ORDINANCE NO. 2016-02

AN ORDINANCE OF IVINS CITY, UTAH, AMENDING TEXT OF THE IVINS CITY SUBDIVISION ORDINANCE

WHEREAS, the Ivins City Council desires to bring its Subdivision Ordinance more into conformance with the purposes and procedures of the Land Use Development and Management Act (LUDMA) of the Utah Code that was adopted in 2005; and

WHEREAS, a purpose of LUDMA was to make the land use approval process more efficient and avoid unnecessary imposition or duplication of procedural requirements, including excessive bonding requirements or unnecessary public hearings on administrative decisions;

WHEREAS, LUDMA set forth specific procedures for the amount and duration for bonding requirements as well as when and for what types of land use decisions public hearings are required;

WHEREAS, the application and review process was in need of being updated and made easier to understand and comply with by applicants and professionals retained by them;

NOW, THEREFORE, BE IT ORDAINED BY THE IVINS CITY COUNCIL that the Ivins City Code hereby amends Title 15 of the Code (Subdivision Ordinance) as follows:

Section 1. Sections 15.01.104(1), 15.01.109(1) and 15.02.102 of the Ivins City Code governing interpretation, required public notice and definitions of terms used in this title are hereby amended as follows:

15.01.104 Interpretation:

(1) Greater Restrictions Prevail: In their interpretation and application, the provisions of this title shall be considered as minimum requirements, unless expressly in conflict with the terms of LUDMA. Where the provisions of this title impose greater restrictions than LUDMA or any other statute, other regulations, ordinance or covenant, the provisions of this title shall prevail, unless expressly in conflict with the terms of LUDMA or any other controlling statute. Where the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provision of this title, the provisions of such statute, other regulation, ordinance or covenant shall prevail. (Ord. 2016-02, 2016)

* * *

15.01.109 Public Notice:

(1) Any required public hearing shall be scheduled and held by the applicable land use authority according to the applicable provisions of this title, the zoning ordinance or state law. Notice of required public hearings shall be provided by the city at least ten (10) days before the date of the public hearing by publishing notice of the hearing in a manner consistent with the minimum requirements of LUDMA or by giving actual notice of the hearing. (Ord. 2016-02, 2016)

* * *

15.02.102 Definitions.

* * *

GRADING PLAN: A drawing showing the proposed grading of a subdivision in reference to the existing topography of the site.

(1) Preliminary Grading Plan: A drawing submitted with or incorporated into the preliminary plan that shows existing contour topography overlaid with approximate proposed grading information, including contour topography, retaining wall locations and slopes for the subdivision area.

(2) Final Grading Plan: A drawing submitted with the construction drawings showing the proposed grading of a subdivision site by identifying contour topography, spot elevations, slopes, curb elevations, road grades, road profiles, building pad elevations, cross sections, retaining wall elevations, etc., for existing and proposed conditions.

* * *

LUDMA: The Utah Municipal Land Use Development and Management Act as set forth as chapter 10-9a of the Utah Code.

* * *

STANDARD SUBDIVISION: A Subdivision that conforms to the Zoning District in which it is located without seeking any density bonus or overlay. The approval or denial of a Standard Subdivision application is an administrative decision.

* * *

(Ord. 2016-02, 2016)

Section 2. Section 15.04.202 of the Ivins City Code setting forth the review process for subdivision applications is hereby amended to clarify items that are required elements of the Concept Plan.

15.04.202: Application:

The concept plan application shall be submitted to the zoning administrator consisting of the following items:

(1) Application form

(2) Application fee set by resolution by the city council

(3) Proposed subdivision concept plan. Provide two (2) twenty four inch by thirty six inch (24" x 36") or larger copies of the proposed subdivision, ten (10) eleven inch by seventeen inch (11" x 17") reduced copies of the proposed subdivision, and one copy of the proposed subdivision in electronic format. The concept plan map must include the following elements:

(a) Proposed name of the project;

(b) Project theme;

(c) Property owner of record and developer;

(d) Property included in the proposed subdivision and all property owned or controlled by the developer or owner adjacent to the proposed subdivision;

(e) Vicinity map showing project location relative to city boundaries, major roads and minor roads that serve the property;

(f) Property address, acreage, boundary and tax identification number;

(g) Date, scale and north arrow;

(h) Existing streets, rights of way widths, major utilities, easements, fencing, parks, trails, open space and infrastructure on or adjacent to the property; and

(i) Property streets, parks, trails, open space, planned amenities, lot size and gross lot density; (Ord. 2016-02, 2016)

Section 3. Section 15.04.302 of the Ivins City Code setting forth the review process for subdivision applications is hereby amended to clarify items that are required elements of the Preliminary Plan.

15.04.302: Application:

The preliminary plan application shall be submitted to the zoning administrator consisting of the following items:

(1) Application form

(2) Owner's affidavit and consent

(3) Application fee set by resolution by the city council

(4) Traffic impact study, as required by the transportation master plan, in both paper copy and electronic format

(5) Geotechnical report, as defined in chapter 2 of this title, and in accordance with the standard specifications, in both paper copy and electronic format

(6) Preliminary hydrology report, as defined in chapter 2 of this title, and in accordance with the standard specifications, in both paper copy and electronic format

(7) Preliminary title report verifying ownership

(8) Any documentation requested by city engineer or other appropriate city staff member regarding agreements with adjacent owners, agreements for the provisions of utilities and easements, encumbrances, traffic impacts, and compliance with federal, state and local requirements.

(9) If the application is for a subdivision that does not meet the definition of a Standard Subdivision, applicant shall provide a list of names and addresses, and two (2) sets of address labels and postage, for owners of record of properties located within 300 feet of the boundary line of the subject property.

(a) List must be no older than 30 days from date of submission.

