Ivins City
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An Equal Opportunity Employer

Mayor Chris Hart
City Council Members:
Lance Anderson
Sharon Barton
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Mike Scott
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July 30, 2025

via email: 64landerson@gmail.com

Lance Anderson

Re: Administrative Interpretation of Zoning Uses for Parcel Nos. I-6-2-6-337 and I-6-2-6-3311

Dear Lance:

Please accept this letter as an official administrative interpretation by Ivins City (the "City") pursuant to Section 16.02.102 of the Ivins City Code regarding the issue discussed herein.

Factual Background[1]

It is my understanding that you, or one or more of your affiliated and/or controlled entities ("Owner"), are the owner of Parcel Nos. I-6-2-6-337 and I-6-2-6-3311 in Ivins, Utah (the "Property"). On March 21, 2024, a zone change was approved by the Ivins City Council, zoning the property as Resort Commercial (the "RC Zone"). In addition, on the same date a development agreement covering the Property was approved that prohibited any short-term rentals on the Property and restricted the heights of any structures built on the property to a height no higher than 5 feet above the height of the highest house heigt in the subdivision adjoining the Property. The development agreement was executed and recorded with the Washington County Recorder as Document No. 20240011326 on April 12, 2024.

Issue

You have requested the City provide a formal administrative interpretation of whether the uses allowed on the Property under the current RC Zone include condominiums, apartments, and/or townhomes and whether under the current RC Zone any buffering of residential uses is required.

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[1] The facts set forth herein form the basis of this administrative interpretation. If any of the facts recited herein are incorrect, the City reserves the right to amend this administrative interpretation to account for the correct facts.

Analysis

The Ivins City table of uses for the RC Zone allows "Dwelling, condominium," "Dwelling, multiple-family," and "Dwelling, two-family," as Class IV conditional uses, so long as they are part of an approved Mixed Use Overlay District. (ICC § 16.33.102.) A Mixed Use Overlay District allows for a combination of uses allowed by one of the City's residential zones with the uses allowed by the one of the following commercial zones: the Neighborhood Commercial zone, the Community Commercial zone, or the RC Zone. (ICC § 16.08.102.) Since the Property is already subject to the RC Zone, this would be the commercial zone component of the mixed-use overlay for the Property, requiring a developer to simply then select one of the residential zones to establish the list of residential uses.

One of the available residential zones for a mixed-use overlay is the Multiple-Residential zone (R-M Zone). (ICC § 16.08.102.) The Ivins City table of uses for the R-M Zone allows "Dwelling, condominium," and "Dwelling, multiple-family," as Class IV conditional uses and "Dwelling, two-family," as a Class II conditional use. (ICC § 16.33.101.) Thus, under either the residential or commercial component of the mixed-use overlay, those specific uses would be allowed, so long as any adverse impacts can be reasonably mitigated as conditional uses pursuant to Ivins City's conditional use ordinance. (ICC § 16.16.107.) As Class IV conditional uses, Ivins City code only requires planning commission approval of the conditional uses (ICC § 16.16.106, see also figure 16-1), although the city council would still be involved in approving the overall mix-use plan required by the Mixed Use Overlay District regulations. (ICC § 16.08.105.)

With regard to development standards, no requirement to buffer residential uses exists in the RC Zone.[2] With regard to other development standards, Table 8-2 shows the standards that would be applied to any development in a Mixed-Use Overlay District. However, because it references the standards applicable to the underlying selected zones, it would be impossible to give specific interpretation on the applicable standards unless and and until an application is received for the creation of a mixed-use overlay district and/or mixed-use plan. I encourage you to review the Ivins City Code sections specifying the standards for those underlying zones to fully understand the applicable standards.

Conclusion

The "Dwelling, condominium," "Dwelling, multiple-family," and "Dwelling, two-family," uses are allowed as Class IV conditional uses in the RC Zone that currently governs Parcel Nos. I-6-2-6-337 and I-6-2-6-3311, subject to the reasonable mitigation of any adverse impacts and the creation of a mixed-use plan and a Mixed Use Overlay District. There is no requirement to buffer residential uses.

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[2] Such a requirement exists in the RMU zone (ICC § 16.17.101), but the Property is no longer zoned RMU.

Please contact me with any inquiries or to discuss this matter further.

SINCERELY,

Bryan Pack
City Attorney
bpack@ivinsutah.gov

cc: Rob Dalley, by email only
Chris Hart, by email only