

**ORDINANCE NO. 08-96**

ROLL CALL

VOTING	YES	NO
MAYOR MARIE W. HUFF <i>(votes only in case of tie)</i>		
SHERMAN E. HUFF <i>Councilmember</i>	absent	
MATTHEW D. BARBER <i>Councilmember</i>	X	
THORA L. SHAW <i>Councilmember</i>	X	
CLYDE A. SWENSON <i>Councilmember</i>	X	
REX WOODHOUSE <i>Councilmember</i>	absent	

I MOVE this ordinance be adopted: Councilmember Shaw

I SECOND the foregoing motion: Councilmember Barber

ORDINANCE 08-96

**AN ORDINANCE  
ESTABLISHING A MORATORIUM ON CERTAIN  
ZONE CHANGES, PLATS, AND BUILDING PERMITS**

WHEREAS, Spanish Fork City is in the process of amending its Comprehensive General Plan as contemplated by Utah Code Ann. 10-9-301; and

WHEREAS, The Comprehensive General Plan will establish a plan for the present and future needs of the municipality, including the growth and development of the city, and land uses within the municipality ; and

WHEREAS, In conjunction with the new Comprehensive General Plan, a new zoning ordinance will be enacted which will affect the zoning of all property within the municipality; and

WHEREAS, The Planning Commission has been working on the Comprehensive General Plan for over one year and during said period of time has received comment and input from the community including residents, businesses, and developers; and

WHEREAS, A public hearing is scheduled before the Spanish Fork City Planning Commission on the 16th Day of July 1996 to receive additional input concerning the Comprehensive General Plan and reach a recommendation for submittal to the Council for adoption in accordance with Utah Code Ann. 10-9-303; and

WHEREAS, The City has heard numerous comments from various developers and property owners that they need to submit various plans and proposals prior to the enactment of the Comprehensive General Plan and attendant zoning ordinance; and

WHEREAS, The Spanish Fork City Council finds that developments and projects which do not meet the intent and scope of the new Comprehensive General Plan and the amended zoning ordinance would act to the detriment of the residents of Spanish Fork City and would inhibit their health, safety, and welfare; and

WHEREAS, In order to avoid a rush of applications for various projects and developments, which are inconsistent with the requirements of the new Comprehensive General Plan and amended zoning ordinance, it is appropriate to impose a 120 day moratorium on zone change applications which are not consistent with the proposed Comprehensive General Plan; and a moratorium on the issuance of building permits for any residential structure larger than a duplex; and likewise to enact a moratorium on the approval of any preliminary plat involving twin homes; and

WHEREAS, The council finds that the above factors represent a compelling, countervailing public interest justifying a brief imposition of a moratorium as contemplated by Utah Code Ann. 10-9-404;

NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council as follows:

1. There is hereby imposed a moratorium on the acceptance of any zone change applications which change would be inconsistent with the proposed Comprehensive General Plan;

2. There is further imposed a moratorium on the issuance of any building permit for a residential structure larger than a duplex, except for previously approved planned residential developments;

3. There is further imposed a moratorium on the approval of any preliminary plat involving a development which includes any twin homes.

4. This moratorium shall be in effect for 120 days, or until the enactment and effective date of the Comprehensive General Plan and amended zoning ordinance, whichever shall first occur;

5. This moratorium is effective immediately and is binding on pending applications; it is not binding upon those zone changes, building permits, or plats which have already been approved.

6. This ordinance shall not be part of the municipal code.



# Proof of Publication

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being first duly sworn according to law, disposes and says that he is the *Pub-  
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al* **SPANISH FORK PRESS**, a weekly newspaper, printed and published at Spanish Utah, and of general circulation therein; that the Notice, a copy of which is hereto and published in said paper:

WHEREAS, The City has heard numerous comments from various developers and property owners that they need to submit various plans and proposals prior to the enactment of the Comprehensive General Plan and attendant zoning ordinance; and

WHEREAS, The Spanish Fork City Council finds that developments and projects which do not meet the intent and scope of the new Comprehensive General Plan and the amended zoning ordinance would act to the detriment of the residents of Spanish Fork City and would inhibit their health, safety, and welfare; and

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for 1 consecutive weeks,  
the first publication on the 11 day  
of July 1996  
and the last on the 11 day of  
July 1996

*J. Lawrence Swenson*

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6. This ordinance shall not be part of the municipal code.

**PASSED AND ORDERED PUBLISHED BY THE SPANISH FORK CITY COUNCIL OF SPANISH FORK, UTAH, this 3rd day of July, 1996.**

DATED this 3rd day of July 1996.

Published in the Spanish Fork Press July 11, 1996

to before me this

11 day of July 1996

*Clark M. Swenson*  
Notary Public

Residing at Spanish Fork, Utah  
My Commission expires \_\_\_\_\_

