

# ORDINANCE NO. 15-96

## ROLL CALL

VOTING	YES	NO
MAYOR MARIE W. HUFF <i>(votes only in case of tie)</i>		
SHERMAN E. HUFF <i>Councilmember</i>	X	
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>	X	

I MOVE this ordinance be adopted: Councilmember Barber

I SECOND the foregoing motion: Councilmember Swenson

## ORDINANCE 15-96

### AN ORDINANCE MAKING CHANGES TO THE SUBDIVISION ORDINANCE OF THE SPANISH FORK CITY CODE

WHEREAS, Spanish Fork City has enacted a subdivision ordinance to assure quality construction of subdivision improvement; and

WHEREAS, the subdivision ordinance needs to be updated from time to time in order to stay abreast of current technology and construction methods to insure quality improvements; and

WHEREAS, significant changes to the subdivision ordinance have not been made for a lengthy period of time; and

WHEREAS, the city is experiencing rapid growth which growth is largely occurring within

new subdivisions, which should be subject to current technology and construction methods; and

WHEREAS, the proposed new ordinance has been reviewed by the planning commission in a public hearing held on the 5th day of November, 1996, wherein public input was received; and

WHEREAS, a public hearing was held with the Spanish Fork City Council on the 4th day of December, 1996, wherein additional public input was received; and

WHEREAS, a new subdivision ordinance should be adopted in order to protect the health, safety, and welfare of the residents of the city;

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

## **SECTION I**

Title 16 of the Spanish Fork City Municipal Code is repealed in its entirety and re-enacted as follows:

### **TITLE 16. SUBDIVISIONS.**

- Chapter 16.04. General Provisions.**
- Chapter 16.08. Definitions.**
- Chapter 16.12. Preliminary Plat.**
- Chapter 16.16. Final Plat.**
- Chapter 16.20. Improvements and Design Standards.**
- Chapter 16.24. Impact Fees.**
- Chapter 16.28. Enforcement.**

#### **Chapter 16.04. General Provisions.**

- 16.04.010. Sale of Plats or Parcels Prior to Approval and Recordation Prohibited.**
- 16.04.020. Approval Required.**
- 16.04.030. Endangering Health or Property Prohibited.**
- 16.04.040. Amended Plats.**
- 16.04.050. Exceptions to Avoid Hardship.**

#### **16.04.010. Sale of Plats or Parcels Prior to Approval and Recordation Prohibited.**

No person shall subdivide any tract of land which is located wholly or in part within the corporate limits of the city, nor shall any persons sell, exchange, offer for sale, purchase or offer to

purchase any parcel of land which is any part of a subdivision of a larger tract of land as hereinafter described, nor shall any person offer for recording any deed conveying such parcel of land or any interest therein unless there is first recorded a plat of such land which has been prepared and recorded in compliance with the requirements of this title.

**16.04.020. Approval Required.**

A. Subdividing land. It shall be unlawful for any person to create a subdivision or subdivide for the purpose of transferring, selling, conveying, or assigning any tract or parcel of land which is located wholly or in part in the city except in compliance with this ordinance.

B. Subdivisions. It shall be unlawful for any person to sell or exchange or to offer to sell or exchange any parcel of land which is part of a subdivision of land, or recorded in the office of the Utah County Recorder as a subdivision unless the subdivision has been approved by the city and complies with the provisions of this title.

C. Building permit conditions. No building permit shall be issued until the final subdivision plat has been recorded by the city at the office of the Utah County Recorder.

**16.04.030. Endangering Health or Property Prohibited.**

No subdivision shall be developed in the city which, in the opinion of the city council, is incompatible to the health or well-being of the citizens of Spanish Fork and the future owners when the subdivision is completed.

**16.04.040. Amended Plats.**

In all subdivisions which have been recorded and in which changes have been made which changed the subdivision materially, an amended plat must be filed and recorded in accordance with the provisions of this title.