(b) Developer is responsible for the completeness and accuracy of the list of owners of record but is entitled to rely upon the records in the Washington County recorder's office.

(c) Failure to provide an accurate list may delay the approval of the subdivision.

(10) Plan for continued maintenance of the project amenities, such as the use of a homeowners' association and/or covenants, conditions and restrictions.

(11) Proposed subdivision preliminary plan. Provide two (2) twenty four inch by thirty six inch (24" x 36") or larger copies of the proposed subdivision, ten (10) eleven inch by seventeen inch (11" x 17") reduced copies of the proposed subdivision, and one copy of the proposed subdivision in electronic format, including the following elements:

(a) Names, addresses and phone numbers of applicant, engineer, surveyor and/or architect;

(b) Vicinity map showing the project location relative to city boundaries, major roads and minor roads that serve the property;

(c) Date, scale, north arrow, name of subdivision (developer will check with the Washington County recorder to determine if subdivision name has been used);

(d) Property address, certified legal description prepared by a Utah licensed surveyor, acreage, dimensions and tax identification number;

(e) Existing streets (with names) and right of way widths, buildings, culverts, bridges, waterways, irrigation ditches and systems, wells, springs, utilities, fencing, easements, rights of way, flood boundary, surface watercourse features, geologic hazards, parks, trails, open space, storm drain and sanitary sewer systems, topography (contours at maximum 2 foot intervals), survey monuments, section lines, other features and infrastructure on or adjacent to the property or as requested by the city manager, city engineer or other appropriate city staff member;

(f) Proposed subdivision boundary and dimensions, streets (with names and widths), lot layout, lot sizes and dimensions, phasing, gross lot density, curbs, gutters, park strips and landscaping, waterways, demolition, sidewalks, fencing, easements, parks, trails, open space, public land dedications, storm and subsurface drainage systems, detention areas and potential flood boundary, sanitary sewer system, utilities, soil erosion and sedimentation control plan and any other infrastructure or improvements on or adjacent to the property and any other information requested by the city manager, city engineer or other appropriate city staff member;

(g) "Preliminary grading plan", as defined in chapter 2 of this title, and in accordance with the standard specifications;

(h) Designation of common areas and amenities available for use of residents, commercial area customers and the general public;

(i) Preliminary landscaping plan;

(j) Preliminary lighting plan;

(k) The acreage and legal description of the area to be subdivided; and

(l) All property lines of adjacent properties within one hundred fifty feet (150') of the boundary of the proposed subdivision with the names of the owners and the parcel tax identification numbers. (Ord. 2016-02, 2016)

Section 4. Section 15.04.303 of the Ivins City Code setting forth the review process for subdivision applications is hereby amended to distinguish between the process for Standard Subdivisions, which are administrative decisions, and other types of subdivisions which seek lot averaging, density bonus or some type of overlay.

15.04.303 Review Process.

(1) Staff Review and Report: The preliminary plan will be reviewed by the zoning administrator for general compliance with this title, the standard specifications, the design guidelines and all applicable ordinances. If the application is not complete or not in general compliance, the zoning administrator shall notify the applicant in writing and specify the deficiencies in the application. When the application is complete and in general compliance, the zoning administrator shall forward the completed application to the technical review committee, other city staff and departments, utility board, and affected government entities and public utilities to obtain comment regarding the application. City staff and the utility board will review the preliminary plan, make site visits, discuss engineering issues, and check compliance with the general plan, master plans and municipal ordinances to determine the adequacy of public facilities. The zoning administrator shall prepare a staff report, which shall include all review comments by the technical review committee, city departments and all other agencies required to review the application and submittals. The zoning administrator shall forward the completed application and the staff report to the planning commission.

(2) Planning Commission Review and Recommendation: For Standard Subdivisions, once all application requirements have been met, redline corrections made, revised plans submitted and the staff report completed, the zoning administrator shall schedule the application on the planning commission agenda for review and recommendation to the City Council. Any subdivision that does not meet the definition of a Standard Subdivision shall require notice of the public hearing to be sent to all property owners of record in the Washington County recorder's office within three hundred feet (300') of the property line of the proposed subdivision (list of names to be furnished by applicant as required herein). Notice of the public hearing shall also be given in accordance with section 15.01.109 of this title or the provisions of LUDMA, whichever is greater.

(3) City Council Review and Decision: Once the planning commission has made its recommendation on the preliminary plan, the zoning administrator shall schedule the application on the city council agenda for review and decision. After considering the planning commission’s recommendation on the preliminary plan, the city council shall approve the plan, or approve the plan with conditions, provided the city council finds that the proposed plan complies with the requirements of this title. If the city council finds that the proposed plan does not meet the requirements of this title or other applicable ordinances, it shall deny such plan. (Ord. 2016-02, 2016)

Section 5. Section 15.04.402 of the Ivins City Code setting forth the review process for subdivision applications is hereby amended to clarify items that are required elements of the Final Plat.

15.04.402: Application:

The final plat application shall be submitted to the zoning administrator consisting of the following items:

(1) Application form

(2) Application fee set by resolution by the city council

(3) Current title report to be reviewed by the staff. A "current title report" is considered to be one which correctly discloses all recorded matters of title regarding the property and which is

prepared and dated not more than thirty (30) days before the proposed recording of the final plat.

(4) If a subdivision is owned by other than an individual, proof or documentation of the owning entity acceptable to the city.

(5) When a subdivision contains lands which are reserved in private ownership for community use, including common areas, the developer shall submit with the final plat, the name, articles of incorporation and bylaws of the owner, or organization empowered to own, maintain and pay taxes on such lands and common areas with proof of filing with the state.

(6) Proposed restrictive covenants, articles, bylaws, consents and other legal documents governing the subdivision in a recordable form acceptable to the city.

(7) Plan for continued maintenance of common areas and public areas.

