation;

WHEREAS after conducting a public meeting regarding this ordinance on December 17, 2024, the Planning Commission recommended that the City Council approve this ordinance;

WHEREAS the City Council has investigated and considered the application process for Class I Uses and the length of time that temporary structures should be allowed during such uses; and

WHEREAS the City Council finds that it is in the best interests of the City to simplify the application process and clarify the length of time that temporary structures should be allowed during such uses.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Ivins City as follows:

Section 1. Amendment to Title 16, Chapter 14 of the Ivins City Code. Title 16, Chapter 14 of the Ivins City Code is hereby amended, in full, as follows:

CHAPTER 14
CLASS I USE APPLICATIONS

16.14.101: PURPOSE:

This chapter identifies and provides the procedures, decision standards, and other matters for the review of class I use applications. Class I uses are hereby determined to be temporary uses for the purposes of this title, and all other land use ordinances.

16.14.102: APPROVAL AUTHORITY:

(1) The zoning administrator is authorized to approve, approve with requirements necessary for compliance with all applicable land use ordinance provisions, or deny class I use applications, except class I use applications that propose~~d on~~ ground disturbance of any sensitive lands areas ("non-sensitive lands class I applications"). Before the zoning administrator makes a decision, the Technical Review Committee shall review the application.

(2) The sensitive lands committee is authorized to approve, approve with requirements necessary for compliance with all applicable land use ordinance provisions, or deny class I use applications that proposed on disturbance of any sensitive lands areas ("sensitive lands class I applications"). Before the sensitive lands committee makes a decision, the Technical Review Committee shall review the application.

16.14.103: APPLICATION INITIATION AND COMPLETENESS:

(1) Requests to establish a class I use shall be made on a class I use application.

(2) A property owner may present a class I use application for review and decision. An agent of the property owner, or a lessee of the property, may present a class I use application for review and decision, provided such application is accompanied by a property owner affidavit of authorization.

(3) Class I use applications shall be determined complete by the zoning administrator, as provided by chapter 13 of this title. For class I use applications determined to be incomplete, the zoning administrator shall comply with the requirements of chapter 13 of this title.

16.14.104: NON-SENSITIVE LANDS CLASS I USE APPLICATION REQUIREMENTS~~, EXCEPT THOSE PROPOSED ON ANY SENSITIVE LANDS AREAS~~:

The following class I use application information shall be provided for non-sensitive lands class I use applications:

(1) A complete class I use application.

(2) ~~Three~~ One (~~3~~1) cop~~ies~~y of a site plan, drawn at a scale of one inch equals forty feet (1" = 40'), or as required by the zoning administrator, identifying the following:

(a) The location and dimension of the property and all proposed uses and buildings, all existing buildings or structures located on the property, and existing buildings and structures located within one hundred feet (100') of the property. Existing property lines and existing fence lines shall be shown.

(b) The location of all roads and streets adjoining the site, and including any permits as required by Washington County or the state department of transportation, as applicable.

(c) The location and dimension of all proposed ingress and egress points, off street parking and loading areas, including the total number of parking and loading spaces.

(d) For class I use applications involving a special event, proof of compliance with Title 5, Chapter 10 of the code, including a plan to comply with any conditions imposed pursuant thereto.

(3) Other information, as may be required by the zoning administrator, necessary to review the class I use application.

16.14.105: SENSITIVE LANDS CLASS I USE APPLICATION REQUIREMENTS ~~PROPOSED ON ANY SENSITIVE LANDS AREAS~~:

Sensitive lands Class I use applications ~~proposed on any sensitive lands areas~~ shall provide the same information required by section 16.14.104 of this chapter, and other information required by chapter 8 of this title, as determined necessary by the sensitive lands committee to review the class I use application.

16.14.106: NON-SENSITIVE LANDS CLASS I USE APPLICATION REVIEW PROCEDURES AND APPROVAL STANDARDS~~, EXCEPT THOSE PROPOSED ON ANY SENSITIVE LANDS AREAS~~:

(1) The procedures for review of a non-sensitive lands class I use application~~, except those proposed on any sensitive lands areas,~~ are identified by figure 14-1 in this chapter.

(2) The zoning administrator shall review the application and determine if the application:

(a) Is a class I use within the zoning district, as identified in the tables of uses (chapter 33 of this title).

(b) Complies with all requirements applicable to the zoning district, including minimum area, setbacks, height, and all other requirements.

(c) Does not propose any use~~, building or structure~~ that includes ground disturbance on any sensitive lands areas.

(d) The use is proposed for a maximum period of forty five (45) days, such use being discontinued after the expiration of forty five (45) days.

(3) Upon a finding by the zoning administrator that the proposed class I use complies with the requirements of this chapter, and the proposed use can be adequately serviced by the existing public facilities (see section 16.11.111 of this title), the class I use application shall be approved, with or without requirements.

(4) Upon a finding by the zoning administrator that the proposed class I use does not comply with the requirements of this chapter, or the proposed use cannot be adequately serviced by the existing public facilities, the class I use application shall be denied.

