

# **IRON COUNTY ORDINANCE 2022-1**

AN ORDINANCE OF IRON COUNTY, UTAH, ADOPTING AND/OR MODIFYING SECTION 17.16.030 – TABLE OF USES, AND SECTION 17.16.040 – TABLE OF SITE DEVELOPMENT STANDARDS; SECTION 17.36.500 – TOWNHOUSE STANDARDS; SECTION 17.20.010 – USE DEFINITIONS; SECTION 17.84.010 – DEFINITIONS, AND PROVIDING FOR AN EFFECTIVE DATE.

**Whereas**, Iron County has determined in accordance with need for more affordable and attainable housing options, certain provisions and regulations need to be modified that permit townhouses in some existing zoning districts; and

**Whereas**, the proposed ordinance is designed to implement the objectives of the County to promote options for housing opportunities while reasonably regulating the same to serve the purposes Utah law and the Iron County Zoning Ordinance; and

**Whereas**, the County Commission finds that it is in the best interest of the County after taking into consideration the citizen's health, safety and welfare, to amend the following ordinances; and

**Whereas**, the Planning Commission of Iron County has held a duly advertised and noticed public hearing on the proposed amendments to the Zoning and Subdivision Ordinances of Iron County, Utah and has carefully and thoroughly reviewed and considered the comments received, and has voted to forward the proposed ordinance to the Iron County Commission with a recommendation for approval; and,

**Whereas**, the Iron County Commission has held a duly advertised and noticed public hearing on the proposed ordinance and after considering the public comments and the language of the proposed ordinance, the County Commission concludes that the proposed ordinance appropriately considers and balances all interests in accordance with the purposes and goals of the County Land Use, Development, and Management Act; the Iron County General Plan; and, the Iron County Zoning Ordinance.

**NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH AS FOLLOWS:**

**SECTION 1.** Within **Section 17.16.030 – Table of Uses**, of the Iron County Code, shall be, and hereby is, identified and amended to read as follows:

**17.16.030 Table of uses.**

TABLE OF USES												
USES	ZONE DISTRICTS											
	A-20	RA-20	RR-20	R-5	R-2	R-1	R-1/2	R4K	C	LI	I	IA
Temporary use	P	P	P	P	P	P	P	X	P	P	P	X
Townhouse(s)	X	X	X	X	X	X	P <sup>(8)</sup>	P <sup>(8)</sup>	X	X	X	X
Travel trailer park * 1-4 spaces ** 5+ spaces	A*, C**	C*, X**	C*, X**	X	X	X	X	C	C	X	X	X

- (1) See Definition.  
 (2) Requires an agricultural acknowledgment to be signed and recorded.  
 (3) See also [Section 17.34.030](#)  
 (4) See also [Section 17.34.050](#)  
 (5) See also [Chapter 17.35](#)  
 (6) See also [Chapter 17.33](#)  
 (7) See also [Chapter 16.25](#)  
 (8) Permitted when incorporated into a new subdivision, including the provisions in Section 17.36.500

Table of Uses Notes:

P = Permitted Use

A = Administrative Land Use

C = Conditional Use

X = Prohibited Use

**SECTION 2.** Within **Section 17.16.020 – Use Definitions**, of the Iron County Code, shall be, and hereby is, identified and amended to read as follow:

**17.16.020 – Use Definitions.**

"Transitional housing facility" means a facility owned, operated or contracted by a governmental entity or a charitable, nonprofit organization, where, for no compensation, temporary housing (for usually three to twenty-four months, but in no event less than thirty days) is provided to homeless persons, while they obtain work, job skills, or otherwise take steps to stabilize their circumstances. A transitional housing facility shall not include a shelter for the homeless. A dwelling unit provided to a family for their exclusive use as part of a transitional housing program, for more than thirty days, shall not be considered to be a transitional housing facility.

“Townhouse(s)” means one or more attached, privately owned single-family dwelling unit(s), each situated on an individual lot, which is (are) a part of, and adjacent to, other similarly owned

single-family dwelling units that are connected to but separated from one another by a common party wall having no doors, windows, or other provisions for human passage or visibility.

"Travel trailer park" means any parcel of land upon which two or more travel trailers for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodation.

