TITLE 15

SUBDIVISION REGULATIONS

Chapter 1

PURPOSE

15.01.101 Purpose: The purpose of this Title is to implement, as reasonably feasible, the vision of the general plan and to establish standards for the development and construction of subdivisions in Ivins City ("city") that comply with the Utah Land Use Development and Management Act (LUDMA), as well as applicable zoning, building, fire and design standards adopted by the city. (Ord. 2023-XX, 2023)

15.01.102 Applicability:

(1) This title applies to any subdivision of land within the city's municipal boundary. The description of a lot or parcel by metes and bounds shall not exempt the transaction from the requirements of this Title.

(2) The title also applies to any site development project that requires any public easements and street right-of-way to be dedicated to thecity.

(3) No plat of any subdivision within the application of these regulations shall be entitled to be filed or recorded or have any validity until such plat has been platted and approved by the city in the manner prescribed by this Title.

(4) No building permits shall be issued for development on any vacant parcel, unless such parcel has been subdivided and platted in accordance with the procedures set out in this title. For existing vacant lots or parcels that were recorded in the office of the Washing County Recorder prior to _____, and have remained intact since that time, a building permit may be issued for said lot and/or parcel. However, further subdivision of said property would require compliance with this Title. The applicant has the burden of proving that a lot or parcel was legally established in compliance with all zoning and subdivision regulations applicable at the time of its creation. (Ord. 2023-XX, 2023)

Chapter 2

DEFINITIONS

15.02.101: General: Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this title. Words used in the present tense include the future; the singular includes the plural; the word "shall" is mandatory and not directory; the word "may" is permissive. Words used in this title, but not defined herein, shall have the meaning first as defined in any other ordinance adopted by the city and then its common, ordinary meaning. (Ord. 2006-02, 2006)

15.02.102: Definitions: The definitions set forth in section Utah Code section 10-9a-103, as amended, are hereby incorporated as definitions pertaining to this title.

(1) ADMINISTRATIVE LAND USE AUTHORITY:

(a) Preliminary Plan. The administrative land use authority for approving preliminary plan applications is the Ivins City planning commission.

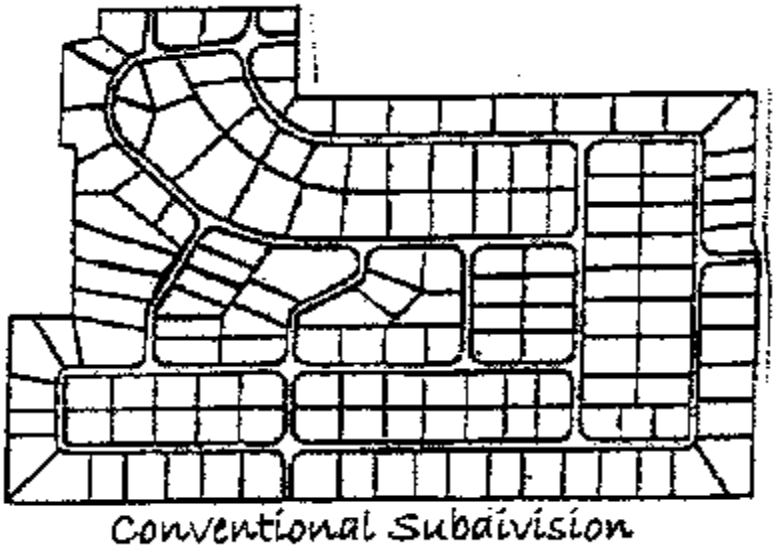
(b) Final Plat. The administrative land use authority for approving final plat applications is _____.