(8) Stamped engineered construction drawings. Submit three (3) copies in accordance with the standards provided in chapter 5 of this title and the standard specifications. Review and approval of these drawings will be in accordance with the standard specifications.

(9) Cost estimate of all required improvements in accordance with the standard specifications.

(10) Any other information as required by the city manager, city engineer, city attorney or other designated city staff members.

(11) The proposed subdivision final plat. Provide two (2) twenty four inch by thirty six inch (24" x 36") copies of the final plat, ten (10) eleven inch by seventeen inch (11" x 17") reduced copies of the final plat, one copy of the final plat in electronic format, showing the following elements:

(a) Subdivision name prominently printed on the plat.

(b) Names, addresses and phone numbers of the applicant, engineer and surveyor.

(c) Date, scale and north arrow.

(d) An accurate and complete survey prepared by a Utah licensed land surveyor in a form acceptable to the city engineer.

(e) Accurately drawn subdivision boundary showing proper bearings and dimensions properly tied to public survey monuments and drawn slightly bolder than lot and street lines.

(f) All survey and mathematical information and data necessary to locate all monuments, and to locate and retrace all interior and exterior boundary lines appearing thereon, including bearing and distance of straight lines, and central angle, radius and arc length of curves, and such information as may be necessary to determine the location of beginning and ending points of curves. All boundary corners and monuments within the subdivision shall show the Utah coordinate system 1983 south zone grid coordinates and shall reference existing monumentation on the Washington County horizontal control network. Lot and boundary closure shall be calculated to the nearest one hundredth (1/100) of a foot.

(g) All lots, blocks and parcels offered for dedication for any purpose delineated and designated with dimensions, boundaries and courses clearly shown and defined in every case. The square footage of each lot shall be shown. Parcels offered for dedication, other than for streets or easements, shall be clearly designated on the plat. Sufficient linear, angular and curved data shall be shown to determine readily the bearing and length of the

boundary lines of every block, lot and parcel which is part thereof. No ditto marks shall be used for lot dimensions.

(h) The right of way lines of each street and the width of any portion being dedicated and widths of any existing dedications. The widths and locations of adjacent streets and other public properties within one hundred fifty feet (150') of the subdivision shall be shown with dashed lines. If any street in the subdivision is a continuation or an approximate continuation of an existing street, the conformity or the amount of nonconformity of such existing streets shall be accurately shown.

(i) All lots and blocks numbered consecutively under a definite system approved by the city engineer. Numbering shall continue consecutively throughout the subdivision with no omissions or duplications.

(j) All streets within the subdivision shall be numbered (named streets shall also be numbered) in accordance with, and in conformity with, the adopted street system of the city. Named streets are optional; however, all named streets must also be numbered. In the case of corner lots, an address may be assigned for each part of the lot having street frontage.

(k) The sidelines of all easements shall be shown by fine dashed lines. The width of all easements, and sufficient ties thereto to definitely locate the same with respect to the subdivision, shall be shown. All easements shall be clearly labeled and identified. Easements shall be ten feet (10') from the property line for all front yards and seven and one-half feet (71/2') from the property line for all side and rear yards. Larger easements may be required under specific circumstances requiring greater areas.

(l) All fully and clearly shown stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or bench mark that is disturbed or destroyed before acceptance of all improvements shall be replaced by the developer under the direction of the city engineer. The following required monuments shall be shown on the final plat:

(i) The location of all monuments placed in making the survey, including a statement as what, if any, points were reset by ties; and

(ii) All right of way monuments at angle points and intersections as approved by the city engineer.

(m) The name of the surveyor, together with the date of the survey, the scale of the map and the number of sheets. The following certificates, acknowledgments and descriptions shall appear on the title sheet of the final plat, and such certificates may be combined where appropriate:

(i) Registered land surveyor's "certificate of survey" in a form acceptable to the city;

(ii) Owner's "dedication certificate" in a form acceptable to the city;

(iii) Necessary notary public's acknowledgment of signatures; and

(iv) A correct metes and bounds description of all property included within the subdivision.

(n) Plats shall contain blocks for signature of the city engineer, city attorney, planning commission and city council. (A signature line for the mayor and an attestation by the

city recorder.) A block for the Washington County recorder shall be provided in the lower right corner of the final plat.

(o) Such other affidavits, certificates, acknowledgments, endorsements and notarial seals as are required by law, by this title, city staff, city engineer or city attorney.

(p) Other information such as the location of jurisdictional boundary lines (federal emergency management agency, U.S. army corps or corps of engineers, bureau of land management, U.S. fish and wildlife service, state institutional trust lands agency, etc.), adjoining lot lines or property owners, fencing notes, or any other special notes or requirements as deemed appropriate by the city staff, city engineer, city attorney or city council.

(q) The developer shall note on the final plat those public right of way areas, including public park strips.

(r) All easements and rights of way within or required for the subdivision shall be shown on the plat.

(Ord. 2016-02, 2016)

Section 6. Part 6 of Chapter 5 summarizing the approval process for subdivisions is hereby amended as follows:

15.04.601: Summary of Approval Process:

Concept Plan	Preliminary Plan	Final Plat
Zoning Administrator forwards complete application to TRC	Zoning Administrator forwards complete application to TRC	Zoning Administrator forwards complete application to TRC
TRC review	TRC review and approval	TRC review and approval (includes approval of all construction drawings and plans)
Zoning Administrator reports to Planning Commission	Zoning Administrator forwards completed application and TRC report to Planning Commission and sets Public Hearing	Zoning Administrator forwards completed application and TRC report to Planning Commission
Zoning Administrator report to City Council	Planning Commission Public Hearing	Planning Commission review and approval
	Planning Commission review and recommendation to City Council	
	City Council considers Planning Commission's recommendation and makes decision	

Section 7. Chapter 5 of Title 15 of the Ivins City Code setting forth the design and construction regulations for subdivisions and site developments shall be amended as follows in an effort to simplify and eliminate redundant and unnecessary code language.