**16.04.050. Exceptions to Avoid Hardship.**

Whenever the tract to be subdivided is, in the opinion of the city council, of such unusual shape or size or is surrounded by such development or unusual conditions that the strict application of the requirements contained herein would result in real difficulties and substantial hardships or injustices, the city council may vary or modify such requirements so that the subdivider is allowed to develop his or her property in a reasonable manner but so, at the same time, the public welfare and interests of the city and surrounding area are protected and the general intent and spirit of this title is preserved.

**Chapter 16.08. Definitions.**

**16.08.010. General Definitions.**

**16.08.010. General Definitions.**

1. City. The City of Spanish Fork.
2. Civil Engineer. A person registered with the State of Utah to practice as a professional

engineer.

3. Completion Date. The date the entire subdivision or development is completed and an approved final inspection statement is given.

4. Comprehensive General Plan. The comprehensive general plan document as approved by the city council.

5. Construction Plans and Profiles. Plans drawn by a registered civil engineer or land surveyor showing all required improvements including the location, size, grade and elevations.

6. Construction and Development Standards. The Development Standards as referred to in this title and adopted by the city council.

7. Council or City Council. The governing body of the city.

8. Developer. Person, persons, partnership or corporation developing residential, commercial or industrial property.

9. Engineer. The person appointed by the city to be the city engineer.

10. Final Approval. The final approval of the city council and signing of the plat by the mayor and council.

11. Final Plat. An original map or plat drawn on mylar or linen in a form as approved by the city, showing all lots, streets, utility easements, etc.

12. Flood Plain. That area designated on the most recent Flood Insurance Rate Map, for the City of Spanish Fork dated February 19, 1986, prepared by the Federal Emergency Management Agency, as a flood plain.

13. Improved Lot. A lot which has all the improvements required in this title.

14. Improvements. Includes roads, streets, curb, gutters, sidewalks, gradings, landscaping, water and sewer systems, irrigation systems, drainage systems, power system, fences, public facilities and trees required by this chapter.

15. Land Surveyor. A person registered with the State of Utah to practice as a licensed land surveyor.

16. Lot. A parcel or tract of land within a subdivision which is or may be occupied by a building or structure and the accessory buildings, structures or uses customarily incident thereto, including such open spaces as are arranged and designed to be used in connection with the building according to the zone within which the lot is located.

17. Offsite Facilities. Facilities outside of the boundaries of the subdivision or development site which are designated and located to serve the needs of the subdivision or development or adjacent property, usually lying between a development and existing facilities.

18. Onsite Facilities. Facilities installed within or on the perimeter of the subdivision or development site.

19. Parcel of Land. A contiguous area of land in the possession or ownership of one person with one tax identification number.

20. Planning Commission. The Planning Commission of Spanish Fork City.

21. Preliminary Plat. A map or plat of a proposed subdivision or development with accompanying supplementary documents.

22. Public Utility Easements. The easements required to place public utilities across any privately owned property.

23. Streets. A thoroughfare which has been dedicated and accepted by the city council,

which the city has acquired by prescriptive right or which the city owns, or is offered for dedication on an approved recorded final plat. For further explanation see the streets section of the Subdivision and Development Standards.

24. Subdivision. Any parcel of land that is divided, re-subdivided or proposed to be divided into two 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 (1) the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument; and (2) divisions of land for all land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

25. Utilities. Includes culinary water lines; irrigation lines; sanitary and storm sewer lines; gas lines; electric power lines; cable television and telephone lines; underground conduits; and junction boxes and all appurtenances to the above.

26. Zoning Ordinance. The zoning ordinances, Title 17, of the City of Spanish Fork as adopted by the city council.

## **Chapter 16.12. Preliminary Plat.**

### **16.12.010. Filing.**

### **16.12.020. Form and Contents.**

### **16.12.030. Approval or Disapproval - Procedure.**

### **16.12.040. Duration of Preliminary Approval.**

### **16.12.010. Filing.**

Whenever a subdivision is to be filed, the required number of copies of the preliminary or tentative plat shall be prepared and presented to the city engineer for approval by the 10th of each month for the following month's meeting of the planning commission. The city engineer shall determine the size and number of copies to be submitted.

### **16.12.020. Form and Contents.**

The preliminary plat of a subdivision shall contain the information required by the Construction and Development Standards.

