# ORDINANCE NO. 2021-11

## AN ORDINANCE OF IVINS CITY, UTAH, AMENDING CHAPTER 9 OF THE ZONING ORDINANCE & CHAPTER 4, PART 5 OF THE SUBDIVISION ORDINANCE REGARDING DEVELOPMENT AGREEMENTS

**WHEREAS** the Ivins City Council desires to amend Chapter 9 of the Zoning Ordinance and Chapter 4, Part 5 of the Subdivision Ordinance regarding Development Agreements; and

**WHEREAS** the Ivins Planning Commission held a public hearing on July 13, 2021, and recommend the proposed text amendments to require development agreements for all subdivisions, whether phased or not, and to provide a disclaimer that there may not be sufficient water to serve lots and/or phases in the future; and

**WHEREAS** the Ivins City Council held a public hearing on the Planning Commission's recommendation on August 5, 2021, and desires to adopt the recommendations of the Planning Commission;

**NOW, THEREFORE, BE IT ORDAINED BY THE IVINS CITY COUNCIL** that Chapter 9 of the Zoning Ordinance and Chapter 4, Part 5 of the Subdivision Ordinance are hereby amended as follows:

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

### CHAPTER 9

### DEVELOPMENT AGREEMENTS

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**16.09.103: WHEN REQUIRED:** All subdivision applications shall trigger the requirement for a Development Agreement to be approved by the City Council, regardless of whether it is to be constructed in a single phase or multiple phases. (Ord. 2021-11, 2021)

**16.09.104: CONTENT:** 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, exterior colors, design guidelines, minimum and maximum building heights and building size. (Ord. 2021-11, 2021)

(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) A disclaimer that there may not be sufficient water to serve lots and/or phases in the future and that decision will be made at time of building permit application. (Ord. 2021-11, 2021)

(9) Other conditions, terms, restrictions and requirements for subsequent actions and approvals. (Ord. 2015-15, 2015)

**Section 2. Subdivision Ordinance.** Chapter 4, Part 5 of the Subdivision Ordinance entitled "Development Agreements" is hereby amended as follows:

## CHAPTER 4

## DEVELOPMENT AGREEMENTS

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PART 5. DEVELOPMENT AGREEMENTS

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**16.04.502: General Requirements:**

(1) All subdivision applications shall trigger the requirement for a Development Agreement to be approved by the City Council, regardless of whether it is to be constructed in a single phase or multiple phases. (Ord. 2021-11, 2021)

(2) The development agreement shall be prepared by the city attorney and shall incorporate all agreements between the parties.

(3) The development agreement must be approved prior to final plat recording.

(4) A disclaimer that there may not be sufficient water to serve lots and/or phases in the future and that decision will be made at time of building permit application. (Ord. 2021-11, 2021)

(5) If the developer is including parks, open space, clubhouses and/or trail improvements within a development, the development agreement shall include proposed phasing, if any, and terms of completion of these improvements. (Ord. 2021-11, 2021)

(6) Any special agreements, conveyances, restrictions or covenants which govern the use, maintenance and continued protection of common areas shall be included in the development agreement.

(7) The development agreement may provide limitations on the number of building permits issued and/or phases of the project to be approved subject to the completion of the improvements.

(8) The development agreement for phased subdivisions shall incorporate the phased subdivision master plan.

(9) The development agreement shall include any provisions for security for completion of the subdivisions improvements and/or schedule of utility construction and restoration bond requirements.

(10) If the development is a phased subdivision, the development agreement shall specify all conditions and requirements that must be met in order for protect and maintain a vested approval for all subsequent phases. For example, the city may impose as a condition precedent to final approval of subsequent phases, the availability and access to water and sewer services and source sufficient to accommodate the subsequent phase. (Ord. 2006-02, 2006)

**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 AUGUST, 2021 BY THE FOLLOWING VOTE:**

| | **AYE** | **NAY** | **ABSTAIN** | **ABSENT** |
|---|---|---|---|---|
| Dennis Mehr | _____ | _____ | _____ | _____ |
| Cheyne McDonald | _____ | _____ | _____ | _____ |
| Jenny Johnson | _____ | _____ | _____ | _____ |
| Sue Gordhammer | _____ | _____ | _____ | _____ |
| Derek Larsen | _____ | _____ | _____ | _____ |

_____
Chris Hart, Mayor

ATTEST:

_____
Kari Jimenez, City Recorder