Chapter 5

Design and Construction Regulations

Part 1: Required Improvements and General Provisions

(Codifier note: Following section moved from original Part 9 of this Chapter)

15.05.101: Required Improvements:

The following improvements, utilities and services shall be provided by a developer of a subdivision, condominiums, or any development that requires that public services be provided to serve the development in accordance with the general requirements listed above:

(1) A public street system including curb, gutters, sidewalks, street paving, landscaped buffers and other necessary appurtenances in accordance with the transportation master plan and other city ordinances. Private streets may be alternatively provided where appropriate in accordance with the transportation master plan. Access to the development shall be in accordance with city adopted fire code.

(2) A culinary water system, including the mains, valves, blowoffs, fire hydrants, pressure reducing valves and service laterals to each lot or parcel in the project.

(3) A public sanitary sewer system, including the mains, manholes, and service laterals which must be extended from the sewer main to each lot or parcel in the project.

(a) When allowed by section 10.03.302 of this code, a developer may require each individual subdivided lot to provide an advanced on site wastewater treatment system in lieu of providing a public sanitary sewer system.

(4) A secondary water system to provide water for outside landscaping to each lot in the project. The secondary water system shall be of similar type and requirements as the culinary water system and shall comply with all related standards and specifications.

(5) A subsurface water drain system shall be provided when deemed necessary by site conditions to lower or remove shallow groundwater on the site. The system shall be inspected and approved by the city and shall become the responsibility of the homeowners and/or developer. The city shall not be responsible for the maintenance or failure of the subsurface drains or for damage resulting from inadequate, clogged, or defective drains.

(6) A storm drainage system and detention basins shall be installed as required by the city. The drainage shall comply with drainage studies, downstream facilities and capacities, and shall conform to the general plan and the city's storm drain capital facilities plan. All developments are required to provide safe and adequate drainage for the existing flows occurring on, or passing through, the project.

(7) Provisions for other franchised utilities such as power, phone, gas, and cable TV as necessary for the project. The developer is required to coordinate the installation and maintenance of these utilities.

(8) Permanent monuments shall be furnished, accurately established and set by a certified Utah licensed land surveyor at such points as necessary to define and establish all lot lines and rights of way within the project.

(9) Street signs shall be installed in conformance with city standards.

(10) Streetlights in conformance with city standards shall be installed at all street intersections, school and pedestrian crossings, and on public streets at intervals and locations specified by the standard specifications.

(11) Fencing shall be provided where required in accordance with this chapter and all other city ordinances.

(12) Extensions of offsite utilities and other facilities that are necessary to provide services to the proposed project in accordance with standards as required by the city. (Ord. 2016-02, 2016)

15.05.102: Design Standards:

All improvements in the proposed project shall be in accordance with city standards specifications, city design guidelines, and development standards of Title 16 Zoning Regulations. (Ord. 2016-02, 2016)

15.05.103: Architectural Style:

The exterior color and materials of all buildings, structures, walls and fences shall comply with the design guidelines. (Ord. 2006-02, 2006)

15.05.104: Preservation of Natural Features:

Existing major natural geographic and landmark topographic land features, including major rock formations, major washes, wetlands and lava rock, shall be preserved and may not be removed or damaged, except in conformance with approved development plans and in conformance with this title and the zoning ordinance. Development shall be designed to minimize excavation and scarring of these natural features. (Ord. 2006-02, 2006)

15.05.105: Preparation of Construction Plans:

Complete and detailed construction plans and drawings of all improvements shall be prepared in conformance to the standard specifications. Refer to the standard specifications for required elements and submittal requirements. They shall be submitted to the city for review at the same time the final plat is being reviewed. Final approval of the project shall not be granted until the plans have been reviewed and recommended for approval by the city engineer. Plans for all street utilities shall be included in the same plans. (Ord. 2016-02, 2016)

(Codifier Note: Original section 15.05.106 has been moved to Part 7, and is now section 15.05.701)

Part 2. Lots And Parcels

15.05.201: General Requirements:

The following requirements pertaining to subdivisions or other developments shall be incorporated into project design and implemented by the developer:

(1) Each lot or parcel shall be of adequate shape and size to accommodate yard area, frontage/width, parking, access, landscaping, building and other requirements of the zoning district in which the lot or parcel is proposed and to accommodate reasonable use of the property.

(2) Allowances for existing topography, easements, vegetation, waterways and other natural or historic features of the property shall be accommodated in the design of lots or parcels.

(3) Individual lots or parcels may not be created which would be divided by a city boundary or a zone boundary. (Ord. 2006-02, 2006)

15.05.202: Grading Requirements:

Grading shall conform with standard specifications, Title 16 Zoning Regulations, and all adopted codes and regulations. (Ord. 2016-02, 2016)

15.05.203: Double Frontage Lots:

Double frontage lots may only be allowed where lots back onto collector or arterial streets.

(1) On a case by case basis, double frontage lots may be approved elsewhere due to:

(a) Property constraints;

(b) Traffic considerations; or

(c) Other special circumstances.

(2) Where double frontage lots are approved, the following may be required:

(a) An approved decorative masonry wall along the rear lot;

(b) Limited access on arterial and collector streets;

(c) No access from the street which is established along the rear of the lot; and

(d) Altered park strips and sidewalks along the rear frontages of the lot.

(3) The minimum lot width for corner lots shall be ten feet (10') wider than the minimum width required for an interior lot in the same zone. (Ord. 2006-02, 2006)

15.05.204: Flag Lots:

(1) Flag lots may only be allowed under the following conditions:

(a) Significant natural features exist on the property that are not created by the applicant, such that a flag lot would better utilize the irregularly shaped properties;

(b) The flag lot facilitates infill development; or

(c) The flag lot eliminates access to an arterial street.