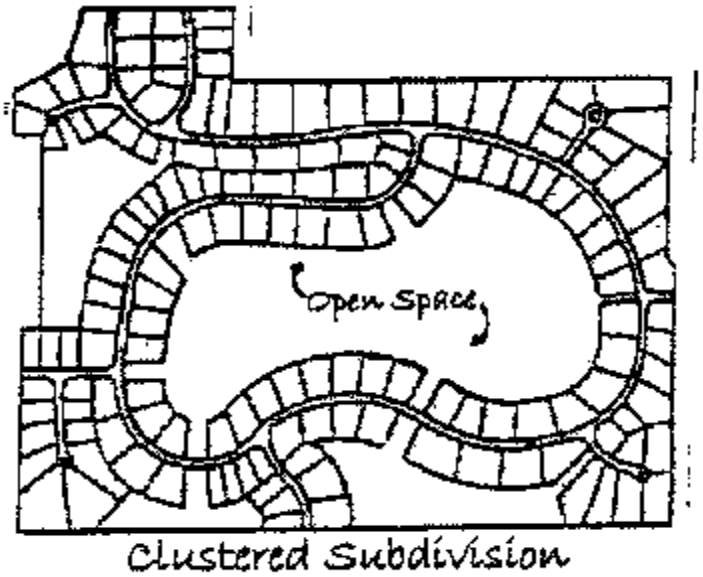
(2) APPLICANT: The owner of land proposed to be subdivided or such owner's duly authorized agent. Any agent must have written authorization from the owner.

(3) CITY COUNCIL: The elected city officials consisting of council members and mayor. Three (3) voting members of the city council constitute a quorum.

(4) CITY ENGINEER: The city engineer of the city or his authorized representative.

(5) CLUSTERED DEVELOPMENT: The development of land with pockets of higher density land use to encourage the preservation of large pockets of undeveloped land.





(6) CONCEPT PLAN: A sketch or rough drawing submitted by the applicant as part of a request for a pre-application consultation to receive guidance as to the requirements for subdivisions within Ivins City.

(7) CONVENTIONAL SUBDIVISION: The division of land in a standard and more traditional configuration of lots.

(8) DESIGN GUIDELINES: The document adopted by the city council to direct and guide the aesthetics of development in Ivins City.

(9) DEVELOPER: Either: a) an applicant for subdivision approval; b) an applicant for a building permit or other permit; or c) the owner of any right, title or interest in real property for which subdivision approvals are sought.

(10) DEVELOPMENT AGREEMENT: An agreement between the city and the applicant that outlines the duties, responsibilities, obligations, commitments and promises of the city and the applicant.

(11) DUST CONTROL PLAN: A narrative plan that may include map exhibits prepared by the developer that establishes management practices to be employed and temporary facilities to be installed by the applicant to control fugitive dust that is released into the air or onto public streets during the construction within the subdivision.

(12) EASEMENT: Authorization by a property owner for the use by another, and for a specified purpose, such as utilities and irrigation ditches, of any designated part of the owner's property. An easement may be for use under, on the surface, or above the owner's property.

(13) ELECTRONIC FORMAT: Drawings, maps, calculations, documents or other data required by the city to be provided via electronic means such as disk, email, or portable drive. Types of electronic files including versions will be as requested by city staff.

(14) ENGINEER: The certified engineer or surveyor registered with the state to practice as a professional engineer, engaged by the applicant to prepare plans and plats or to compile such data as may be required in connection therewith in accordance with the provisions of this title or the zoning ordinance.

(15) EROSION AND SEDIMENTATION CONTROL PLAN: A plan submitted at preliminary plan and with the construction drawings, including narrative and/or drawings prepared by the developer, that establishes management practices to be employed and temporary and permanent facilities to be installed to control soil erosion and prevent sedimentation impacts to adjacent properties and public facilities during and after the construction of the subdivision.

(16) FEE SCHEDULE: The city’s consolidated fee schedule adopted periodically by resolution of the city council setting forth various fees charged by the city.

(17) FINAL PLAT: A map of a subdivision required of all subdivisions, which is prepared for final approval and recordation, which has been accurately surveyed, so that streets, lots and other divisions thereof can be identified.

(18) GENERAL PLAN: The Ivins City general plan, as adopted, that sets forth general vision and goals for proposed future development of land within the city.

(19) GEOTECHNICAL REPORT: A report submitted with the preliminary plan, prepared by and stamped by a licensed geotechnical engineer that evaluates the existing soil conditions of the project site prior to new development. The geotechnical report should include descriptions of generalized site conditions, surface and subsurface conditions, and recommendations for site preparation, excavation, grading, structural fill, foundation design, seismic considerations, concrete design, concrete and metal corrosion protection, pavement design and soil moisture control. The report would also include exhibits and appendices showing a vicinity map, site plan, boring locations, boring logs, test results and any other information used by the geotechnical engineer in determining his or her design recommendations.

