ORDINANCE NO. 2018-16

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Part 5

Subdivision Enhancement Overlay ~~District~~ (SE)

16.07.501 Purpose.

(1) The subdivision enhancement overlay ~~district~~ (SE) is provided by the city to encourage the development of improvements, features, and open space for the enjoyment and benefit of adjoining subdivisions and the broader community ~~desirable and attractive residential subdivision areas that provide subdivision and community features~~ not typically required by the land use regulations of the city. ~~The allowed uses and allowed density (or base density) for the subject property are is provided by the underlying zoning district. The subdivision enhancement overlay district (SE) encourages creative and efficient subdivision designs and the voluntary provision of open space and subdivision and community benefit features, including areas of open space, streetscape enhancements and other desirable subdivision and community design features, that benefit adjoining subdivisions and the broader community. All subdivisions located within a subdivision enhancement overlay district (SE) shall require a layout that achieves the following objectives~~ This is accomplished by encouraging the following in exchange for specified density bonuses:

(a) The voluntary provision of ~~streetscape enhancements and improvements by the developer, including, but not limited to, the dedication and improvement of wider street rights of way than typically required by the city, with associated street landscaping, landscaping around detention basins, street tree plantings, street medians, pedestrian and biking facilities, and other streetscape enhancements, buffering and screening treatments.~~ improved, landscaped open space, as defined in paragraph (2) below.

(b) The voluntary provision of ~~park and open space areas and associated improvements, including the preservation of natural features located on the development site and other open space and park areas with associated improvements, including pedestrian trails, children's play equipment, benches, drinking fountains and landscaping improvements for the benefit of subdivision and community residents.~~ Subdivision design and architectural features that benefit adjoining subdivisions and the broader community, such as single-story homes, hip and/or lower pitched roofs, and lower building heights.

(c) ~~Provides~~ subdivision design and ~~enhancement features, including unique and visually attractive entryways, subdivision and community landscape treatments, public art pieces, and consistent~~ architectural features ~~and building design themes~~. The voluntary provision of variations to lot sizes for perimeter lots along public streets and adjoining subdivisions.

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~~(d) Provides The voluntary provision of convenience in layout and a variety of lot sizes and increased rear and side setbacks along public streets and adjoining subdivisions.~~

(2) For purposes of the subdivision enhancement overlay, open space means land with landscaping improvements set aside for the enjoyment and benefit of adjoining subdivisions and the broader community, as follows:

(a) streetscape enhancements and improvements wider than typically required or provided;

(b) street tree plantings;

(c) street medians;

(d) pedestrian and biking facilities;

(e) buffering and screening treatments;

(f) landscaped buffer areas;

(g) landscaping around detentions basins;

(h) park and landscaped open space areas, including pedestrian trails;

(i) active park areas with children's play equipment;

(j) benches, drinking fountains, and landscaping improvements;

(k) areas of natural beauty or amenity.

Except as stated above, open space areas shall not include areas within any lot, or internal subdivision street right of way. Open space areas shall not include lands used for schools, churches, or any similar uses. (Ord. 2018-16, 2019)

16.07.502 ~~Application requirements.~~ Repealed. (Ord. 2018-16, 2019)

16.07.503 Application, approval and designation. As an overlay ~~district~~, the identification of the allowed uses, development requirements and standards, and all other applicable requirements, are determined and controlled by the underlying zoning district, or "base zone", unless such standards are modified to the extent provided by the subdivision enhancement overlay.

The application of the subdivision enhancement overlay ~~district~~ (SE) to any areas proposed to be subdivided for residential uses shall require the approval of a zoning districts map amendment application. If approved, and as an example only, a zoning districts map amendment application to allow a subdivision enhancement overlay ~~district (SE)~~ for an area located within an existing residential R-1-10 district, would be identified on the zoning districts map as R-1-10 (SE). (Ord. 2018-16, 2019)

16.07.504 Zoning districts allowed. A subdivision enhancement overlay ~~district (SE)~~ shall only be applied to property located within the residential estates RE-37.0, RE-25, RE-20.0, RE-17.5, RE-15.0 and RE-12.5 districts and the single-family residential R-1-10 and R-1-7.5 districts. (Ord. 2018-16, 2019)

16.07.505 Approval criteria.

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(1) The decision to approve a subdivision enhancement overlay is a legislative action by the City Council following a recommendation by the Planning Commission and after public hearings before each body. As is the case with other zoning map amendment applications, approval shall be based upon a finding that in the exercise of its legislative authority and discretion, the Ivins City Council found that the requested amendment was consistent with the Land Use Plan and that it would be in the interest of the general welfare of the city and its residents.