### **16.12.030. Approval or Disapproval - Procedure.**

Each plat submitted to the city engineer shall be referred to the city development review committee, for review to insure conformity to the present ordinances and standards and for adequacy and availability of public facilities.

A. Approval of a preliminary subdivision plat shall not be granted until such time as the applicant has provided information, to the satisfaction of the city engineer, to establish that adequate public facilities exist in the areas affected by the development to accommodate the development.

- B. The public facilities to which the preceding paragraph applies shall include the following:
1. The city culinary water system, including quantity, quality, treatment, storage capacity, transmission capacity, and distribution capacity;
  2. The city sanitary sewer system, including treatment, overall capacity, outfall lines, laterals, and collector lines;
  3. The city electric power system, including generation, transformation, transmission, and distribution;
  4. The storm water system, including drainage and flood control facilities;
  5. Streets and road, including arterial and collector roads, sidewalks, curb and gutter, and related transportation facilities;
  6. Recreational facilities, including ballparks, playgrounds and trails.
  7. City Secondary Irrigation System including transmission and distribution capacity.

C. The adequacy of public facilities shall be determined in accordance with the Spanish Fork City development standards, the various master plans and the comprehensive general plan of the city, and at the discretion of the city engineer.

In the event that the city engineer determines that adequate public facilities are not available and will not be available by the time of final plat approval, so as to assure that adequate public services are available at the time of occupancy, the following alternatives may be elected, at the discretion of the city council:

- A. Allowing the developer to voluntarily construct those public facilities which are necessary to service the proposed development and provide adequate facilities as determined by the city engineer and by entering into an appropriate form of connector's agreement, which may include, as deemed appropriate by the city engineer, provisions for recoupment of any expenses incurred above and beyond those reasonably necessary for or related to the need created by or the benefit conferred upon the proposed development, and the method and conditions upon which recoupment is to be obtained;
- B. Requiring the timing, sequencing, and phasing of the proposed development consistent with the availability of adequate public facilities;
- C. Deferring final plat approval and the issuance of building permits until all necessary public facilities are adequate and available; or
- D. Denying plat approval and allowing the applicant to reapply when adequate public facilities are available.

If the plat is not in conformity, the committee shall refer it back to the subdivider or developer with a list of items necessary to bring the plat into compliance. If the plat is in conformity, it will be submitted to the planning commission with suggestion and comments noted thereon.

The planning commission may table the matter to further study the issues presented. The planning commission may recommend approval, rejection, or approval with conditions to the city council. After considering the recommendation of the planning commission, the city council may approve, reject, or grant approval upon the conditions stated. If approved, the city council shall express its written approval with whatever conditions are attached. If any conditions are attached, the preliminary plat shall be amended to reflect such changes and an accurate preliminary plat shall be submitted to the city engineer.

Receipt of this accurate copy shall be authorization for the developer to proceed with the preparation of plans and specifications for the minimum improvements hereinafter required by this title and with the preparation of the final plat. Original preliminary plats are subject to the standards, policies, and regulations that are in effect at the time of approval for each of the final plats.

**16.12.040. Duration of Preliminary Approval.**

Approval of the preliminary plat by the city council shall be valid for a maximum period of twelve months after approval unless, upon application by the developer, the city council may grant an extension. If a final plat has not been recorded within the twelve-month period or the extension granted, the preliminary plat must again be submitted to the city council for re-approval.

Preliminary approval of a large tract shall not be voided if the final plat of the first section thereof is submitted for final approval within one year and no more than twelve (12) months have expired between the recording of each consecutive final plat or an extension of time is granted as to the remainder thereof.

**Chapter 16.16. Final Plat.**

**16.16.010. Filing - When.**

**16.16.030. Form and Contents.**

**16.16.034. Review and Approval Procedure.**

**16.16.050. Recordation - Copy to be Supplied to City Engineer.**

**16.16.060. Engineer Approves Final Plans.**

**16.16.070. Amendments to Final Plat.**

**16.16.080. Appeals.**

**16.16.010. Filing - When.**

Within one (1) year after approval of the preliminary plat or within the time for which an extension to make such filing has been granted, the original tracing and the required number of copies of a final plat along with complete construction drawings of such subdivision shall be submitted to the city engineer. The size and number of copies to be submitted shall be determined by the city engineer.

