ORDINANCE NO 2026-07

AN ORDINANCE OF IVINS CITY, UTAH, CREATING A PLANNED UNIT DEVELOPMENT RESIDENTIAL (PUD-R) ZONE

WHEREAS the city council for Ivins City (the "City Council") is authorized by law to exercise its legislative powers through ordinances as are necessary for carrying into effect the duties and powers of the City Council and as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of Ivins City and its inhabitants, and for the protection of property in Ivins City (see Utah Code § 10-8-84; Ivins City Code §§ 2.01.301, et seq.)

WHEREAS after conducting a public meeting regarding this ordinance on February 3, 2026 the Planning Commission recommended that the City Council approve this ordinance;

WHEREAS the City Council has investigated and considered the attributes of creating a Planned Unit Development Residential (PUD-R) Zone to encourage efficient planning and development of land within our community;

WHEREAS the City Council finds that a Planned Unit Development Residential (PUD-R) Zone will provide greater flexibility in the placement of buildings and structures on the land; as well as preservation of community-valued view corridors, open spaces and trails and the clustering of residential units, crating a more attractive and desirable environment within the residential areas of the City;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Ivins City as follows:

Section 1. Enactment of Title 16, Chapter 7, Part 10 of the Ivins City Code. Part 10 of Chapter 7, of Title 16 of the Ivins City Code is hereby added in its entirety as follows:

See Exhibit A

Section 2. 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.

Section 3. 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 FEBRUARY, 2026, BY THE FOLLOWING VOTE:

	AYE	NAY	ABSTAIN	ABSENT
Mike Scott	_____	_____	_____	_____
Wayne Pennington	_____	_____	_____	_____
Sharon Barton	_____	_____	_____	_____
Sharon Gillespie	_____	_____	_____	_____
Dillon Hurt	_____	_____	_____	_____

_____
Kevin Smith, Mayor

ATTEST:

_____
Kari D. Jimenez, City Recorder

EXHIBIT A

PART 10. PLANNED UNIT DEVELOPMENT RESIDENTIAL (PUD-R) ZONE

16.07.1001: PURPOSE:

The Planned Unit Development - Residential (PUD-R) Zone has been established to encourage creative and efficient planning and development of land within our community by providing greater flexibility in the placement of buildings and structures on the land, the consolidation and preservation of community-valued view corridors, open spaces and trails, and the clustering of residential units. Proposed developments should be designed to maximize the integration of improvements into the natural and proposed landscape, thereby minimizing the visual impact on both view corridors/viewsheds as well as from property to property within the community. These PUD provisions are intended to create more attractive and desirable environments within the residential areas of the City.

16.07.1002: REZONE APPROVAL PROCESS:

(1) Application For Zone Change: Any person desiring to develop property under the provisions of this article shall first file an application for a zone change on the standard form provided by the City.

(2) Site Development Plan ~~Concept Plan~~: The zone change application shall include a site development ~~plan, and~~plan and supporting text materials which describe the proposed land uses, density and the proposal's relationship to the City general plan, as well as elevations of proposed buildings within the development. Though the City strongly encourages site development plans be approved at the time of zoning approval, the applicant may request to defer the site development plan design approval to a later date. Deferred site development plans will have a time limitation of eighteen (18) months. Approval process for deferred site development plans will be required to follow subsections C, D and E of this section.

(3) Public Hearing By Planning Commission, With Review And Recommendation: The Planning Commission will schedule a public hearing to consider the proposed zone change and shall review the Site Development Plan, supporting text materials and staff comments for compliance with applicable general plan policies. The Planning Commission shall also make recommendations concerning the zone change request which will be forwarded to the City Council.

(4) Review by City Council: The City Council will receive the recommendations of the Planning Commission and schedule a public meeting to consider official action on the zone change request.

(5) Decision Of City Council: The City Council may approve, modify and approve, or deny the zone change request.

PERMITTED USES:

Multiple-family residential uses.

Single-family residential uses.

Townhouse and condominiums (20,000 square foot lot and 4 unit minimum).

Any combination of the above uses, or other uses that may be determined by the Planning Commission to be compatible and in harmony with each other according to the designated and approved development.

GENERAL REQUIREMENTS:

A. Application And Plan: The applicant will submit an application for a zone change on the standard zone change application form of the City, along with a site development plan~~, as outlined in section ___ of this part, for a Planned Unit Development - Residential Zone change.~~.