(2) The determination to what extent a proposed subdivision is entitled to a density bonus as set forth in this Part is an administrative decision. (Ord. 2018-09, 2019)

~~An zoning districts map amendment application to establish a subdivision enhancement overlay district (SE) may be approved by the city council, following the receipt of a commission recommendation, concurrent with the approval of a subdivision application, and following the completion of all requirements for a zoning districts map amendment application, as required by chapter 5 of this title. The city council In approving a zoning districts map amendment application, and the commission in formulating a recommendation, shall find that the subdivision enhancement overlay district (SE)~~

~~(1) Is consistent, and does not conflict, with any policy of the general plan.~~

~~(2) Meets the purposes of this chapter.~~

~~(3) Provides a subdivision design with increased amenities and features than typically provided, or required.~~

~~(4) Proposes the voluntary provision of features, enhancements or improvements which may include, the dedication and improvement of wider street rights of way than typically required, with associated street enhancements, including, but not limited to, landscaping, street tree plantings, street medians, pedestrian and biking facilities, and buffering and screening treatments.~~

~~(5) Proposes the voluntary provision of park and open space areas and associated improvements.~~

~~(6) Provides subdivision design and enhancement features, which may include unique and visually attractive entryways, subdivision and community landscape treatments, public art pieces, and consistent architectural features and building design themes.~~

~~(7) Provides convenience in layout and a variety of lot sizes.~~

~~(8) Proposes the voluntary dedication of other desirable community design features.~~

~~(9) Meets all requirements of chapter 5 of this title, for the approval of a zoning districts map amendment application.~~ Repealed. (Ord. 2018-16, 2019)

16.07.505 Approval of subdivision applications and other applications located in a subdivision enhancement overlay. ~~District:~~ Applications for subdivision approval, or any other application for ~~any~~ land use approval, permit or license ~~required by all land use ordinances for lands~~ located in a subdivision enhancement overlay shall be submitted and reviewed in accordance with the requirements and procedures of all **l**and use regulations, as applicable. (Ord. 2018-16, 2019)

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16.07.506 Base density. The allowed base density for any proposed subdivision located in a subdivision enhancement overlay ~~district (SE)~~ shall be determined by dividing the total area of the subdivision site, less twenty percent (20%) of the total site area required for street rights of way, utility easements and other encumbrances, by the minimum lot size requirement of the base zoning district in which the property is located, and excluding any areas proposed to be used for schools, churches, public facilities or any other similar uses. (See appendix B of this title for an example of a calculation of base density ~~in the~~ for a subdivision enhancement overlay ~~district~~.) (Ord. 2018-16, 2018)

16.07.507 ~~Subdivision Enhancement Plan and/or~~ Development agreement required. A subdivision enhancement development agreement ~~project plan ("project plan") shall be presented to the commission for recommendation, and approval by the city council, as part of the application for a zoning districts map amendment application to establish a subdivision enhancement overlay district (SE). The project plan must achieve, and~~ must identify the voluntary subdivision enhancement features being provided by the developer ~~for the benefit of the subdivision and community residents that are typically not required by the city~~ and the density bonus that was achieved in considerations of those features. ~~The subdivision enhancement project plan must demonstrate compliance with the requirements of this chapter and other requirements of all land use regulations ordinances, as applicable.~~

~~The subdivision enhancement project plan may be required to be accompanied by, or included within the provisions of a development agreement, when deemed necessary by the city council. Once approved by the city council, the project plan development agreement shall be controlling for all required future approvals, permits and licenses, including, but not limited to, subdivision and use applications, and other requirements of all land use regulations ordinances, as applicable.~~ (Ord. 2018-16, 2019)

16.07.508 Required minimum open space.

(1) Any subdivision development located within an area identified as a subdivision enhancement overlay shall provide a minimum of ten percent (10%) of the total area of the development site as improved open space, as defined in Section 16.07.501(2) above, provided in accordance with the open space standards, maintenance and dedication requirements of the city.

(2) The following sections present a number of density incentive/bonus opportunities. The proposed subdivision may select any combination of incentives presented herein. However, the maximum total density incentive is limited to 25% even though adding up all of the incentive options listed herein results in a higher percentage. (Ord. 2018-16, 2019)

16.07.509 Density incentives. Density incentives may be granted by the city council, ~~with the~~ after receipt of a commission recommendation, for a subdivision located within a subdivision enhancement overlay ~~district (SE)~~ for the provision of additional improved open space and/or for the provision of additional subdivision features as more particularly set forth in this part. Such density incentives shall be calculated from the base density as determined in accordance with the provisions of this chapter. In no event shall the maximum density incentives for any subdivision located in a subdivision enhancement overlay district exceed twenty five percent (25%) of the base density. (See appendix B of

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this title for an example of a calculation of density incentives in the subdivision enhancement overlay.) (Ord. 2018-16, 2019)

16.07.510 Provision of additional open space. A density incentive for the provision of open space areas, in addition to the required minimum ten percent (10%) of the subdivision site, shall be provided as follows:

Improved Open Space Area Being Provided As A Percentage Of The Total Subdivision Site		Maximum Density Incentive (Percentage Of Allowed Base Density)
10		0 .0
11		1 .0
12		2 .0
13		3 .0
14		4 .0
15		5 .0
16		6 .0
17		7 .0
18		8 .0
19		9 .0
20+		10 .0

(Ord. 2005-13, 2005)

