ORDINANCE NO. 2015-15

AN ORDINANCE OF IVINS CITY, UTAH, AMENDING CHAPTER 9 OF THE ZONING ORDINANCE REGARDING DEVELOPMENT AGREEMENTS AND TO ADD REGULATIONS FOR THE HISTORIC TOWNSHIP OVERLAY DISTRICT

WHEREAS the Ivins City Council desires to amend Chapter 9 of the Zoning Ordinance regarding Development Agreements and to add regulations for the Historic Township Overlay District; and

WHEREAS the Ivins Planning Commission held a public hearing on August 4, 2015 to recommend such zoning text amendments; and

WHERAS the Ivins City Council held a public hearing on the Planning Commission's recommendation on _____, 2015 and desires to adopt the recommendations of the Planning Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE IVINS CITY COUNCIL that the Ivins City Zoning Ordinance is hereby amended as follows:

Section 1. Development Agreements. Chapter 9 of the Zoning Ordinance entitled "Development Agreements" is hereby amended to now read as follows:

CHAPTER 9

DEVELOPMENT AGREEMENTS

16.09.101: PURPOSE: The purpose of this chapter is to more fully implement the general plan and the purposes of all land use ordinances. A development agreement may be considered by the city council as a method of providing the city with additional control and flexibility in the approval of development projects by tailoring development standards and requirements to the unique features of a particular development site. (Ord. 2005-13, 2005)

16.09.102: ELIGIBILITY: Persons entering into a development agreement with the city council must have a legal or equitable interest in the property that is the subject of the development agreement. (Ord. 2005-13, 2005)

16.09.103: CONTENT: ~~All development agreements entered into by the city council shall specify and contain, as a minimum,~~ The City should consider the following sections for possible inclusion in any Development Agreement, as applicable:

(1) Duration of agreement.

(2) Description of the subject property.

(3) Allowed uses.

(4) Maximum density or intensity of the allowed uses and construction requirements, including, but not limited to, minimum and maximum building heights and building size.

(5) A subdivision layout or site plan identifying, but not limited to, the location and arrangement of all allowed uses, circulation patterns, and all required dedications and improvements.

(6) A phasing schedule for all project phases and the timing for the provision of all features, dedications and improvements.

(7) A listing of all project features and facilities being voluntarily provided to the city, in addition to those typically required by all land use ordinances.

(8) Other conditions, terms, restrictions and requirements for subsequent actions and approvals. ~~(Ord. 2005-13, 2005)~~ (Ord. 2015-04, 2015)

16.09.104: ~~PUBLIC HEARING REQUIRED AND REQUIRED NOTICE:~~ ~~A public hearing to consider a development agreement application shall be held by the commission prior to recommending, and the city council prior to adopting, a development agreement. The procedures for the consideration of an application for a development agreement shall be those procedures for the consideration of a general plan amendment application, as provided by chapter 5 of this title. The required notice shall be the notice required for the consideration of a general plan amendment application, as provided by chapter 10 of this title. At the discretion of the commission and the city council, the required public hearings for the consideration of a development agreement application may be held concurrently with any other required public hearing. (Ord. 2005-13, 2005)~~ Repealed. (Ord. 2015-04, 2015)

16.09.105: FORM AND CONSISTENCY: A development agreement shall be approved by the city council by ordinance, following the receipt of a commission recommendation, with a finding that the development agreement is consistent with the general plan. (Ord. 2005-13, 2005)

16.09.106: APPLICABLE PROVISIONS, REGULATIONS AND POLICIES: Unless otherwise modified by a development agreement, all provisions, regulations and policies governing the uses of the land, density, design and improvement and construction standards and specifications, and all other requirements and regulations of all land use ordinances in effect at the time of the execution of the agreement, shall apply. A development agreement shall not prevent the city from subsequent actions applicable to the property that is the subject of a development agreement from applying any new provisions or regulations that do not conflict with those contained within the development agreement. (Ord. 2005-13, 2005)

16.09.107: PERIODIC REVIEW ~~AND MODIFICATION OR TERMINATION~~: The zoning administrator ~~shall~~ should review a development agreement ~~every twelve (12) months~~ periodically, at which time the applicant, or the applicant's successor, shall be required to demonstrate good faith compliance with the terms of the development agreement. If the zoning administrator finds, based on the evidence, that the applicant has not complied in good faith with all terms or conditions of the agreement, the zoning administrator shall recommend to the city council that the agreement be enforced as written, modified, or terminated. ~~If the city council concurs, the agreement may be modified or terminated by the city council. Proceedings before the city council to consider modification or termination of an agreement shall include a noticed public hearing complying with the notice requirements for a general plan amendment application, as provided by chapter 10 of this title. (Ord. 2005-13, 2005)~~ (Ord. 2015-04, 2015)

