3) **CITIZEN REQUEST FOR FUTURE AGENDA ITEMS REGARDING ORDINANCES, POLICIES OR OTHER LEGISLATIVE ITEMS**

KayeLynn Van Wagenen submitted a written Citizen Request, a copy of which is available as an attachment to this agenda. She proposed that the City adopt an ordinance to protect adjacent homes/property from damage caused by nearby construction and outlined some suggestions, as well as provided example ordinance text from New Orleans, LA and Philadelphia, PA.

4) **PUBLIC HEARING AND ACTION ITEMS**

A. Public Hearing on the Planning Commission's recommendation to deny a Concurrent Land Use Amendment from MDR (Medium-Density Residential) to HDR (High-Density Residential) and a Zone Amendment from R-1-10 (Residential, minimum lot size 10,000 sq ft) to R-2-10 (Residential, Two-Family District, minimum lot size 10,000 sq ft) on approximately .70 acres located at approximately 320 North Main. William Mcilrath-Owner/Applicant

Mike Haycock reported that the Planning Commission held a Public Hearing on this in November and recommended denying the Land Use and Zone Amendment based on the surrounding area and no adjacent zones to warrant the change. **Mayor Hart** opened the Public Hearing. **There were several individuals who spoke in opposition to this request,** commenting that the area is filled with single family homes, duplexes and high density would not be compatible in that area, spot zoning, and concerns regarding crime that may be associated with higher densities. One individual residing in that area was adamantly opposed, commenting that the applicant did not even show up and purchased the property for $365,000 cash and he and others were prepared to hire an Attorney to stop this if it were approved. They requested that the City Council follow the recommendation of the Planning Commission and deny this request. **Nicole Mcilrath** is the applicants mother and owns property across from her sons. Her son was unable to attend but she read a letter of explanation from her son, indicating that the mobile home that is currently on that lot is over 50 years old and he would like to remove the existing mobile home and build low profile duplexes that look like a single family home. **Mayor Hart** inquired if there was anyone on the Zoom application that wished to make a comment. **Cade Visser** indicated that there was not. **Mayor Hart** closed the Public Hearing.

B. Discuss and consider the Planning Commission's recommendation to deny a Concurrent Land Use Amendment from MDR (Medium-Density Residential) to HDR (High-Density Residential) and a Zone Amendment from R-1-10 (Residential, minimum lot size 10,000 sq ft) to R-2-10 (Residential, Two-Family District, minimum lot size 10,000 sq ft) on approximately .70 acres located at approximately 320 North Main. William Mcilrath-Owner/Applicant

Mayor Hart commented that with the size of the lot, there could be up to three (3) duplexes built. **Mike Haycock** indicated that it would depend on the dimensions but that was possible. Two or three single family homes could potentially be built as well as ADUs (Accessory Dwelling Units). **Council Member Murphy** referred to zone map and commented that the request is not compatible for the area. **Council Member Mehr** agreed and suggested that the City Council do what was recommended by the Planning Commission and deny this. **Council Member Scott and Council Member Johnson** agreed with Council Member Murphy and Council Member Mehr.

MOTION: Council Member Mehr moved to deny a Concurrent Land Use Amendment from MDR (Medium-Density Residential) to HDR (High-Density Residential) and a Zone

Amendment from R-1-10 (Residential, minimum lot size 10,000 sq ft) to R-2-10 (Residential, Two-Family District, minimum lot size 10,000 sq ft) on approximately .70 acres located at approximately 320 North Main. William Mcilrath-Owner/Applicant
SECOND: Council Member Murphy
VOTE: The motion carried unanimously.

Council Member Scott	AYE
Council Member Mehr	AYE
Council Member Johnson	AYE
Council Member Murphy	AYE
Council Member Anderson	ABSENT

C. Public Hearing on the Planning Commission's recommendation on a proposed Amendment to Table 33-1 of the Table of Uses, Prohibiting Resorts in all Residential Zones. Ivins City-Applicant

Dale Coulam commented that Council Member Scott had suggested placing "X's" in the Table of Uses but an alternative would be to strike the paragraph for resort thereby removing it from the Table of Uses so it is a prohibited use. **Council Member Scott** agreed with the Planning Commission's recommendation to eliminate Resorts in all residential zones. **Mayor Hart** opened the Public Hearing and inquired if there was anyone on the Zoom application who wished to make a comment. **Cade Visser** clarified that there was not. There being no comments, **Mayor Hart** closed the Public Hearing.

D. Discuss and consider approval of Ordinance No. 2023-29, an Ordinance of Ivins City, Utah, amending Table 33-1 of the Ivins City Zoning Ordinance removing the Use "Resort" from all Residential Zones

Council Member Murphy indicated that this is fixing what was found.

MOTION: Council Member Murphy moved to approve Ordinance No. 2023-29, an Ordinance of Ivins City, Utah, amending Table 33-1 of the Ivins City Zoning Ordinance removing the Use "Resort" from all Residential Zones
SECOND: Council Member Johnson
VOTE: The motion carried unanimously.

Council Member Scott	AYE
Council Member Mehr	AYE
Council Member Johnson	AYE
Council Member Murphy	AYE
Council Member Anderson	ABSENT

Roll call vote. All Council Members who were present voted in favor.

E. Public Hearing on the Planning Commission's recommendation on Zoning Text Amendments regarding Subdivision Application and Review Process

Dale Coulam stated that he has been mentioning this for several months. In the last Legislative session, the State passed a new law on how subdivision applications are to be processed and specified procedures for review and approval of those applications. There are a few options as to who the person or body is that is involved in this process but it does not include a Municipal Legislative body because Land Use is an Administrative. This process is mandatory for all municipalities and the changes to this section need to be made in order to comply with State statute. The new process begins with a Preliminary Plan application and the City can no longer

Ivins City Staff Report
City Council Meeting 12/7/23

Public Hearing on the Planning Commission's recommendation to deny a Land Use Amendment from MDR (Medium-Density Residential) to HDR (High-Density Residential) and a Zone Amendment from R-1-10 (Residential, minimum lot size 10,000 sq ft) to R-2-10 (Residential, Two-Family District, minimum lot size 10,000 sq ft) on approximately .70 acres. Located at approximately 320 North Main Street. William Mcilrath-Owner/Applicant.

Submitted by: Mike Haycock-Building and Zoning Administrator

Recommended Action: Staff does not make recommendations on Zone or Land Use Amendments.

Background: All zone requests are consistent with all associated land use designations.

FINDINGS AND ANALYSIS:

- Application is complete.
- The proposed zone/land use changes are in compliance with City Ordinances.
- Planning Commission held a Public Hearing on 11/14/23 and recommended to deny the land use amendment and zone amendment, based on the surrounding area, and no adjacent zones to warrant the change.

SUPPORT MATERIALS:

- Application
- Vicinity map
- Existing zoning/land use maps
- Proposed zoning/land use maps

Respectfully submitted:

Mike Haycock, Building and Zoning Administrator

Content Review:

Dale Coulam, City Manager