16.07.511 Improvements and enhancements to open space areas. For a subdivision to qualify for a subdivision enhancement overlay, and to qualify for any density incentives that may be provided, the subdivision shall provide ~~improvements and features to the~~ open space area, as defined in Section 16.05.501(2) above, for the benefit of adjoining subdivisions and the broader community. ~~both subdivision and community residents. These open space improvements may include the preservation of natural features located on the development site and other open space and park areas with associated improvements, including pedestrian trails, children's play equipment, benches, drinking fountains and landscaping improvements improvements to facilitate public access and use, park equipment, trails and walkways, public art features, streetscape landscaping and buffering treatments or other improvements and enhancements as recommended by the commission, and approved by the city council.~~ (Ord. 2018-16, 2019)

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16.07.512 ~~Consistency in~~ Design and architectural elements. Subdivisions located within a subdivision enhancement overlay ~~district (SE)~~ that provide ~~and incorporate a consistent and overall subdivision design theme, such as unified~~ certain design and architectural ~~building styles, consistency in building materials, colors, height, type and quality, or provide other subdivision design features and amenities, designed to add long term attractiveness and quality to the subdivision, and recommended by the commission, and approved by the city council~~ elements, as defined below, may receive up to a 10% density incentive as follows:

Design and architectural elements (Note: These architectural features must be consistent through the subdivision)	**Bonus** Elements apply to total development	**Bonus** Elements apply only to all perimeter lots along public streets and adjoining subdivisions
Single-story homes (no attic bonus room)	3%	2%
Hip roof and/or less than 4/12 pitch	3%	2%
Maximum 20' height	3%	2%
Less than 20' height: 1% for each 1' with 3% maximum bonus (17' height or lower)	3% max	2% max

To receive a density incentive for design and architectural elements, the subdivision drawings and covenants, conditions and restrictions (CC&Rs) shall include sufficient guarantees to provide the subdivision ~~features and building~~ design and architectural elements. (Ord. 2018-16, 2019)

16.07.513 ~~Convenience in layout,~~ Variety of lot sizes. ~~and increased setbacks. subdivision features.~~ Subdivisions located within a subdivision enhancement overlay (SE):

(1) that provide ~~creative, or extraordinary design layout, including variations in lot sizes with perimeter lots along public streets and adjoining subdivisions having~~ at least a fifty percent (50%) increase in rear ~~and side~~ setbacks that adjoin existing subdivisions~~, and incorporate unique features and amenities for the benefit of subdivision and community residents, not typically required or provided in other subdivisions, and recommended by the commission, and approved by the city council,~~ may receive up to a 5% density incentive. The additional setback area will be included in the development's open space calculation, as defined in 16.07.501(2). ~~as follows: _____ variation in lot sizes; and ___% for increased rear and side setbacks along public streets and adjoining subdivisions.~~ To receive ~~a~~ either density incentive ~~for creative or extraordinary subdivision design, unique features and amenities~~, the subdivision drawings and covenants, conditions and restrictions (CC&Rs) shall ~~be reviewed and accepted by the commission and city council as including~~ include sufficient guarantees to provide the variety of lot sizes and increased setbacks. ~~and unique subdivision features.~~ (Ord. 2018-16, 2019)

16.07.514 Lot standards.

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(1) Lot Area: In order to provide for creativity and flexibility in subdivision design and to meet the purposes of this chapter, lots located within a subdivision enhancement overlay may be smaller than the minimum size required by the underlying zone, as recommended by the commission, and approved by the city council.

(2) Lot Width and Frontage: The minimum lot width and lot frontage of lots located in a subdivision enhancement overlay may be less than required by the underlying zone, as recommended by the commission, and approved by the city council.

(3) Other Lot Standards: All other lot standards, except lot area, width and frontage, shall meet the requirements of the underlying zone. (Ord. 2018-16, 2018)

16.07.515 Building standards. All requirements for primary and accessory buildings, as provided by the underlying zone shall be met, including building height. (Ord. 2005-13, 2005)

16.07.516 ~~Yard regulations~~ Setback requirements. The design of subdivisions located in a subdivision enhancement overlay ~~district (SE)~~ may consider variations in the siting and orientation of buildings and structures, but shall comply with the following minimum setback standards. Exceptions to these minimum setback requirements may be recommended by the commission and approved by the city council during the subdivision application approval processes when determined appropriate.

(1) Front Yard Setback: The minimum front yard setback for primary buildings shall be twenty feet (20').

(2) Rear Yard Setback: The minimum rear yard setback for primary buildings shall be fifteen feet (15').

(3) Side Yard Setback: The minimum side yard setback for lots located in a subdivision enhancement overlay ~~district (SE)~~ may be less than required by the underlying zone, as recommended by the commission, and approved by the city council.

(4) Side Yard Corner Setback: The minimum side yard setback for lots located in a subdivision enhancement overlay ~~district (SE)~~ may be less than required by the underlying zone, as recommended by the commission, and approved by the city council.

(5) Accessory Buildings: The minimum yard requirements for accessory buildings and structures, including all setback requirements, shall be as required by the underlying district. (Ord. 2018-16, 2019)

16.07.517 ~~Open space standards, use, permanent protection, ownership and maintenance regulations.~~ Repealed. (Ord. 2018-16, 2018)

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