B. TRC Review: Prior to the review of the development plan and text by the Planning Commission, the applicant shall pre-file the proposed request with the TRC for review. The TRC shall contact interested department personnel of the City or other agencies for review purposes. After review by staff, the staff shall furnish to the applicant any comments regarding the zone change request that may help the applicant in preparing the request for submission. Staff shall hold such meetings with the applicant as are deemed necessary for proper review.

C. Development Plan: All requests shall be accompanied by a colored site development plan and written text for the entire property proposed to be developed.

D. Ownership: A planned unit development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.

E. Open Spaces: Preservation, maintenance and ownership of open spaces within the development shall be accomplished by:

1. Dedication of land as a public park or parkway system; or

2. Granting to the City a permanent open space easement on or over the said private open spaces to guarantee that the open space will remain perpetually in common use, with ownership and maintenance being the responsibility of a homeowner's association established with articles of association and bylaws which are satisfactory to the City Council; or

3. Complying with the provisions of the Condominium Ownership Act, Utah Code Annotated title 57, chapter 8, as amended, which provides for the payment of common expenses for the upkeep of the common areas and facilities.

CONTENT OF WRITTEN TEXT/SITE PLAN:

A. Use Of Land: The applicant shall prepare a site plan and written text that show and clearly explain the projected use of land including percentages of land devoted to various types of land use, such as building coverage, parking area, landscaped area, etc.

B. Buildings: The text shall indicate the type, character and proposed height of all buildings. The plot plan, elevations and perspective drawings shall be prepared by the applicant to help the Planning Commission and City Council better understand the proposal. (Elevations may be required when applying for a residential - single lot development.)

C. Density: The density in terms of dwelling units per gross acre of land shall be indicated.

D. Common And Open Spaces: The location of any proposed school sites, churches, parks and other common or open spaces shall be identified.

E. Phasing Plan: A phasing plan, if the development is proposed to be developed in phases, shall be submitted.

F. Topography: Topography at contour intervals of two feet (2') shall be submitted unless waived by the TRC.

G. Landscape Plan: A landscape plan showing the general location of lawn area, shrubs, trees, organic open space and fencing shall be submitted. (This may be part of the site or plot plan.)

H. Developable Area Reserved For Landscaping: The amount of developable land area reserved for landscaping shall be indicated (with a minimum of 20 percent of the site area developed as landscaping).

I. Utilities Underground: All utilities shall be underground unless otherwise approved by the Planning Commission. Transformer equipment shall be screened from the streets and from adjacent properties.

J. Refuse Storage Areas: Refuse storage areas shall be screened so that materials stored within these areas shall not be visible from access streets and adjacent properties. Storage or refuse areas shall not be located within required building setbacks nor within utility easements.

K. Lighting Plan: The plans submitted shall include a general lighting plan indicating location of lights to be installed on site. Lighting plans shall conform to the City lighting ordinance.

L. Turning Spaces: Safe and convenient turning space shall be provided for cars, sewer vehicles, refuse collection vehicles, fire-fighting equipment, etc., at the end of private drives and dead end streets.

M. Traffic Conditions: The effect of the development on traffic conditions on abutting streets shall be shown.

N. Layout: The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, driveways and walkways.

O. Off Street Parking: The arrangement and adequacy of off street parking facilities.

P. Planning Objectives: The text material shall set forth planning objectives to be accomplished through the development of the ~~project, and~~project and show that the requested PUD zoning is in conformance with the City general plan and complies with the requested zoning designation.

Q. Improvements: Location, grades, widths, and type of all improvements proposed for all streets.

R. Line Locations: A plan showing the location of all water, sewer and drainage lines in and through the project.

S. Deed Restrictions; Covenants: Copies of any deed restrictions, restrictive covenants, bylaws, architectural controls or other requirements that may be appurtenant to the proposed development.

T. Signage: The size, location, design and nature of signs, if any, and the intensity and direction of area flood-lighting shall be detailed in the text materials.

U. Grading And Drainage Plan: A grading and drainage plan shall be submitted with the site development plan.

V. Geotechnical Report: A geotechnical report identifying any possible flood, slope, faulting, soils or other related hazards on the site shall be submitted with the application. (Ord. 2018-02, 1-10-2018)

RESIDENTIAL - SINGLE LOT DEVELOPMENT STANDARDS:

A. Building Coverage: The land coverage by all buildings shall not exceed fifty percent (50%) of the net lot or parcel acreage.