16.14.107: SENSITIVE LANDS CLASS I USE APPLICATION REVIEW PROCEDURES AND APPROVAL STANDARDS ~~PROPOSED ON ANY SENSITIVE LANDS AREAS~~:

(1) The procedures for the approval or denial of a sensitive lands class I use application ~~proposed on any sensitive lands areas~~ are identified by figure 14-2 in this chapter.

(2) The sensitive lands committee shall review the application and determine if the application:

(a) Is a class I use within the zoning district, as identified in the tables of uses (chapter 33 of this title).

(b) Complies with all requirements applicable to the zoning district, including minimum area, setbacks, height, and all other requirements.

(c) Complies with all requirements of chapter 8 of this title, as applicable.

(d) The use is proposed for a maximum period of forty five (45) days, such use being discontinued after the expiration of forty five (45) days.

(3) Upon a finding by the sensitive lands committee that the proposed class I use application complies with the standards and requirements of this chapter, and the proposed use can be adequately serviced by the existing public facilities (see section 16.11.111 of this title), the class I use application shall be approved, with or without requirements.

(4) Upon a finding by the sensitive lands committee that the proposed class I use does not comply with the requirements of this chapter, or the proposed use cannot be adequately serviced by the existing public facilities, the class I use application shall be denied.

16.14.108: APPROVED CLASS I USE APPLICATIONS TO BE ON FILE:

~~(1)~~ The zoning administrator shall maintain all class I use application approvals on file.

~~(2) The zoning administrator or sensitive lands committee recording secretary shall maintain all class I use application approvals on sensitive lands areas on file.~~

16.14.109: EFFECT OF APPROVAL:

~~(1)~~ Approval of a class I use application ~~by the zoning administrator~~ shall authorize the establishment of the approved use, subject to any requirements of approval.

~~(2) Approval of a class I use application by the sensitive lands committee shall authorize the establishment of the approved use, subject to any requirements of approval.~~

16.14.110: APPEAL:

~~(1)~~ Any person aggrieved by a decision ~~of the zoning administrator~~ regarding a class I use application may appeal the decision ~~to the commission,~~ as provided by chapter 30 of this title.

~~(2) Any person aggrieved by a decision of the sensitive lands committee regarding a class I use application proposed on any sensitive lands areas may appeal the decision to the city council, as provided by chapter 30 of this title.~~

16.14.111: CLASS I USE APPROVAL AMENDMENTS:

No class I use application approval shall be amended. The procedure for amending any class I use application approval shall be the same procedure to approve the class I use application in the first instance (see section 16.13.110 of this title).

16.14.112: REVOCATION:

A class I use application approval shall be revoked upon a finding of noncompliance, as provided by sections 16.03.116 and 16.03.117 of this title, by the zoning administrator.

16.14.113: CONTINUING VALIDITY AND EXPIRATION:

See section 16.03.115 of this title.

16.14.114: TEMPORARY STRUCTURES:

All temporary structures associated with any class I use that are larger than 200 square feet or higher than 15 feet shall comply with the building code. All temporary structures associated with any class I use that take longer than 45 days to construct or longer than 30 days to remove are required to meet the design guidelines of Title 16, Chapter 19 of the code. Nothing in this section is intended to lengthen the 45-day use limit contained in section 16.14.106 of this title.

FIGURE 14-1

NON SENSITIVE LANDS CLASS I USE APPLICATION PROCEDURES

~~(EXCEPT THOSE PROPOSED ON SENSITIVE LANDS AREAS)~~

Class I use application filed with zoning administrator

Zoning administrator determines application completeness (see chapter 13)

Application determined complete (see chapter 13)

Application determined incomplete (see chapter 13)

Complete application reviewed by zoning administrator for compliance with requirements of all land use ordinances, including this title

Application found to comply with requirements of all land use ordinances, including this title. Application approved by zoning administrator, with or without requirements

Application found to not comply with requirements of all land use ordinances, including this title. Application denied by zoning administrator

FIGURE 14-2

SENSITIVE LANDS CLASS I USE APPLICATION PROCEDURES ~~PROPOSED ON SENSITIVE LANDS AREAS~~

Class I use application filed with zoning administrator

Zoning administrator determines application completeness (see chapter 13)

Application determined complete (see chapter 13)

Application determined incomplete (see chapter 13)

Complete application reviewed by sensitive lands committee for compliance with requirements of all land use ordinances, including this title

Application found to comply with requirements of all land use ordinances, including this title. Application approved by sensitive lands committee, with or without requirements

Application found to not comply with requirements of all land use ordinances, including this title. Application denied by sensitive lands committee

Section 2. 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.

Section 3. 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 _____, 2025, BY THE FOLLOWING VOTE:

	AYE	NAY	ABSTAIN	ABSENT
Mike Scott	_____	_____	_____	_____
Kevin Smith	_____	_____	_____	_____
Sharon Barton	_____	_____	_____	_____
Sharon Gillespie	_____	_____	_____	_____
Lance Anderson	_____	_____	_____	_____

_____
Chris Hart, Mayor

ATTEST:

_____
Kari D. Jimenez, City Recorder