ORDINANCE NO. 2023-22

AN ORDINANCE OF IVINS CITY, UTAH, AMENDING CHAPTER 4 OF THE SUBDIVISION ORDINANCE REGARDING SUBDIVISION APPLICATION & REVIEW PROCESS

WHEREAS the Ivins City Council desires to Amend Chapter 4 of the Ivins City Subdivision Ordinance (Title 15) to comply with recent State legislation;

NOW, THEREFORE, BE IT ORDAINED BY THE IVINS CITY COUNCIL that Chapter 4 of the Ivins City Subdivision Ordinance is hereby amended to now read as follows:

TITLE 15

SUBDIVISION REGULATIONS

* * *

Chapter 4

SUBDIVISION APPLICATION AND REVIEW

Part 1

Pre-Application Consultation

15.04.101 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. 2023-22, 2023)

15.04.102: Applicability: A pre-application consultation may be requested by an applicant prior to submittal of a preliminary plan application. (Ord. 2023-22, 2023)

15.04.103 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. 2023-22, 2023)

15.04.104 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. 2023-22, 2023)

13.04.105 No Vesting: The pre-application consultation is an informal evaluation and does not vest the applicant with any property development rights. (Ord. 2023-22, 2023)

Part 2

Preliminary Plan

15.04.201: 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. 2023-22, 2023)

15.04.202: 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. 2023-22, 2023)

15.04.203 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. 2023-22, 2023)

15.04.204 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. 2023-22, 2023)

Part 3

Final Plat

15.04.301: 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. 2023-22, 2023)

15.04.302: 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 benchmark 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. 2023-22, 2023)

15.04.303: 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)

15.04.304 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. 2023-22, 2023)

15.04.305 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. 2023-22, 2023)

Severability. If any section, clause, or portion of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Effective Date: This Ordinance shall become effective immediately upon passage and publication.

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THIS ____ DAY OF NOVEMBER, 2023 BY THE FOLLOWING VOTE:

	AYE	NAY	ABSTAIN	ABSENT
Mike Scott	_____	_____	_____	_____
Dennis Mehr	_____	_____	_____	_____
Jenny Johnson	_____	_____	_____	_____
Adel Murphy	_____	_____	_____	_____
Lance Anderson	_____	_____	_____	_____

_____
Chris Hart, Mayor

ATTEST:

_____
Kari D. Jimenez, City Recorder