**16.16.030. Form and Contents.**

The final plat of a subdivision shall be in form according to the format approved by the city and shall contain the information required by the Construction and Development Standards.

**16.16.034. Review and Approval Procedure.**

Each final plat shall be submitted to the city engineer for review to insure conformity to the present ordinances and standards and for the adequacy and availability of public facilities. If the final plat is not in conformity, the city engineer shall refer it back to the subdivider or developer with a list of items necessary to bring the final plat into compliance. If the final plat is in conformity, it will be submitted to the development review committee with suggestions and comments noted thereon.

After considering the recommendation of the city engineer, the development review committee may table the matter, approve, or grant approval upon conditions stated. If approved, the city manager and city engineer shall sign the final plat. If any conditions are attached, the final plat shall be amended to reflect such changes and an accurate final plat shall be submitted to the city engineer, prior to signing by the city manager and city engineer.

Original and preliminary plats are subject to the standards, policies, and regulations that are in effect at the time of approval for each of the final plats.

**16.16.050. Recordation - Copy to be Supplied to City Engineer.**

Following acceptance by the development review committee of the areas reserved for public use in a subdivision, the final plat bearing all official approvals shall be deposited in the office of the county recorder for recording by the city.

1. The final plat must be recorded with Utah County within 120 days after approval by the development review committee. Approval expires and the plat must be resubmitted if the final plat is not recorded within 120 days.

No construction of buildings shall begin until after recording of the final plat and a copy of said recorded plat is filed with the office of the city engineer.

**16.16.060. Engineer Approves Final Plans.**

Prior to the construction of any improvements required by this title or the submission of any bond, the subdivider shall furnish to the city engineer all plans, information and data necessary for said improvements. These plans shall be examined by the city engineer to ensure compliance with the improvements and design standards hereinafter set forth.

**16.16.070. Amendments to Final Plat.**

The city engineer may approve minor amendments to approved final plats before the final plat is recorded, if he/she finds that the proposed amendments do not jeopardize the interest of the city or adjoining property owners. The types of minor amendments contemplated by this section include legal description mistakes, minor boundary changes, and items that should have been included on the original final plats. Major amendments to unrecorded approved final plats shall go back through the approval process. Amendments to record the final plat shall be in accordance with state law and any policies or procedures adopted by the city.

**16.16.080. Appeals.**

Any decision of the development review committee may be appealed to the city council. Any appeal taken must be taken within thirty (30) days of the decision of the development review committee. Any decision by the City Council shall be final and non-appealable.

**Chapter 16.20. Improvements and Design Standards.**

- 16.20.003. Availability of Adequate Public Facilities.**
- 16.20.005. Unavailability of Adequate Public Facilities.**
- 16.20.010. Improvement Installations.**
- 16.20.020. Fees.**
- 16.20.030. Water Supply.**
- 16.20.040. Utility Connection.**
- 16.20.050. Sewers and Sewage Facilities.**
- 16.20.060. Streets.**
- 16.20.070. Curbs, Gutters and Sidewalks.**
- 16.20.080. Drainage.**
- 16.20.085. Secondary Irrigation.**
- 16.20.090. Underground Utilities.**
- 16.20.100. Licensed Contractor.**
- 16.20.110. Water Transfer.**
- 16.20.120. Time Limitation for Completion.**
- 16.20.130. Conflict of Interest.**
- 16.20.140. Security for Improvements Required.**

**16.20.003. Availability of Adequate Public Facilities.**

A. Approval of a preliminary subdivision plat shall not be granted until such time as the applicant has provided information, to the satisfaction of the city engineer, to establish that adequate public facilities exist in the areas affected by the development to accommodate the development.