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

(a) 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, cross-sections in multiple directions to aid in visualization, retaining wall locations and slopes for the subdivision area.

(b) 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.

(21) HYDROLOGY REPORT: A report, prepared by a professional engineer, for the removal of excess water from the subdivision site. The report shall evaluate probable storm events that will generate excess water and compares the water discharges onto and from the site for predevelopment conditions to post-development conditions. The report shall identify improvements and management practices to safely convey drainage and mitigate any impacts due to the proposed subdivision development, all prepared in accordance with the city standard specifications for design and construction. A preliminary hydrology report shall be submitted with the preliminary plan. The final hydrology report shall be submitted with the construction drawings.

(22) LUDMA: The Utah municipal land use development and management act as set forth in Tile 10, Chapter 9a of the Utah Code.

(23) LANDSCAPED BUFFER AREA (OR STREETSCAPE BUFFER): Landscaped open space along public streets.

(24) LOT: A parcel of land occupied or proposed to be occupied by a building or structure, together with such yards, open spaces, lot width and lot area as are required by the city land use ordinances.

(25) LOT, DOUBLE FRONTAGE (DOUBLE FRONTAGE LOT): A lot where the front lot line and back lot line both front on a street.

(26) LOT, FLAG (FLAG LOT): A "leftover" lot that has access to a public or private street by a narrow strip of land.

(27) MODEL HOME: A residential structure that meets all residential occupancy requirements, used for sales purposes only. A subdivision may have up to a maximum of five (5) model homes in any subdivision, provided each has a substantially different floor plan.

(28) OPEN SPACE: Land areas that are not occupied by buildings, structures, parking areas, streets or roads. Open space may be devoted to landscaping, preservation of natural features and recreational areas and facilities.

(29) OWNER: Any person who alone, jointly or severally with others, has a legal or equitable title to property.

(30) PHASED SUBDIVISION: Subdivisions that are proposed to be completed in designated phases.

(31) PHASED SUBDIVISION MASTER PLAN: A document prepared for future and/or phased development. The development master plan encompasses the design and general development parameters for the entire phased development project.

(32) PLANNING COMMISSION: The Ivins City planning commission.

(33) PRELIMINARY PLAN: The drawings prepared to indicate the proposed layout of a subdivision for the purpose of resolving most technical details in compliance with all regulations.

(34) PUBLIC IMPROVEMENT: Any street dedications, installations of curb, gutter, sidewalk, road base and asphalt, water, sewer and storm drainage facilities, or other utility or service required to provide services to a lot, parcel, building or structure.

(35) SECURITY AGREEMENT: Agreement to install improvements secured by cash bond, cash escrow, an irrevocable letter of credit, or any combination of the preceding as approved by the city council.

(36) STANDARD SPECIFICATIONS: The standards and construction requirements for improvements, including streets, water, sewer, storm drainage, etc.

(37) 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.

(38) STREET:

(a) Cul-De-Sac Street: A minor terminal street provided with a turnaround.

(b) Half Street: The portion of a street within a subdivision comprising at least one-half ($^1/_2$) of the minimum required right of way on which improvements are constructed and in accordance with one-half ($^1/_2$) of an approved typical street section.

(c) Private Street: A right of way which has been reserved by dedication unto the subdivider or lot owners, to be used as a private access to serve property and complying with the adopted street cross section standards of the city for the type of street as described herein.

(d) Public Street: A public right of way, including a highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, tunnel, bridge, public easement, or other way.

For cross sections and descriptions of various types of public streets, see the Ivins transportation master plan.

(39) SUBDIVIDER: A person who:

(a) Having an interest in land, causes it, directly or indirectly, to be divided into a subdivision;

(b) Directly or indirectly, sells, leases or develops, or offers to sell, lease or develop, or advertises for sale, lease or development, any interest, lot, parcel, site, unit or plat in a subdivision;

(c) Engages directly, or through an agent, in the business of selling, leasing, developing or offering for sale, lease or development a subdivision; or

(d) Is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

(40) SUBDIVISION: Any land that is divided, re-subdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots or other division of land for the purpose, whether immediate or future, for offer, sale, lease or development either on the installment plan or upon any and all other plans, terms and conditions.