(2) Where flag lots are allowed, the following shall be required:

(a) The access strip to a flag lot shall be a minimum of twenty feet (20'), shall be part of the lot and no access shall be permitted across another property;

(b) The large portion of the flag lot shall meet all lot width and yard requirements for the zoning district in which it is located. The narrow portion of the lot, however, may be included in the calculation of the lot area;

(c) The "leftover" lot resulting from the creation of a flag lot shall also meet all the width and yard requirements for the zoning district in which it is located; and

(d) All flag lots shall have frontage upon a dedicated roadway or a publicly approved street. (Ord. 2006-02, 2006)

Part 3. Streets And Roads

15.05.301: Transportation Master Plan Conformance:

The subdivision plan shall be in compliance with the city transportation master plan. Applicants shall take into account proposed streets and street widths indicated in the transportation master plan. (Ord. 2016-02, 2016)

15.05.302: Street Requirements:

Streets shall be designed and constructed according to the cross-sections, policies, and design standards set forth in Ivins transportation master plan and city standard specifications.

(1) The developer shall dedicate right of way and install improvements for proposed streets which are planned to adjoin or traverse the project or which are necessary for the development. The entire proposed right of way shall be dedicated to the city according to the design width specified by the Ivins transportation master plan. The city may participate in a percentage of the cost of improvements for arterial and major collector streets as proposed in the Ivins City capital facilities plan.

(2) Subdivisions and other developments shall be designed to provide future access to adjoining vacant parcels. Developments shall also be designed so that existing stub streets in existing developments will be connected to the proposed streets and accesses. Where a stub street is provided which accesses more than two (2) lots on each side, a temporary turnaround and public use easement at least eighty feet (80') in diameter, or equivalent hammerhead turnaround, shall be provided as approved by the fire marshal. The city may require improvements to be installed in temporary turnaround areas. (Ord. 2009-03, 2009)

(3) Generally, fire apparatus access roads, including cul-de-sac and dead end streets, may not exceed seven hundred fifty feet (750') in length, as measured from the center of the intersection of a connecting through street to the center of the turnaround area, without special approval by the City Council for circumstances where it would be impracticable to comply with the 750’ maximum length. The maximum length of a cul-de-sac street may not be extended by additional turnarounds between the intersecting through street and the cul-de-sac. However, if the distance from the end of a proposed cul-de-sac to a connecting road is less than two hundred feet (200'), where conditions permit, connection to the connecting road shall be required if doing so does not violate requirements of the Ivins City transportation master plan, does not disturb or eliminate any unique geographical feature, including boundaries where the abutting property is tortoise habitat, State Park, Indian Reservation or owned by the Bureau of Land Management (BLM) land thereby making it impracticable to install a connecting road, and does not prevent full development of approved densities.

(4) Cul-de-sacs shall have a minimum pavement turnaround diameter of ninety six feet (96') with a minimum right of way line diameter of one hundred fifteen feet (115').

(5) Streets in subdivisions, excluding collector streets, exceeding eighty feet (80') in length are encouraged to be curvilinear or provide sufficient alignment variation to calm traffic and enhance aesthetic appeal in the subdivision.

(6) Subdivision streets shall be designed to approach an arterial or collector street in accordance with the standard specifications. (Ord. 2016-02, 2016)

15.05.302: Sidewalk Requirements:

Sidewalks shall be required on both sides of public and private streets, with exceptions for low volume roads as identified in the transportation master plan.

(1) A ten foot (10') asphalt trail may substitute for sidewalks on both sides of the street in the identified rural zone. Landscaped areas, in compliance with the design guidelines, between the street curb and gutter and the sidewalk, and between the sidewalk and outside right of way boundary, are encouraged.

(2) The sidewalk may be placed in the landscaped buffer area.

(3) If sidewalks serving public streets are not placed within a dedicated right of way, an easement for access and maintenance will be required.

(4) The minimum sidewalk width requirements shall be in accordance with the cross sections depicted in the transportation master plan and the standard specifications.

(5) Required sidewalk and bike paths shall be serpentined on streets with a landscape buffer greater than fifteen feet (15') wide. (Ord. 2016-02, 2016)

Part 4. Landscaped Buffer Areas

15.05.401: Purpose:

Landscaped buffer areas are intended to provide an area of landscaped open space along all public streets which form the perimeter of the subdivision where front yards of homes do not front the street and on all public streets within the subdivision where front yards of homes do not front the street. The intent is to provide the general public using the public streets with a more open view of the scenic vistas prominent in the community and a less congested experience as they travel along the public streets within the community. It is further the intent to provide a common and consistent appearance of all public streets within the community. (Ord. 2006-02, 2006)

15.05.402: Dedication And Maintenance:

After satisfactory installation of the landscaping in the landscaped buffer area, and one hundred percent (100%) release of the security for said landscaping, the city will accept the dedication of, and responsibility for maintenance of, the landscaped buffer area along arterial and major collector streets. The developer shall note on the final plat and in the covenants and restrictions for the development, all other public street landscaped buffer areas which the development homeowners shall be required to maintain. Failure to place such notes will not nullify the owners' responsibility as described in this section. (Ord. 2006-02, 2006)