B. Minimum Lot Size: The minimum lot size in single-family residential subdivisions with private individual lots (no common area within lots) is three thousand (3,000) square feet single family (R-1-3); provided, that at least twenty percent (20%) of the total project is developed and maintained as common open landscape or recreation area.

C. Density: The density of a planned unit residential - single lot development shall conform to the density limitations of the general plan, except that the City Council upon recommendation of the Planning Commission may approve a density greater than the general plan designation where the following findings are made:

1. The proposed dwellings are platted for individual ownership of the dwelling units, and

2. The density and building scale of the proposed units are similar in scale to an adjoining developed parcel or is considered in scale with the surrounding area and fits harmoniously into the neighborhood, as determined by the City Council but in no case shall exceed eight (8) dwelling units per acre. To be considered for density increases, the applicant will include, as part of the development design, any of the following credits:

a. Landscaping Along Periphery Of Development: If a common area landscaped strip between twenty feet (20') and twenty five feet (25') is created along the periphery of the development (which is beyond the 50 percent (50%) requirement of parcel coverage for non-structures~~), and~~) and surrounds at least sixty seven percent (67%) of the development, an increase of one dwelling unit per acre shall be added to the minimum density for the development.

b. Development must comply with the water efficiency ordinance.

c. Landscaped Open Spaces: For every ten percent (10%) of landscaped open space incorporated into the development (which is beyond the 50 percent requirement of parcel coverage for non-structures), and not receiving density increases through other provisions of this section, may receive an increase of one dwelling unit per acre which shall be added to the minimum density for the development.

d. Increased Recreational Facilities: Additional designated recreational amenities, above the requirements as already set forth for planned unit development, may receive an increase in density, as approved by the Planning Commission and City Council on case by case basis.

D. Setbacks: The setbacks for all Planned Unit Developments - Residential will be as follows, unless an approved setback alternative plan is recommended by the TRC.

1. Front Yard: Front yard setbacks shall be a minimum of twenty feet (20'). ~~The street side of corner lots,~~The street side of corner lots shall be the same as the front yard setback.

2. Building, Parking Required: The front yard setback area shall not be used for long term parking of any motor vehicles, or for required additional visitor parking, except for the driveway directly in front of the garage or carport of the dwelling unit.

3. Side Setbacks: Side yard setbacks on interior lot lines shall be a minimum of five feet (5') on one side and ten feet (10') on the opposite side for all dwellings, with a minimum of fifteen feet (15') between homes. Side yard setbacks on exterior lot lines (boundary lines) shall be a minimum of ten feet (10'). Side setbacks on smaller lots should be 5 feet (5') on both sides for a total of ten feet (10'). Street side corner lots setbacks requirements in the Table.

4. Rear Setbacks: Rear yard setbacks shall be a minimum of ten feet (10').

E. Parking Requirements: The parking requirements of chapter 16 of this title shall apply.

F. Signs And Advertising: The requirements of chapter ~~___~~21 of this title shall apply, except that in large residential planned unit developments (those containing more than 200 dwelling units), the Planning Commission may approve an overall sign scheme for the project which may exceed the restrictions contained in chapter ~~___~~21 of this title.

G. Height Restrictions: No building shall be erected to a height greater than twenty-five feet (25') unless specifically approved as part of the zone change approval.

H. Size Requirement: Each Planned Unit Development Zone shall contain a minimum of twenty thousand (20,000) square feet and four (4) dwelling units.

I. Landscape Requirement: All planned unit developments shall have a minimum of fifty percent (50%) of the developable site area developed and maintained as landscaped or natural open space. Floodways and slopes that exceed a specific percentage and/or have unsuitable soil conditions for hillside development are not considered developable. The applicant of the requested PUD Zone shall show what areas are to be landscaped and what areas are to be left in a natural state. The City Council shall determine if the proposed landscaped areas and the areas proposed to be left in a natural state will satisfy the fifty percent (50%) landscape or natural open space requirement. In any event, all landscaped and open green space areas shall be kept in a weed free condition. All proposed structures, future structures, roads and parking areas are excluded from the calculations used to satisfy this requirement.