16.09.108: AMENDMENT OR CANCELLATION: In addition to provisions of section 16.09.107 of this chapter, a development agreement may be amended or canceled in whole, or in part, by mutual consent of the parties to the agreement, or their successors. (Ord. 2005-13, 2005)

16.09.109: RECORDING OF DEVELOPMENT AGREEMENT: No later than ten (10) days after the city council ~~approves~~ has approved, and the parties have fully executed a development agreement ~~application~~, the city recorder shall record the development agreement, as approved, in the office of the Washington County recorder. The recorded copy of the development agreement shall be considered the official copy of said agreement. The benefits, rights and obligations of a development agreement shall be binding upon, and shall inure to all successors to the original parties to the agreement. ~~(Ord. 2005-13, 2005)~~ (2015-04, 2015)

16.09.110: MODIFICATION OR SUSPENSION TO COMPLY WITH STATE OR FEDERAL LAWS: In the event that federal or state laws or regulations, enacted after the adoption of a development agreement, prevent or preclude compliance with one or more provisions of the agreement, such provisions of the agreement shall be modified or suspended as may be necessary to comply with such federal or state laws or regulations. (Ord. 2005-13, 2005)

16.09.111: Repealed. (Ord. 2015-04, 2015) ~~**REVERSION OF ZONING IN EVENT OF NONCOMPLIANCE:** In the event a development agreement is terminated, as provided by section 16.09.107 of this chapter, the land use ordinance and zoning districts map requirements for the subject property shall revert to those that existed prior to the enactment of the development agreement. (Ord. 2005-13, 2005)~~

Section 2. Historic Township Overlay District. Chapter 7 of the Zoning Ordinance is hereby amended to add the following as a new Part:

PART 8
HISTORIC TOWNSHIP OVERLAY DISTRICT (HO)

16.07.801 HISTORIC TOWNSHIP DEFINED. The Historic Township is defined as that area of the City generally designated as such on the Land Use Plan.

16.07.802 PURPOSE. The purpose of this Part is to minimize flaglots and to encourage infill and redevelopment within the Historic Township.

16.07.803 STREETS AND PRIVATE ACCESSES. In order to make infill development feasible, narrower streets or private accesses may be used. However, any street or access needed as a fire access must meet the minimum requirements for fire access roads as set forth in the International Fire Code as adopted by the City.

16.07.804 FRONTAGE, LOT WIDTH, LOT SIZES, AND SETBACKS. In order to make infill development feasible, narrower frontages/lot widths, smaller lot sizes, and reduced setbacks may be used as approved by the City Council.

16.07.805 HISTORIC TOWNSHIP CITY BLOCK DEFINED. The Historic Township City Block is defined as that block between Main Street and 100 West, and between Center Street and 100 North.

16.07.806 SETBACKS FOR PUBLIC BUILDINGS WITHIN THE HISTORIC TOWNSHIP CITY BLOCK. The required minimum setback from back of curb shall be twenty feet (20'), which is the current setback for the existing City Hall, for any public building, or addition thereto, constructed within the Historic Township City Block.

16.07.807 HEIGHT LIMITS FOR PUBLIC BUILDINGS WITHIN THE HISTORIC TOWNSHIP CITY BLOCK. The general height limit for any public building, or addition thereto, constructed within the Historic Township City Block shall be twenty-five feet (25'), unless the City Council grants a special exception to extend the height up to a maximum of thirty-five feet (35'), which is the current height for the existing firehouse. However, any new public buildings or additions to existing public buildings constructed along Center Street shall not qualify for the special exception.

16.07.808 PUBLIC BUILDINGS REQUIRED TO GO THROUGH PERMITTING PROCESSES. Before any public building can be constructed within the Historic Township City Block it must go through the permitting processes required of any other buildings, including Conditional Use Permit and Building Permit processes.

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 _____, 2015 BY THE FOLLOWING VOTE:

	AYE	NAY	ABSTAIN	ABSENT
George E. Elwell, Jr.	_____	_____	_____	_____
Cheyne McDonald	_____	_____	_____	_____
Lesley Mendenhall	_____	_____	_____	_____
Steven Roberts	_____	_____	_____	_____
Ron Densley	_____	_____	_____	_____

_____
Chris Hart, Mayor

ATTEST:

_____
Kari Jimenez, City Recorder