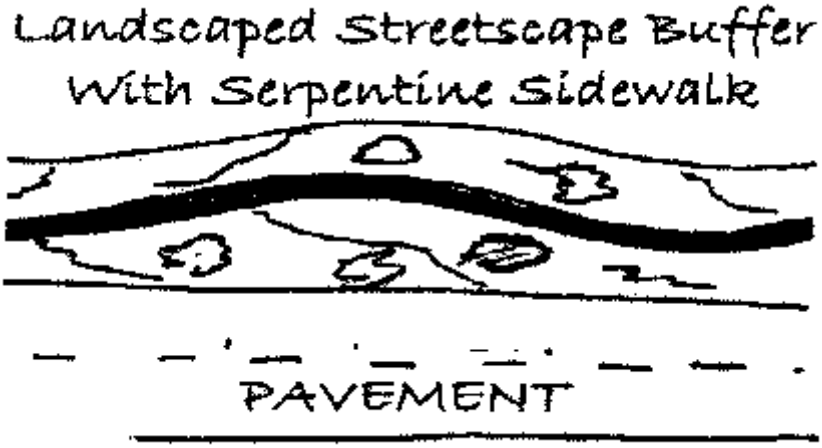
15.05.403: General Requirements:

All public streets which form the perimeter of any residential or nonresidential development, and all public streets within any residential or nonresidential development where homes or buildings within the development will not front on the streets, shall provide a minimum landscaped buffer area that meets the requirements set forth in the cross sections of the transportation master plan and the following:

(1) Uneven, creative landscaped buffer areas with varied setbacks and wall heights are preferred.

(2) Stepped and staggered buffer walls shall not exceed forty foot (40') increments of variation of height and setback.

(3) Serpentine sidewalks, which are encouraged, may be located within the buffer area. (Ord. 2006-02, 2006)



(Codifier note: Following section moved from original Part 8 of this Chapter)

15.05.403: General Landscaping Requirements:

(1) Landscaping, in accordance with the design guidelines, shall be provided according to an approved plan. Landscaping may include berming, contouring, rocks, boulders and drought tolerant desert vegetation.

(2) The developer shall note on the final plat or site plan, and in the covenants and restrictions for the development, those public right of way areas, including park strips, for which the homeowners shall have responsibility for landscape improvements and maintenance. Failure to place such notes will not nullify owners' responsibilities for park strips and medians as described in this section. (Ord. 2016-02, 2016)

Part 5. Fencing

15.05.501: Purpose:

Fencing may be used to provide privacy to property owners, buffer conflicting uses, or to provide an architectural/design element to a development project. Fencing is encouraged to be as low profile and open as possible to protect scenic vistas from public streets and discourage separation from the community. The materials, location, height and all elements of fencing shall comply with the design guidelines. (Ord. 2006-02, 2006)

15.05.502: General Requirements:

Permanent fencing shall be incorporated into the development design and implemented by the developer in compliance with the design guidelines and shall meet the following general requirements:

(1) All fencing designed and installed by the developer shall be approved by the city and shall be considered part of the project improvements for purposes of security and occupancy;

(2) All applicable zoning and building code requirements pertaining to fencing shall be met; and

(3) All fencing installed by the developer shall be maintained in good condition by the owners after the improvements guarantee is released, unless said fencing is specifically accepted by the city for maintenance. (Ord. 2006-02, 2006)

15.05.503: Fencing Design:

The following design requirements pertaining to fencing shall be incorporated into the development design and implemented by the developer in compliance with the design guidelines. The developer shall install fencing at his/her expense as follows:

(1) An approved fence between the development and any incompatible use identified by the city, such as canals, ditches, flood channels or other waterways or other hazardous or unsightly uses.

(2) An approved fence between the development and incompatible zones.

(3) An approved fence between public streets and rear and side yards of single-family residential lots or parcels in agricultural and residential zones.

(4) Concept drawings must be submitted to city staff for review prior to construction.

(5) Building permits are required for fences or walls exceeding six feet (6') in height.

(6) Fence height shall be measured from the natural grade to the top of the fence or wall.

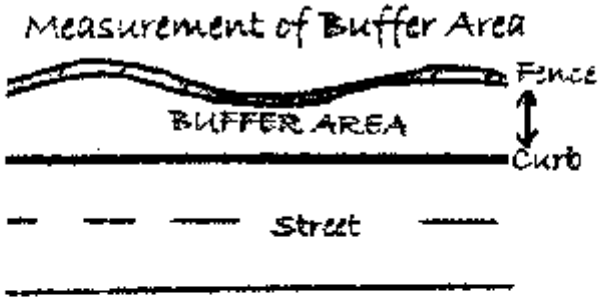
(7) Fence heights along public streets shall not exceed the maximum heights shown in the chart that follows, except when natural lot elevation would dictate a fence height too low to protect privacy. A five foot (5') fence or wall may be built if the twelve foot (12') required buffer area is met.

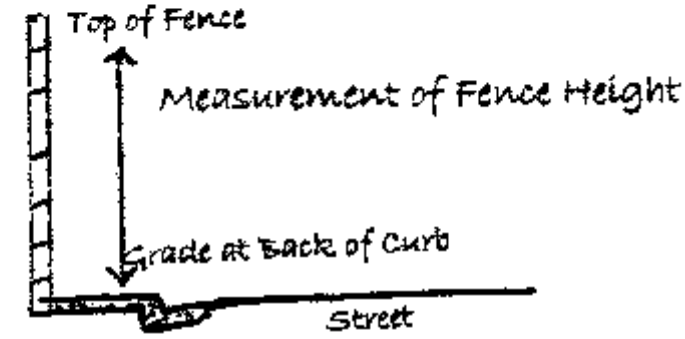
(8) Fences and walls shall not exceed forty feet (40') of unbroken lengths to reduce visual mass. Walls and fences that exceed forty feet (40') in length shall be designed to vary in height and be stepped in an offset manner.

(9) When a fence or wall on a public street creates a continuous surface greater than twenty feet (20') in length, it shall be softened visually with acceptable vegetation.