**SECTION 3.** Within **Section 17.84.010 - DEFINITIONS**, of the Iron County Code, shall be, and hereby is, identified and amended to read as follow:

"Substantial modification" means a change which significantly alters the impacts and/or character of a structure, development or use.

"Townhouse" means an attached, privately owned single-family dwelling unit which is a part of, and adjacent to, other similarly owned single-family dwelling units that are connected to but separated from one another by a common party wall having no doors, windows, or other provisions for human passage or visibility.

"Townhouse block" means a group of lots occupied or to be occupied by a townhouse building containing no less than four and no more than eight lots, each with a connected dwelling unit together with such yards, open spaces, parking areas, and size required by this title, having frontage upon a County accepted and maintained street or right-of-way.

"Townhouse building" means a grouping of townhouse units containing no less than four or more than eight townhouse dwelling units contiguous to one another.

"Townhouse cluster" means a cluster or grouping of townhouse lots and buildings containing no less than four (4) or more than thirty-two (32) townhouse dwelling units separated by a distance designate in this title from another townhouse cluster.

"Townhouse lot" means a properly recorded and deeded subdivision lot upon which a townhouse unit is planned or found.

"Treatment" means a method, technique, or process designed to change the physical, chemical, or biological character or composition of any solid or hazardous waste so as to neutralize such waste or so as to render such waste nonhazardous, safer for transport, amenable for recovery, amenable to storage or reduced in volume.

**SECTION 4.** Within **Section 17.36.500 – Townhouse Standards**, of the Iron County Code, shall be, and hereby is, identified and added to read as follow:

**17.36.500 – Townhouse standards.**

**17.36.510 – Purpose and intent.**

The purposes and reasons for creating provisions and regulations for townhouses include the following:

1. Increasing the supply of a more affordable type of housing not requiring government subsidies;

2. Helping older homeowners, single parents, young home buyers, and renters seeking a wider range of housing options, prices, rents and locations;
3. Increasing housing diversity and supply, providing opportunities to reduce the segregation of people by race, ethnicity and income that resulted from decades of exclusionary zoning;
4. Providing an opportunity for increased security, home care and companionship for older and other homeowners;
5. Reducing burdens on taxpayers while enhancing the local property tax base by providing a cost-effective means of accommodating development without the cost of building, operating and maintaining minimal infrastructure;
6. Promoting more compact urban and suburban growth, a pattern that reduces the loss of farm and forest lands and natural areas and resources and limits increases in pollution; and,
7. Enhancing job opportunities for individuals by providing more housing nearer to employment centers and public transportation.

Townhouse units are, therefore, an essential component of housing choices and supply in Iron County.

#### **17.36.520 – General requirements.**

1. Townhouse dwelling units/development projects shall:
  - a. provide central water, with fire flow, and central sewer;
  - b. have individual unit connections to utility services for power, gas, communications, and water and sewer;
  - c. provide forty-five (45) feet minimum public street widths with curb, gutter (when appropriate) and sidewalks, and comply with the asphalt paving and road requirements described in the Iron County Construction and Design Standards;
  - d. provide two off-street parking spaces for each townhouse lot/unit and have additional common parking spaces for use of guests/visitors at a rate of two off-street parking spaces for every four (4) townhouse lots/units, or portion thereof, when the street ROW width is 50 feet. If the street ROW width is 45 feet, three (3) additional off-street parking spaces will be required for every four (4) townhouse lots/units, or portion thereof, and all off-street parking spaces shall be located within 500 feet of any townhouse unit for which the parking spaces are required;
  - e. create at least two (2) ingress/egress locations when the project creates more than fifty (50) aggregate dwelling units;
  - f. provide at least 4000 square feet of common park space/playground area for each eight (8) townhouse units/lots, or portion thereof, within the project area, with a minimum of 0.25 acres ( $\frac{1}{4}$  acre) for any one park/playground/open space area;
  - g. provide a six (6) feet high sight obscuring fence (concrete block, chain link with privacy slats, or solid wood) along any common property boundary where a townhouse unit/lot is shared with property zoned or developed for single-family dwellings;

- h. provide a developer commitment or insure the creation of a community organization such as a home owner's association (HOA) to operate and maintain community improvements such as private community facilities/buildings, public areas of parks and open space, private outdoor storage areas, and additional common parking spaces; and,
- i. include a provision stated on the final plat that by means of a developer commitment or the creation of a community organization, such as a home owners association (HOA), that limits non-owner-occupied rental uses, whether short-term rentals or long-term rentals, to thirty-percent (30%) or fewer units in the subdivision, enforceable by any lot owner's private right of action against the developer or community organization or other enforcement body for failure to enforce. This rental restriction may allow rental exceptions on an individual basis for up to two (2) years to account for sickness, military leave, and other factors, which exemptions must be counted toward the rental limit, but would not trigger a cause of action against the enforcement body.