B. The public facilities to which the preceding paragraph applies shall include the following:

1. The city culinary water system, including quantity, quality, treatment, storage capacity, transmission capacity, and distribution capacity;
2. The city sanitary sewer system, including treatment, overall capacity, outfall lines, laterals, and collector lines;
3. The city electric power system, including generation, transformation, transmission, and distribution;
4. The storm water system, including drainage and flood control facilities;
5. Streets and roads, including arterial and collector roads, sidewalks, curb and gutter, and related transportation facilities;
6. Recreational facilities, including ballparks, playgrounds, and trails.

C. The adequacy of public facilities shall be determined in accordance with the Spanish Fork City development standards, the various master plans and the comprehensive general plan of the city, and at the discretion of the city engineer.

**16.20.005. Unavailability of Adequate Public Facilities.**

In the event that the city engineer determines that adequate public facilities are not available and will not be available by the time of final plat approval, so as to assure that adequate public services are available at the time of occupancy, the following alternatives may be elected, at the discretion of the city council:

- A. Allowing the developer to voluntarily construct those public facilities which are necessary to service the proposed development and provide adequate facilities as determined by the city engineer and by entering into an appropriate form of connector's agreement, which may include, as deemed appropriate by the city engineer, provisions for recoupment of any expenses incurred above and beyond those reasonably necessary for or related to the need created by or the benefit conferred upon the proposed development, and the method and conditions upon which recoupment is to be obtained;
- B. Requiring the timing, sequencing, and phasing of the proposed development consistent with the availability of adequate public facilities;
- C. Deferring final plat approval and the issuance of building permits until all necessary public facilities are adequate and available; or
- D. Denying plat approval and allowing the applicant to reapply when adequate public facilities are available.

**16.20.010. Improvement Installations.**

All improvements shall be installed in accordance with the Construction and Development Standards. The expense of all such improvements and installations, including but not limited to expenses for all of the foregoing items and for area-wide topographical drainage, engineering, ecological or other work or study, shall be borne by the owner or subdivider or developer subject to such terms and conditions as may be required by the city council by way of ordinance, resolution, contract or otherwise. The failure of any owner or subdivider to comply with the terms of this provision or his failure to complete the installation of all of the foregoing installations, fixtures or improvements or such others as may be required by the city council from time to time, shall result in the forfeiture pro tanto of the bond or other security posted. No building, installation, improvement or other permit shall be issued to any developer, builder, owner, subdivider or to any business entity having a full or limited partner, owner, shareholder or officer who has once failed to comply with the provisions hereof or who has failed to complete the installation of all improvements, fixtures and installations required by this section or by the city council on any previous construction or improvement project or subdivision. Any subdivision not in full compliance with this section shall not be connected to or receive any of its municipal services, including but not limited to water, sewer, irrigation, electricity or refuse removal services.

**16.20.020. Fees.**

Fees may be charged by the city council for the purpose of defraying expenses of all work performed by the city or its agents in connection with processing or approving the application for a subdivision, reviewing a preliminary plat and a final plat or for inspecting or installing a fixture or apparatus in any subdivision. Such fees shall in no case be less than the fee charged for similar services provided by the city to persons who are not subdividers.

**16.20.030. Water Supply.**

Each subdivider shall connect the subdivision with the city water system with all appurtenances and shall make such water available to each lot within the subdivided area. Adequacy of supply and sizes of water mains shall be designated by the city engineer, or by such personnel as the city council may designate.

Workmanship and details of construction shall be in accordance with city "Development Standards" and/or other codes adopted by the city. All work in connection with water services shall be done as directed and under the supervision of the city engineer or his/her designee.

**16.20.040. Utility Connection.**

It shall be the responsibility of the developer to connect to any utilities or improvements wherever they are located and extend those improvements to and through the development to obtain approval of said subdivision.

**16.20.050. Sewers and Sewage Facilities.**

A. The developer shall provide each lot with the city sanitary sewer system in accordance with the ordinances of the city and pursuant to the "Development Standards" and/or other codes adopted by the city. All said work shall be done as directed and under the supervision of the city engineer or his/her designee.