Public Street Buffer Areas (Measured From The Street Curb To The Fence)	Maximum Height Of Fence, Including Berm (Measured From Grade Back Of Curb To The Top Of Fence)[1]
12 feet to 15 feet	6.0 feet
Over 15 feet to 20 feet	6.5 feet
Over 20 feet to 25 feet	7.0 feet
Over 25 feet to 30 feet	7.5 feet
Over 30 feet to 35 feet	8.0 feet
Over 35 feet	8.5 feet

Note:
1. An additional 36 inches of open design fence, such as wrought iron, may be added to the top of any fence along the rear property boundaries for safety purposes.







Stepped and Varied Fence



Landscaped Fence

(Ord. 2006 02, 2006)

(Codifier Note: Original section 15.05.802 has been moved to Part 4, and is now section 15.05.403)

Part 6. Utilities

15.05.601: General Utility Requirements:

All utitlies shall be designed in accordance with the city standard specifications or for private franchised utilities shall be in conformance with each utility's standards. Public utilities shall also be in conformance with the general plan, master plans, capital facility plans, impact fee facility plans, and city ordinances including city administrative rules and regulations as approved by the city.

(1) All utilities shall be provided through underground service in properly recorded easements or rights of way.

(2) Underground utilities shall be installed only after the street has been rough graded to a line and grade approved by the city.

(3) All utilities and other improvements that will be placed beneath the asphalt pavement section shall be installed prior to the placement of any road base and asphalt, and shall include any necessary crossing of other improvements or utilities.

(4) All utilities shall extend through and/or to future connection points for same, including the farthest point of the development for future growth, as required by the city.

(5) The developer shall be responsible for the coordination of utility installation with existing utilities, including the rerouting of existing utilities.

(6) Right of way and easement dedications shall be provided in accordance with city requirements and as necessary to provide all of the required improvements listed above.

(7) Developers of subdivisions or condominiums, or any other development, shall be required to design, construct and dedicate public improvements which are necessary to serve the development and connect to existing and future infrastructure.

(8) Impact and other fees and dedications associated with the development are also required in addition to the construction and dedication of public improvements required with the development. (Ord. 2016-02, 2016)

(Codifier Note: Original section 15.05.902 has been moved to Part 1, and is now section 15.05.101)

15.05.602: Drawing of Record:

Drawing of record, also known as as-built drawings, are required for developments that include the installation of public utilities. These drawings shall be submitted in accordance with the requirements established by the city standard specifications.

15.05.904: Responsibility For Improvements:

(1) Prior to final acceptance of public improvements by the city as prescribed in this title, the developer shall be responsible for the proper replacement, repair and maintenance of any public improvements associated with the development which were installed by the developer. The developer shall be obligated to the city to replace, repair and/or maintain any defective, damaged, or deteriorating public improvements related to the development at his/her expense until the time that said public improvements are inspected and accepted by the city.

(2) In the event that certain areas or structures are provided within the subdivision for private recreational use or as service facilities, the owner of such land and buildings shall establish an arrangement to assure a continued standard of maintenance consistent with the conditions of subdivision approval. (Ord. 2009-03, 2009)

(Codifier note: Following Part 7 was moved from original Part 11 of this Chapter)

Part 7. Construction

(Codifier note: Following section was moved from original Part 1 of this Chapter)

15.05.701: Construction of Improvements:

No construction shall be started until the final plat and construction drawings have been approved except as agreed by development agreement. The developer/property owner may begin construction after:

(1) Final plat has been approved

(2) Development agreement has been approved and recorded

(3) Construction permit obtained from city including payment of fee

(4) Restoration bond established with city

(5) All necessary state and federal permits obtained

(6) Preconstruction meeting held in accordance with standard specifications (Ord. 2016-02, 2016)

15.05.702: Inspections:

(1) Frequency: Construction work involving the installation of public improvements in subdivisions and other developments shall be subject to the inspection of the public works director and city engineer.

(2) Requests For Inspection: Requests for inspections shall be made to the city engineer by the person responsible for the construction. Requests for inspection on work shall be made one working day prior to the commencement of the work. Inspections shall be made by the city engineer after various phases of the construction work are completed. Any faulty or defective work shall be corrected by the developer or the developer's contractor within a period of thirty (30) days from the date of the city engineer's written notification to the developer that correction of the faulty or defective work is required. (Ord. 2006-02, 2006)

15.05.703: Construction Final Completion:

The following items shall be provided prior to final completion of the project and start of the warranty period.

(1) All required improvements have been installed and all punchlist items provided by the City have been satisfied.

(2) Final walkthrough inspection has been completed by city.

(3) Final testing report submitted, reviewed and approved by the city.

(4) Record drawing has been submitted, reviewed and approved by the city.

(5) All disturbed areas have been stabilized and/or revegetated in accordance with storm water pollution prevention requirements.

(6) Warranty bond has been posted as security during the warranty period. (Ord. 2016-02, 2016)

(Codifier note: Following section was moved from original Part 9 of this Chapter)

15.05.704: Warranty Period:

(1) The warranty period shall commence on the date of final completion and shall continue for one year thereafter for all improvements.

(2) If any deficiencies are found by the city during the warranty period in materials or workmanship, the developer shall promptly resolve such defects or deficiencies and request the city engineer to reinspect the improvements. If the defective or deficient improvements

are not corrected, the city will give notice to the developer of the action to file on the security agreement for completion of the improvements. If necessary the warranty period may be extended until such deficiencies are corrected.

(3) At the end of the one year period, as applicable, the developer shall request the city staff to make a final warranty period inspection of all improvements. If the city engineer verifies that the improvements are acceptable, the remaining warranty bond posted as security by the developer under the security agreement shall be released. (Ord. 2016-02, 2016)

15.05.705: Maintenance of Improvements:

(1) Upon final completion of the project, the city will assume all maintenance of public facilities with the exception of landscaping which shall be maintained by the developer for the duration of the warranty period.