### 17.16.035 – Table of Townhouse (TH) Standards

<b><u>Standard/Criteria</u></b>	<b><u>R1/2 Zone</u></b>	<b><u>R4K Zone</u></b>
TH Density Calculation	4 TH units per ½ acre lot (base Lot)	2 TH units per 4000 square feet (base lot)
TH minimum per subdivision TH block	4 TH units per TH block (½ acre)	4 TH units per TH block (½ acre)
TH maximum per subdivision TH Block	8 TH units per TH block (1 acre)	8 TH units per TH block (1 acre)
TH units maximum per subdivision	25% of total base lots (a 4 unit TH block is the same as a base lot)	25% of total base lots
Maximum TH cluster size	32 dwelling units	24 dwelling units
Minimum separation between clusters	800 feet	500 feet
Off-street base parking	2 spaces per dwelling	2 spaces per dwelling
Additional off-street parking (guest spaces must be located w/in 500' of any TH unit)	50 Road ROW: 2 additional spaces per 4 unit TH building (8+2=10 spaces per 4 unit building) 45' Road ROW: 3 additional spaces per 4 unit TH building (8+3=11 spaces per 4 unit TH building)	50 Road ROW: 2 additional spaces per 4 unit TH building (8+2=10 spaces per 4 unit building) 45' Road ROW: 3 additional spaces per 4 unit TH building (8+3=11 spaces per 4 unit TH building)
Common Area Open Space	4000 square feet per 8 TH lots (Minimum 0.25 acre per open space area)	4000 square feet per 8 TH lots (Minimum 0.25 acre per open space area)
TH building setbacks	Front Load Parking: Front: 25' Rear: 15' Rear Load Parking: Front: 15' Rear: 25' Side: 10+10 (20)	Front Load Parking: Front: 25' Rear: 15' Rear Load Parking: Front: 15' Rear: 25' Side: 8+12 (20)
Minimum Subdivision size	10 acres	5 acres
Maximum Subdivision size	NA	20 acres
TH Minimum lot size	3000 square feet	3000 square feet
TH minimum lot width	20'	20'
Non-owner occupancy limit	30%	30%
HOA requirement	Yes – minimum 30 members	Yes – minimum 30 members
Maximum building height	30' or 2 stories	30' or 2 stories
Fence (sight obscuring)	Required if TH Unit/Lot is adjacent to existing single-family residential lot/zone (if sharing common property line)	Required if TH Unit/Lot is adjacent to existing single-family residential lot/zone (if sharing common property line)

**SECTION 5.** Within **Section 17.16.040 – Table of Site Development Standards**, of the Iron County Code, shall be, and hereby is, identified and amended to read as follow:

**SECTION 6. General Provision.**

Sections of the Iron County Code identified in this ordinance, shall be, and hereby are, amended with the express intent of allowing administrative land use permits to be issued by the zoning administrator for uses such as guest houses and expanded home occupations in accordance with Utah State code and Iron County code.

**SECTION 7. Severability.**

Should any portion of this ordinance be found for any reason to be unconstitutional, unlawful, or otherwise void or unenforceable, the balance of the ordinance shall be severable therefrom, and shall survive such declaration, remaining in full force and effect.

**SECTION 8. Effective Date.**

This ordinance shall become effective immediately after the required publication thereof, as set forth in Utah Code §17-53-208.

**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 10<sup>th</sup> day of January, 2022.**

BOARD OF COUNTY COMMISSIONERS  
IRON COUNTY, UTAH

By: \_\_\_\_\_  
Marilyn Wood, Chair

ATTEST:

\_\_\_\_\_  
Jonathan T. Whittaker - County Clerk

VOTING:

Marilyn Wood	_Aye_
Paul Cozzens	_Aye_
Michael P. Bleak	_Aye_