(a) "Subdivision" includes: a) the division or development of land, whether by deed, metes and bounds description, devise and testacy, map, plat or other recorded instrument; which includes site development projects that require the dedication of public easements and public right-of-way to the City, and b) except as provided for below, divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural and industrial purposes.

(b) "Subdivision" does not include: a) a bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance; or b) a recorded agreement and/or appropriate deed between owners of adjoining unsubdivided properties adjusting their mutual boundary if no new lot is created and the adjustment does not violate applicable land use ordinances; or c) a recorded document, executed by the owner of record, revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property or joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances. However, if the location of utility lines or meters is affected, a subdivision application shall be required.

(c) The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a "subdivision" under this definition as to the unsubdivided parcel or subject the unsubdivided parcel to this subdivision ordinance.

(41) SUBDIVISION LAND USE AUTHORITIES:

(a) PRELIMINARY PLAN LAND USE AUTHORITY: The Ivins City planning commission.

(b) FINAL PLAT LAND USE AUTHORITY: ???

(42) TECHNICAL REVIEW COMMITTEE: Committee established and created by the city manager to assure that proposed use, activity, building or structure is consistent with the general plan and complies with the requirements of the land use ordinances. Committee members include representatives from city departments, and other persons as may be designated by the city manager, responsible for reviewing and coordinating applications for any land use application approval, permit or license.

(43) TOPOGRAPHIC (TOPO) MAP: A graphic representation of natural and manmade features of a place or region in such a way as to show their relative positions and elevations.

(44) VICINITY MAP: A map showing project location relative to Ivins City boundaries, major roads and minor roads that serve the property.

(45) ZONING ADMINISTRATOR: The Ivins City zoning administrator. It is the responsibility of the zoning administrator to ensure all procedures and other provisions of this title and other land use ordinances are consistently and equitably applied.

(46) ZONING ORDINANCE: The Ivins City zoning ordinance. (Ord. 2023-XX, 2023)

Chapter 3

SUBDIVISION APPLICATION AND REVIEW

Part 1

Pre-Application Consultation

15.03.101 Purpose of Consultation: The purpose of the pre-application consultation is to provide an opportunity for an informal evaluation of the applicant's proposed subdivision and to familiarize the applicant with the applicable provisions of this Title, applicable zoning provisions, infrastructure requirements and any other issues that may affect the applicant's proposal. (Ord. 2023-XX, 2023)

15.03.102: Applicability: A pre-application consultation may be requested by an applicant prior to submittal of a preliminary plan application. (Ord. 2023-XX, 2023)

15.03.103 Time: If such a request is made by an applicant, the city shall, within 15 business days after the request, schedule a meeting with the technical review committee to review applicant's concept plan and give initial feedback. (Ord. 2023-XX, 2023)

13.03.104 Feedback: At the pre-application meeting, city staff shall provide or have available on the city website, the following:

(1) copies of applicable land use regulations;

(2) a complete list of standards required for the project;

(3) preliminary and final application checklists; and

(4) feedback on the concept plan. (Ord. 2023-XX, 2023)

13.03.105 No Vesting: The pre-application consultation is an informal evaluation and does not vest the applicant with any property development rights. (Ord. 2023-XX, 2023)

Part 2

Preliminary Plan

15.03.201: Purpose: The purpose of the preliminary plan is to review and resolve most of the technical details of the subdivision design in order to minimize changes and revisions, which might otherwise be necessary on the final plat. The preliminary plan, and all information and procedures relating thereto, shall in all respects be in compliance with the provisions of this title and all other applicable ordinances. (Ord. 2023-XX, 2023)

15.03.202: Application: A preliminary plan application shall be completed by the applicant using the form provided by the City and shall be submitted to the City zoning administrator. It shall include the following:

(1) Owner's signed affidavit and consent.

(2) The full payment of the preliminary plan application fee set by city council resolution.

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

(a) Names, addresses and phone numbers of applicant, as well as applicant's engineer, surveyor and/or architect.

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

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

(d) The assessor's parcel number, address, acreage, dimensions and certified legal description (prepared by licensed surveyor) of the property to be subdivided;

(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 other information requested by the public works director or city engineer;

(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, water ways, demolition, sidewalks, fencing, easements, parks, trails, open space, public land dedications, storm and subsurface drainage systems, detention areas and potential flood boundary, sanitary and any other infrastructure or improvements on or adjacent to the subject property and other information requested by the public works director or city engineer;

(g) 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;

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

(i) Preliminary landscaping plan; and

(j) Preliminary lighting plan.