B. Subdivisions of five (5) acre lots or larger may be allowed with a septic system sanitary sewer, at the discretion of the council, when the following minimum requirements are met:

1. The owner signs a recordable instrument waiving the right to protest or otherwise object to the creation of a special improvement district to be created for the purpose of providing the city sanitary sewer system;
2. Including on the plat a requirement that the city sanitary sewer system be connected to each residence at the owner's expense at such time that the city sanitary sewer system is within five hundred (500) feet of the lot line.
3. The septic system sanitary sewer meets all requirements of Federal, State, County or municipal law or regulations at the time of installation.
4. No more than one building containing a septic system sanitary sewer may be constructed on each lot.

**16.20.060. Streets.**

The developer shall construct all streets required by the subdivision as specified by the city council in accordance with the city "Development Standards".

**16.20.070. Curbs, Gutters and Sidewalks.**

Curbs, gutters and sidewalks shall be built on all existing and proposed streets required by the subdivision in accordance with the city "Development Standards".

**16.20.080. Drainage.**

The developer shall install a storm water drainage system pursuant to standards required by the city engineer.

**16.20.085. Secondary Irrigation.**

The developer shall install a secondary irrigation system pursuant to standards required by the city engineer.

**16.20.090. Underground Utilities.**

Utilities including electrical, telephone, street lights and cable television lines shall be

underground, except when the developer can demonstrate to the city engineer that such underground lines are not feasible.

**16.20.100. Licensed Contractor.**

All work performed in accordance with this title shall be performed by a contractor licensed to perform such work by the State of Utah.

**16.20.110. Water Transfer.**

Each developer of a subdivision shall transfer to the City the quantity and type of water rights as determined and established from time to time by resolution of the City Council. The purpose of the section is to assure the City has an adequate water supply to provide water to the development, or to replace water which is provided to the development.

**16.20.120. Time Limitation for Completion.**

A. All improvements listed herein must be completed within one (1) year of the date of approval, unless the city engineer requires an earlier completion date. An extension for completion of improvements may be granted by the city council for up to one additional year. A request for an extension must be submitted to the city council in writing explaining the reasons for the requested extension.

B. The city engineer may require certain of the improvements to be completed prior to the one year period. The engineer shall have the discretion to designate what improvements shall be completed and within what time frame. Failure to complete the improvements within the allotted time, and after ten (10) days written notice of the failure is given, the city may proceed to have the improvements completed and may execute upon the bond or letter of credit in order to pay for the same.

**16.20.130. Conflict of Interest.**

No employee or agent of the city shall work for or be employed by any contractor or subdivider for the purpose of installing any plumbing or sewer fixture, pipes or connections, or for the purpose of installing or supervising the installation of any curb, gutter, street or sidewalk, or for the purpose of surveying any portion of the subdivision or proposed subdivision, or for the purpose of installing or supervising the installation of any electrical wiring, connections, apparatus or fixture, provided that this section shall not apply to independent engineering contractors employed by the city.

**16.20.140. Security for Improvements Required.**

In order to insure the proper installation of the improvements required by this chapter and in order to insure prompt payment of all persons supplying labor or materials to the subdividers or their contractors or subcontractors installing said improvements, the owners of property or the principal subdividers shall deposit with the city a cash bond, an irrevocable letter of credit, or an escrow bond conditioned on the installation of all required improvements within such time and in accordance with the plans, specifications, time limitations and conditions relating thereto as meet with the approval of the city council or such personnel as the city council shall designate.

Such bond shall be in an amount to be determined by the city engineer. Irrevocable letters of credit shall be executed by financial institutions authorized to conduct business in the State of Utah. Irrevocable letters of credit and escrow bonds must be in the form approved by the city. Upon completion of improvements and inspection, approval and acceptance of the improvements the bond less ten percent (10%) shall be released to the developer. Ten percent (10%) of the bond amount shall be held for a period of one (1) year following final inspection and acceptance.

## **Chapter 16.24. Impact Fees.**

### **16.24.010. Impact Fees, Ratification, Authorization.**

### **16.24.020. Purpose of Impact Fees, Limitations.**

### **16.24.030. Determination.**

### **16.24.040. Method of Assessing.**

### **16.24.050. Special Exceptions**

### **16.24.010. Impact Fees, Ratification, Authorization.**

Spanish Fork City is hereby authorized to establish and collect impact fees as a condition of granting subdivision plat approval and/or as a condition of the issuance of a building permit. All prior impact fees assessed and collected by the city are hereby ratified.