J. Time Limitations: Building permits for construction within Planned Unit Development Residential - Single Lot Zones must be obtained within eighteen (18) months of the approval of a zone change to planned unit development - single lots. If eighteen (18) months elapse without the issuance of building permits for the construction of the approved plans within the Planned Unit Development Zone, all site development and preliminary plan approvals shall be deemed null and void, unless an extension is granted. The applicant shall request an extension on an approved development plan prior to the expiration of the eighteen (18) month time limit. The City Council may approve a six (6) month extension on an approved development plan. In the case that a second six (6) month extension is needed, the applicant shall request a second extension on the approved development plan prior to the expiration of the first six (6) month extension time limit. The City Council will approve or deny the requested second extension on the development plan. In the case that an approved development plan does expire, the zoning of the property shall remain planned unit development, but no construction will be allowed on the property until a new plan is submitted and approved by the Planning Commission and the City Council ~~as outlined in section ___ of this article~~.

K. Recreation Or Playground Areas: In developments with five (5) or more units, there shall be provided usable recreation or playground areas with a total minimum area of one thousand (1,000) square feet for five (5) units and an additional two hundred (200) square feet for each unit over five (5) units. No side measurement of each usable recreation or playground area shall be less than twenty feet

(20') in width/length. At least fifty percent (50%) of the usable area shall be in the form of open playground and green space.

RESIDENTIAL - MULTIPLE FAMILY DEVELOPMENT STANDARDS:

A. Building Coverage: The land coverage by all buildings shall not exceed fifty percent (50%) of the net lot or parcel acreage.

B. Minimum Lot Size: The minimum lot size in multiple-family residential subdivisions with private individual building pads and associated common area is twenty thousand (20,000) square feet; provided, that at least twenty percent (20%) of the total project is developed and maintained as common open landscape or recreation area.

C. Density: The density of a planned unit residential - multiple family development shall conform to the density limitations of the general plan, except that the City upon recommendation of the Planning Commission may approve a density greater than the general plan designation where the following findings are made:

1. The proposed development is considered an infill development where the surrounding land is already developed, and

2. The proposed dwellings are platted for individual ownership of the dwelling units, and

3. The density and building scale of the proposed units are similar in scale to an adjoining developed parcel or is considered in scale with the surrounding area and fits harmoniously into the neighborhood, as determined by the City Council but in no case shall exceed six units per acre increase as stated in the general plan. To be considered for density increases, the applicant will include, as part of the development design, any of the following credits:

a. Landscaping Along Periphery Of Development: If a common area landscaped strip between twenty feet (20') and twenty five feet (25') is created along the periphery of the development (which is beyond the 50 percent requirement of parcel coverage for non-structures~~), and~~) and surrounds at least sixty seven percent (67%) of the development, an increase of one dwelling unit per acre shall be added to the minimum density for the development.

~~b. Tree Lined Streets~~

c. Landscaped Open Spaces: For every ten percent (10%) of landscaped open space incorporated into the development (which is beyond the 50 percent requirement of parcel coverage for non-structures), and not receiving density increases through other provisions of this section, may receive an increase of one dwelling unit per acre which shall be added to the minimum density for the development.

d. Increased Recreational Facilities: Additional designated recreational amenities, above the requirements as already set forth for planned unit development, may receive an increase in density, as approved by the Planning Commission and City Council on case by case basis.

D. Setbacks: The setbacks for all planned unit developments - multiple family will be as follows, unless an approved setback alternative plan is granted by the Planning Commission and approved by the City Council:

1. Front Yard: Front yard setbacks shall be a minimum of twenty feet (20'). The street side of corner lots, shall be the same as the front yard setback.

2. Building, Parking Required: The front yard setback area shall not be used for long term parking of any motor vehicles, or for required additional visitor parking, except for the driveway directly in front of the garage or carport of the dwelling unit.

3. Side And Rear Setbacks: Side and rear setbacks on interior lot lines shall be a minimum of ten feet (10') for all dwellings.

4. Group Dwellings: In group dwellings, no two (2) buildings may be located closer together than ten feet (10') for one- story buildings, fifteen feet (15') for two-story buildings, and twenty feet (20') for approved three-story (or more) buildings.

5. Two-Story Buildings: For two-story (or more) buildings, the side and rear setbacks shall be at least twenty five feet (25') along the boundary of a Single-Family Zone, and twenty feet (20') along the boundary of other zones.

E. Parking Requirements: The parking requirements of chapter ~~18~~ 20 of this title shall apply.

F. Signs And Advertising: The requirements of chapter ~~18~~ 21 of this title shall apply, except that in large residential planned unit developments (those containing more than 200 dwelling units), the Planning Commission may approve an overall sign scheme for the project which may exceed the restrictions contained in chapter ~~18~~ 21 of this title.

G. Height Restrictions: No building shall be erected to a height greater than thirty five feet (35') unless specifically approved as part of the zone change approval.