(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 of the property being subdivided (subject property").

(8) Documentation regarding agreements with adjacent owners, agreements for the provision of utilities and easements, encumbrances and traffic impacts, as well as any documentation regarding compliance with any federal, state, or local requirements affecting the subject property.

(9) If the application is for a subdivision that does not meet the definition of a "standard subdivision", the 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 three hundred feet (300') of the boundary line of the subject property.

(a) The list must be no older than thirty (30) days from the date of submission.

(b) The applicant is responsible for the completeness and accuracy of the list 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) For phased subdivisions, include a phasing master plan indicating the areas to be phased and the proposed sequence of each phase.

(1) A plan for the continued maintenance of the subdivision amenities, such as the use of a homeowners' association. (Ord. 2023-XX, 2023)

15.03.203 Review Process:

(1) Standards for Review.

(a) The proposed subdivision shall conform to the zoning ordinance, design guidelines, ` standard specifications, and all relevant sections of this title.

(b) The capacity and adequacy of public services and utility services must be adequate to service the proposed subdivision. Services required for the proposed subdivision may include roads, gas, electric, telephone, mail, police and fire protection, water, sewer and recreation.

(c) Preliminary engineering plans shall indicate that public services (including roads, fire, police, gas, water, sewer, electricity, telephone and recreation) are available and meet the requirements of this title and all applicable codes and regulations. If public improvements are not available, the technical review committee may recommend one of the following to assure that adequate public services are available at the time of final plat recording:

(i) Allow the applicant to voluntarily construct those public improvements which are necessary to service development as determined by the technical review committee by entering into an appropriate form of development agreement;

(ii) Allow the applicant to phase the proposed development consistent with the availability of adequate public improvements;

(iii) Defer final plat approval and issuance of building permits until all necessary public improvements are adequate and available; or

(iv) Deny the preliminary plan approval and allow the applicant to reapply when adequate public improvements are available.

(2) Completeness Review.

(a) The zoning administrator and the technical review committee shall review the preliminary plan application for completeness.

(b) If an application is determined to be incomplete, the zoning administrator shall provide notice to the applicant along with an explanation of the application's deficiencies. There will be no further review or consideration of an incomplete application until the applicant submits additional information to cure the deficiencies.

(c) An application will only be considered complete if it:

(i) Includes all required forms, plans, reports, documents and other support materials; and

(ii) Includes payment of the full application fee as set forth on the City's fee schedule.

(d) Additional supplementary materials may be submitted after a completeness review is complete and the application has been accepted for review, provided they are submitted at least thirty (30) days prior to the first public meeting or hearing to be held on the application. The City may postpone and reschedule a public meeting or hearing if such materials are submitted less than thirty (30) days prior to the public meeting or hearing.

(3) Substantive Review.

(a) Technical Review Committee. After the preliminary plan application is determined to be complete, it shall be scheduled for a substantive review by the technical review committee. The technical review committee shall provide the applicant with written comments and necessary corrections. The applicant shall then respond to the written comments, make the necessary corrections and submit a revised plan (if required) before the application can proceed. Upon receiving applicant's response, corrections and revised plan (if required), the revised plan may be scheduled for a second review by the technical review committee. If the technical review determines that the applicant has properly responded to the prior written comments, made the necessary corrections,

submitted a revised plan (if required) and meets the requirements for preliminary plan submittals, the zoning administrator shall prepare a staff report and schedule the preliminary plan application for review and consideration by the planning commission. If the application did not fully respond to the written comments, make all the necessary corrections and submit a revised plan as required, the application cannot proceed. Before the application is scheduled for further review by the technical review committee, the applicant must pay in advance the required fee or such additional review(s).

(b) Planning Commission. For standard subdivisions, once the technical review committee has completed its review and determined that the preliminary plan application is ready to be reviewed and considered by the planning commission, the preliminary plan application will be scheduled on the planning commission agenda for review and approval. Any subdivision that does not meet the definition of a "standard subdivision" shall require a public hearing prior to approval by the planning commission. Notice of public meetings and public hearing, if required, shall be given as set forth in Title 16, Chapter 10 of the Ivins City Code.