(2) In the event that certain areas or structures are provided within the subdivision for private recreational use or as service facilities, the owner of such land and buildings shall establish an arrangement to assure a continued standard of maintenance consistent with the conditions of subdivision approval. (Ord. 2016-02, 2016)

Part 8. Bonding Requirements for Improvement Guarantee

15.05.801 Improvement Bond: In order to ensure proper completion and maintenance of required improvements for a subdivision or condominium in the city, the developer or owner shall provide an improvement bond of the type described below-for completion with the city to install improvements to city standards.

(1) Types of Improvement Bonds Allowed:

(a) The developer/property owner shall either provide a cash bond deposited with the city, an irrevocable letter of credit, or an escrow security agreement with a financial institution where the full cash amount is held in a separate escrow account as security for the city, for the improvements on the final plat or site plan as directed by the city manager, city engineer or city attorney. A surety bond is not an allowed type of improvement bond. The improvement bond shall be posted prior to the city attorney's signing of the final plat or site plan, and prior to recording of any accompanying documents. A description of the required improvement bond shall be included in the recorded development agreement.

(b) The cash bond, irrevocable letter of credit, or escrow security agreement shall ensure the timely and satisfactory construction of all required public improvements, private streets and sidewalks, perimeter walls, and landscaped buffer areas and provide a guarantee for said improvements. The city engineer shall determine the amount of the improvement guarantee, which shall be one hundred ten percent (~~125~~110%) of the estimated cost of the improvements. The improvement guarantee may be reduced at intervals at the request of the developer/owner as improvements are installed as specified in the city engineer's estimated cost of the improvements to be installed down to the amount of the required warranty bond plus five percent (5%) until final acceptance by the city engineer following the warranty period.

(c) For required street improvements on unimproved public streets not yet ready to have such improvements installed, a cash bond in the amount of one hundred percent (100%) of the estimated required street improvements shall be obtained. The cash bond shall be in the form of cash deposited with Ivins City for the future construction by the city of the

required street improvements. The city shall bear the risk of any increased future costs of installing the required improvements. If the city has not commenced the installation of the required improvements for which a cash bond has been deposited with the city within ten (10) years from the posting of the cash bond, the city shall refund the cash bond, without interest thereon, to the developer/property owner who deposited the cash bond with the city.

(2) Installation of Improvements: The developer/property owner may install improvements after approval of the final plat and recording of the development agreement in lieu of bonding for required improvements. All improvements shall be completed in accordance with approved construction drawings as required by this title and shall be approved by the city engineer prior to the recording of the final plat. (Ord. 2016-02, 2016)

15.05.802 Restoration Bond:

A restoration bond equal to $1,000-per disturbed acre for the project or phase of the project being constructed with a minimum of $2,500. This bond shall be posted in cash to the city prior to construction of any improvements in accordance with the recorded development agreement. This restoration bond is intended to protect the city from unfinished improvements that may create safety hazards or nuisance and debris problems. (Ord.2016-02, 2016)

15.05.803 Warranty Bond:

(1) The amount of the warranty bond shall be ten percent (10%) of the lesser of the:

(a) city engineer's original estimated cost of completion; or

(b) developer/property owner's reasonable proven cost of completion.

(2) The warranty bond types are limited to the same types allowed for the improvement bond. (Ord. 2016-02, 2016)

Part 9. Building Permits And Certificates Of Occupancy

15.05.901: Building Permits:

(1) Building permits may be issued for model homes and other on site amenities if:

(a) The final plat has been approved by the city council, planning commission, all affected government agencies, city departments and public utilities; and

(b) Satisfactory security guarantees for completion of public improvements have been submitted and approved or improvements have been installed or are being installed in accordance with the recorded development agreement.

(2) No other building permits will be issued, and the developer may not begin construction on any off site or on site improvements or on any building structure, until:

(a) The development agreement has been recorded and the final plat is approved (and recorded if improvements are bonded) and the developer/property owner and all approvals of the city council, planning commission, all affected government agencies, city departments and public utilities have been given. The development agreement shall contain satisfactory security guarantees for installation of public improvements or provisions for the completion of improvements.

(b) Water, sewer, storm drain and all other public utilities are provided to the subject lot or parcel and have been approved and accepted by the city and affected government agencies and public utilities.

(c) All public streets required for and contained in the development have been improved with curb, gutter and road base placed, graded, compacted and approved on entire road surface. (Ord. 2006-02, 2006)

15.05.902: Certificates of Occupancy:

It shall be unlawful for any developer or owner to sell any portion of an approved development without informing the prospective buyer or builder that occupancy may not be obtained until all permanent improvements are installed and approved by the city. A certificate of occupancy may be issued upon compliance with the following:

(1) All water, sewer, storm drain and all other public utilities are provided to the subject lot or parcel and are approved and accepted by the city and affected government agencies and public utilities;

(2) All public streets required for, and contained in, the development have been improved with curb, gutter, sidewalk and paving according to city standards;

(3) All improvements and requirements for the development, including, but not limited to, fire protection, storm drainage, lighting and fencing have been installed and approved according to city standards;

(4) All conditions and requirements of approval are satisfied, including recording of plats, dedication of property and recording of agreements or easements; and

(5) If any improvements have not been installed because of weather or otherwise, a security agreement for the delayed improvements must be in place with the city as required by section 15.05.905 of this chapter. (Ord. 2006-02, 2006)

(Codifier Note: Original Part 11 has been moved to become Part 7)

Section 8. Severability. If any section/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.

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 MARCH, 2016 BY THE FOLLOWING VOTE:

	AYE	**NAY**	**ABSTAIN**	**ABSENT**
Dennis Mehr	_____	_____	_____	_____
Cheyne McDonald	_____	_____	_____	_____
Jenny Johnson	_____	_____	_____	_____
Steven Roberts	_____	_____	_____	_____
Ron Densley	_____	_____	_____	_____

_____

Chris Hart, Mayor

ATTEST:

_____

Kari Jimenez, City Recorder