ORDINANCE NO. 2018-16

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Part 5

Subdivision Enhancement Overlay ~~District~~ (SE)

16.07.501 Purpose.

(1) The subdivision enhancement overlay (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 not typically required by the land use regulations of the city. This is accomplished by encouraging the following in exchange for specified density bonuses:

(a) The voluntary provision of improved, landscaped open space, as defined in paragraph (2) below.

(b) The voluntary provision of 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) The voluntary provision of variations to lot sizes for perimeter lots along public streets and adjoining subdivisions.

(d) (Workforce/affordable housing??)

(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.

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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16.07.502 Repealed. (Ord. 2018-16, 2019)

16.07.503 Application, approval and designation. As an overlay, 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 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.

(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)

16.07.506 Approval of subdivision applications and other applications located in a subdivision enhancement overlay. Applications for subdivision approval, or any other application for land use approval, permit or license located in a subdivision enhancement overlay shall be submitted and reviewed in accordance with the requirements and procedures of all land use regulations, as applicable. (Ord. 2018-16, 2019)

16.07.507 Base density. The allowed base density for any proposed subdivision located in a subdivision enhancement overlay 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 for a subdivision enhancement overlay.) (Ord. 2018-16, 2018)

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16.07.508 Development agreement required. A subdivision enhancement development agreement must identify the voluntary subdivision enhancement features being provided by the developer and the density bonus that was achieved in considerations of those features. (Ord. 2018-16, 2019)

16.07.509 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)

16.07.510 Density incentives. Density incentives may be granted by the city council, after receipt of a commission recommendation, for a subdivision located within a subdivision enhancement overlay 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 this title for an example of a calculation of density incentives in the subdivision enhancement overlay.) (Ord. 2018-16, 2019)

16.07.511 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

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16		6 .0
17		7 .0
18		8 .0
19		9 .0
20+		10 .0

(Ord. 2005-13, 2005)

16.07.512 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 open space area, as defined in Section 16.05.501(2) above, for the benefit of adjoining subdivisions and the broader community. (Ord. 2018-16, 2019)

16.07.513 Design and architectural elements. Subdivisions located within a subdivision enhancement overlay that provide certain design and architectural 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 design and architectural elements. (Ord. 2018-16, 2019)

16.07.514 Variety of lot sizes. Subdivisions located within a subdivision enhancement overlay (SE):

(1) that provide at least a fifty percent (50%) increase in rear ~~and side~~ setbacks that adjoin existing subdivisions 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). To receive ~~a~~ either density incentive, the subdivision drawings and

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covenants, conditions and restrictions (CC&Rs) shall include sufficient guarantees to provide the variety of lot sizes and increased setbacks. (Ord. 2018-16, 2019)

16.07.515 Lot standards.

(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)

16.07.516 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)

16.07.517 Setback requirements. The design of subdivisions located in a subdivision enhancement overlay 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 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 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)

16.07.518 Repealed. (Ord. 2018-16, 2018)

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