H. Size Requirement: Each Planned Unit Development Zone shall contain a minimum of twenty thousand (20,000) square feet and four (4) dwelling units.

~~I. Landscape Requirements on Hillside Development~~

J. Time Limitations: Building permits for construction within Planned Unit Development Residential - Multiple Family Lot Zones must be obtained within eighteen (18) months of the approval of a zone change to planned unit development - multiple family. If eighteen (18) months elapse without the issuance of building permits for the construction of the approved plans within the Planned Unit Development Zone, all conceptual and preliminary plan approvals shall be deemed null and void, unless an extension is granted. The applicant shall request an extension on an approved development plan prior to the expiration of the eighteen (18) month time limit. The ~~Community Development Director~~Zoning Administrator may approve a six (6) month extension on an approved development plan. In the case that a second six (6) month extension is needed, the applicant shall request a second extension on the approved development plan prior to the expiration of the first six (6) month extension time limit. The City Council will approve or deny the requested second extension on the development plan. In the case that an approved development plan does expire, the zoning of the property shall remain planned unit development, but no construction will be allowed on the property until a new plan is submitted and approved by the Planning Commission and the City Council as outlined in section 9-8F-2 of this article.

K. Recreation Or Playground Areas: In developments with five (5) or more units, there shall be provided usable recreation or playground areas with a total minimum area of one thousand (1,000)

square feet for five (5) units and an additional two hundred (200) square feet for each unit over five (5) units. No side measurement of each usable recreation or playground area shall be less than twenty feet (20') in width/length. At least fifty percent (50%) of the usable area shall be in the form of open playground and green space.

OTHER REQUIREMENTS:

A. Public Meeting by City Council: Subsequent to review and recommendation by the Planning Commission, the proposed Planned Unit Development Zone change request shall be forwarded to the City Council for a public meeting to consider official action on the zone change.

B. Recommendation Of Planning Commission: The Planning Commission shall forward any recommendations for approval, disapproval or modification of the planned unit development request as reviewed by them to the City Council to be considered as a part of the zone change hearing.

C. Advertising And Procedure: The zone change request shall be advertised and heard according to the same requirements as any other zone change request submitted to the City Council.

D. Conditions Of Approval: The City Council may approve a Planned Unit Development Zone change request only after finding that the requirements of this title and any other ordinances or restrictions affecting the property have been satisfied. In granting such approval, the City Council may impose and enforce such specific conditions as to development, phasing and building construction or maintenance and operation as it deems necessary to protect the health, safety and welfare of the residents of the City.

E. Compliance With Approved Plan: All development within the Planned Unit Development Zone shall comply with the development plan as approved and adopted by the City Council.

F. Filing Of Plan And Materials: The development plan and supplementary text materials, after adoption, shall be filed in the offices of the City, and all development within the zone shall comply therewith, unless the development plan and supplementary materials are amended as prescribed herein.

G. Final Subdivision Plat: A final subdivision plat as described in the Subdivision Ordinance in effect at the time of application shall be submitted for a recommendation of approval or disapproval to the Planning Commission, who shall forward their recommendation to the City Council for final plat approval as outlined elsewhere in this title.

H. Other Applicable Provisions: All other applicable provisions of this title shall apply.

AMENDMENTS AND MODIFICATIONS:

Any amendments to the development plan shall be accomplished in the same manner as any other amendment to this title. Revised text and/or plan shall be submitted, along with a zone change request, to the Planning Commission and shall be reviewed in the same manner as the initial zone change request. The plan, as approved by the City Council, constitutes the zone, and any significant change in the plan shall be processed as an amendment to the zone.

PLAN REVIEW CONFERENCE:

A. Required: Following the approval of the Planned Unit Development - Residential Zone change and upon request for issuance of any building permit therein, the developer and contractor and the TRC shall meet together to review the requirements of the zone change and to make sure that the developer and contractor are aware of the conditions under which the zone change was granted.

B. Plans Stamped And Signed: At the plan review conferences, the plans will be stamped and signed by the staff, developer and contractor as the official set of construction plans from which the work will be performed.

C. Changes or Modifications: Any changes or modifications to the approved plan for development during the period of construction shall first be re-submitted to the TRC for ~~approval~~ review and if deemed significant and at the discretion of the staff, returned to the Planning Commission for their review and recommendations and to the City Council for a public meeting to consider official action on the zone change ~~as provided for in section ___ of this article~~.