(4) Special Technical Review.

(a) The technical review committee will determine if the project has complex technical issues that require in-depth special technical reviews by third party contractors hired by the City. A list of possible complex technical issues could include presence of expansive clay soils, high traffic generation, high water usage, or other geologic hazards.

(b) If third party contractors are hired by the City to review these types of issues, the applicant will be required to pay an extra fee based on the additional costs of these services. (Ord. 2023-XX, 2023)

15.03.204 Approval and Expiration: A preliminary plan approval shall remain valid for one year from the date of approval. If a final plat is not approved within one year of the date of the preliminary plan approval, the preliminary plan shall expire and become null and void. The planning commission may grant a one-time six (6) month extension for obtaining final plat approval, provided the applicant submits the request for extension prior to expiration of the preliminary plan, uses the required city form and pays the required fees in full. In the event a preliminary plan expires, the applicant will have to completely restart the approval process. For multi-phased subdivisions, final plat for at least one phase must be approved within one year of the preliminary plan approval. The preliminary plan for all phases for which a final plat has not been approved will expire three (3) years from the date of the preliminary plan approval unless otherwise specified in a written development agreement approved by the city council. (Ord. 2023-XX, 2023)

Part 3

Final Plat

15.03.301: Purpose: The purpose of the final plat is to verify that it conforms to the approved preliminary plan prior to recording with the Washington County recorder. A final plat application shall be submitted to the city only after the preliminary plan has been approved. (Ord. 2023-XX, 2023)

15.03.302: Application: The final plat application shall be completed by the applicant using the form provided by the city and shall be submitted to the city zoning administrator. It shall include the following:

(1) Applicant's signed affidavit and consent.

(2) The full payment of the final plat application fee set by city council resolution.

(3) A current title report, dated not more than thirty (30) days before the proposed recording of the final plat, showing the identity of the vested owner(s) and all recorded matters of title regarding the property being subdivided. Applicant must provide additional documentation of owning entities that are not individuals that is satisfactory to the technical review committee.

(4) When a subdivision contains lands which are reserved in private ownership for community use, including common areas, the applicant 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.

(5) The plan for continued maintenance of common areas and public areas.

(6) Subdivision final plat. Two (2) twenty-four inch by thirty-six inch (24" x 36") or larger copies of the subdivision final plat, ten (10) eleven inch by seventeen inch (11" x 17") reduced copies of the subdivision final plat, and one copy of the subdivision final plat in electronic format. The final plat application must include the following elements:

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

(b) The subdivision name prominently printed on the plat;

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

(d) Date, scale and north arrow;

(e) The assessor's parcel number, address, acreage, dimensions and certified legal description prepared by a Utah licensed surveyor of the property to be subdivided;

(f) An accurately drawn subdivision boundary showing proper bearings and dimensions properly tied to public survey monuments and drawn slightly bolder than lot and street lines;

(g) All survey and mathematical information and data necessary to locate all monuments, 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.

(h) 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.

(i) 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.

(j) 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.

(k) 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.

(l) 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 ($7^1/_2$') from the property line for all side and rear yards. Larger easements may be required under specific circumstances requiring greater areas.

(m) 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.

(n) 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.

(o) 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.

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

(q) 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.

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

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

(7) 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.

(8) Cost estimate of all required improvements in accordance with the standard specifications. (Ord. 2023-XX, 2023)

15.03.303: Review Process:

(1) Completeness Review.

(a) The zoning administrator and the technical review committee shall review the final plat application for completeness.

(b) If an application is determined to be incomplete, the zoning administrator shall provide notice to the applicant along with an explanation of the application's deficiencies. There will be no further review or consideration of an incomplete application until the applicant submits additional information to cure the deficiencies.

(c) An application will only be considered complete if it:

(i) Includes all required forms, plans, reports, documents and other support materials; and

(ii) Includes payment of the full application fee as set forth on the city's fee schedule.

(d) Additional supplementary materials may be submitted after a completeness review is complete and the application has been accepted for review, provided they are submitted at least thirty (30) days prior to the first public meeting or hearing to be held on the application. The city may postpone and reschedule a public meeting or hearing if such materials are submitted less than thirty (30) days prior to the public meeting or hearing.

(3) Substantive Review.

(a) Technical Review Committee. After the final plat application is determined to be complete, it shall be scheduled for a substantive review by the technical review committee. The technical review committee shall provide the applicant with written comments and necessary corrections. The applicant shall then respond to the written comments, make the necessary corrections and submit a revised plan, if required, before the application can proceed. Upon receiving applicant's response, corrections and revised plan (if required), the final plat application may be scheduled for a second review by the technical review committee. If the technical review determines that the applicant has properly responded to the prior written comments, made the necessary corrections and submitted a revised plan (if required) meets the requirements for final plat submittals, the zoning administrator shall prepare a staff report and schedule the final plat application for review and consideration by the _____(New Administrative Land Use Authority). If the applicant did not fully respond to the written comments, make all the necessary corrections and submit a revised plan as required, the application cannot proceed. Before the application is scheduled for further review by the technical review committee, the applicant must pay in advance the required fee or such additional review(s).

(b) _____(New Administrative Land Use Authority). Once the technical review committee has completed its review and determined that the final plat application is ready to be reviewed and considered by the _____(New Administrative Land Use Authority), the final plat application will be scheduled on the _____(New Administrative Land Use Authority)agenda for review and approval at a public meeting. Notice of the public meeting shall be given as set forth in Title 16, Chapter 10 of the Ivins City Code. (Ord. 2023-XX, 2023)

15.03.304 Approval and Expiration: A final plat approval shall remain valid for one year from the date of approval. If a final plat is not recorded within one year of the date of the final plat approval, the final plat shall expire. The _____ may grant a one-time six (6) month extension for recording the final plat, provided the applicant submits the request for extension prior to expiration of the final plat, uses the required city form and pays the required fees in full. In the event a final plat expires, the applicant will have six (6) months to reapply for final plat approval. If the applicant fails to reapply for final plat approval within six (6) months of expiration, then all previous approvals shall be null and void, requiring the applicant to completely restart the approval process. (Ord. 2023-XX, 2023)

15.03.305 Development Agreement:

(1) A development agreement is not required as a condition for developing land if the city's land use regulations establish all applicable standards for development on the land.

(2) A development agreement will be required for all phased subdivisions to memorialize such things as the timing of the phasing, the minimum number of lots to be included in a phase, and an infrastructure plan that will ensure each phase has all required infrastructure installed prior to the first certificate of occupancy being issued. At a minimum, the final plat for the first subdivision phase must be recorded within one (1) year from the approval date of the development agreement and the required paved fire access roads for each phase is either

fully installed or bonded prior to issuing the first certificate of occupancy for each phase. (Ord. 2023-XX, 2023)

Chapter 4

DESIGN AND CONSTRUCTION REGULATIONS

Part 1

Required Improvements and General Provisions

15.04.101: 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 off site 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)

15.04.102: 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", of this code. (Ord. 2016-02, 2016)

15.04.103: Architectural Style: The exterior color and materials of all buildings, structures, walls and fences shall comply with the design guidelines. (Ord. 2016-02, 2016)

15.04.104: 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. 2016-02, 2016)

15.04.105: 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)

Part 2

Lots and Parcels

15.04.201: 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. 2016-02, 2016)

15.04.202: Grading Requirements: Grading shall conform with standard specifications, title 16, "Zoning Regulations", of this code, and all adopted codes and regulations. (Ord. 2016-02, 2016)

15.04.203: 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. 2016-02, 2016)

15.04.204: 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. 2016-02, 2016)

Part 3

Streets and Roads

15.04.301: 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)

15.04302: 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.

(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 seven hundred fifty foot (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) 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)

15.04.303: 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

Lots and Parcels

15.04.401: 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. 2016-02, 2016)

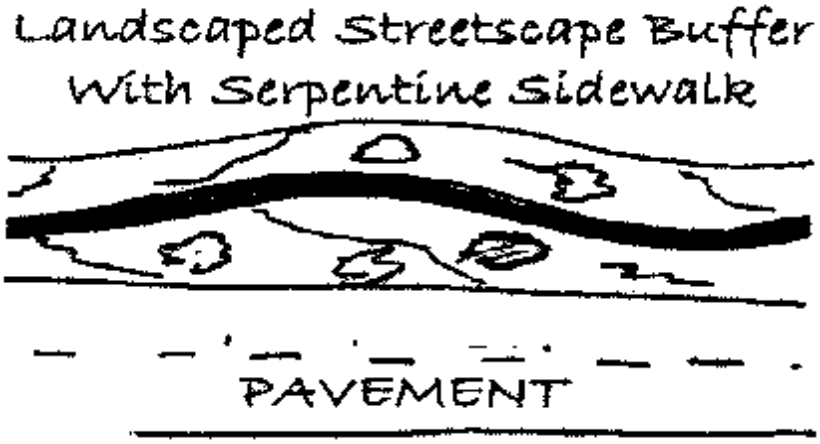
15.04.402: Dedication and Maintenance: After satisfactory installation of the landscaping in the landscaped buffer area, and one hundred percent (100%) release of the security for said landscaping, the city will accept the dedication of, and responsibility for maintenance of, the landscaped buffer area 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. 2016-02, 2016)

15.04.403: 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. 2016-02, 2016)

15.04.404: 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

15.04.501: 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. 2016-02, 2016)

15.04.502: 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. 2016-02, 2016)

15.04.503: 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 bthe 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.

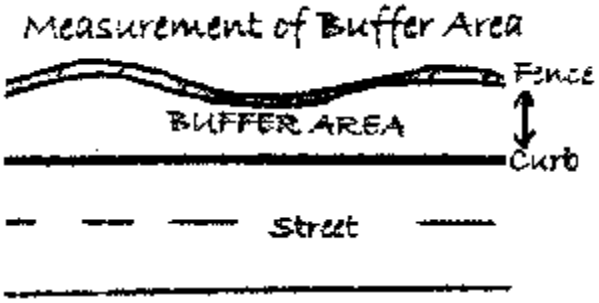
(8) Fences and walls shall not exceed forty feet (40') of unbroken lengths to reduce visual mass. Walls and fences that exceed forty feet (40') in length shall be designed to vary in height and be stepped in an offset manner.

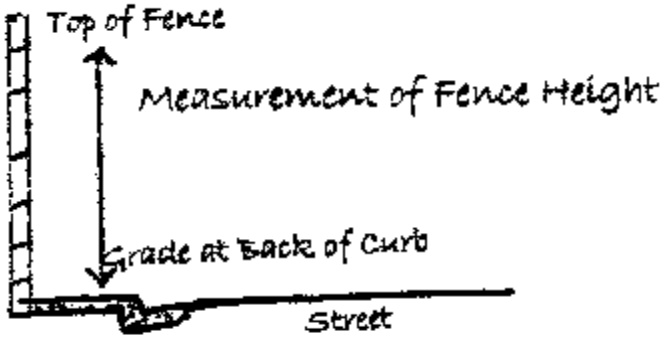
(9) When a fence or wall on a public street creates a continuous surface greater than twenty feet (20') in length, it shall be softened visually with acceptable vegetation.

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



(Ord. 2016-02, 2016)

Part 6

Utilities

15.04.601: General Utility Requirements: All utilities 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. (Ord. 2016-02, 2016)

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

(a) Existing overhead power lines adjacent to, and on the same side of the street as, proposed development projects shall be relocated underground.

(i) Exceptions: Development projects in the Historic Township that are not on a minor/major collector or arterial street; or the line voltage is more than fifteen kilovolts (15 kV). (Ord. 2018-03, 2018)

(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)

15.04.602: 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. (Ord. 2016-02, 2016)

15.04.603: 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. 2016-02, 2016)

Part 7

Construction

15.04.701: 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)

15.04.702: 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. 2016-02, 2016)

15.04.703: 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 punch list items provided by the city have been satisfied.

(2) Final walk-through 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 stormwater pollution prevention requirements.

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

15.04.704: 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)

15.04.705: 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

15.04.801: 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 (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)

15.04.802: Restoration Bond: A restoration bond equal to one thousand dollars ($1,000.00) per disturbed acre for the project or phase of the project being constructed with a minimum of two thousand five hundred dollars ($2,500.00). 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)

15.04.803: 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

Lots and Parcels

15.04.901: 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 onsite 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. 2016-02, 2016)

15.04.902: 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 15.05.801 of this chapter. (Ord. 2016-02, 2016)