### **16.24.020. Purpose of Impact Fees, Limitations.**

The purpose of impact fees is to provide necessary funding for capital improvements to public facilities, and to offset other expenses related to public facilities incurred due to new development. Impact Fees may be assessed for water, sewer, pressurized irrigation, electric power, storm drainage, streets and roads, and recreation.

### **16.24.030. Determination.**

The city council may set impact fees based on studies and analyses of the anticipated costs to provide adequate public facilities to new developments. The amount of the impact fee shall not exceed the anticipated cost of providing adequate public facilities which become necessary as a result of the development. In setting the amount of the fee, the council shall take into consideration the following factors:

- A. The cost of existing capital facilities;
- B. The manner of financing existing facilities;
- C. The relative extent to which newly developed property and other properties within the city have already contributed to the costs of existing capital facilities;
- D. The relative extent to which newly developed properties and other properties within the city will contribute to the cost of existing capital facilities in the future;
- E. The relative extent to which newly developed properties are entitled to a credit because the city may be requiring owners or developers to provide common facilities that have historically been provided by the city and financed through general taxation or other charges in other parts of the city;
- F. The extraordinary costs, if any, in servicing newly developed properties;

- G. The time-price deferential inherent in fair comparison of amounts paid at different times.

**16.24.040. Method of Assessing.**

The city council may establish and assess impact fees by an impact fee enactment and by complying with the notice and hearing provisions of Utah Code Ann. 11-36-202

**16.24.050. Special Exceptions.**

A. The City Council retains the authority to adjust any impact fee imposed in order to respond to unusual circumstances in specific cases and to insure that impact fees are fairly imposed. Economic hardship shall not be considered an unusual circumstance justifying an adjustment to the impact fee.

B. The City Council may, at its sole discretion, adjust any impact fee, on the basis of justice and equity, based upon studies and data submitted by the developer.

C. The City Council may, at its sole discretion, waive any impact fee for governmental development or other development activities with broad public purposes. Any development undertaken to gain a profit, whether or not a profit is realized, does not qualify as a broad public purpose.

D. The City Council may, at its sole discretion, allow a full or partial credit against impact fees for any system improvements provided by the developer that are required as a condition of approval of the development activity.

**Chapter 16.28. Enforcement.**

**16.28.010. City Engineer Designated.**

**16.28.010. City Engineer Designated.**

The city engineer is hereby designated and authorized as the officer charged with the enforcement of this title.

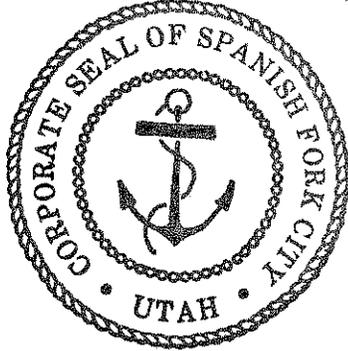
A. Permits. The building inspector shall not grant a building permit nor shall any city officer grant or authorize the issuance of any license or permit for the use of any land or the construction or alteration of any building or structure on a lot which would be in violation of any subdivision law, rule, or regulation of the State of Utah or of this title. Any license or permit issued in conflict with such provisions shall be null and void.

B. Inspections. The city engineer or his or her designee shall inspect all required improvements at appropriate stages of construction as designated in the Development Standards approved and adopted by the city council.

**SECTION II**

PASSED AND ORDERED PUBLISHED BY THE SPANISH FORK CITY COUNCIL OF  
SPANISH FORK, UTAH, this 4th day of December, 1996.

DATED this 4th day of December, 1996.



*Marie Huff*  
\_\_\_\_\_  
MARIE HUFF as Mayor

ATTEST:

*Kent R. Clark*  
\_\_\_\_\_  
KENT CLARK, City Recorder



# Proof of Publication

J. Lane Henderson being first duly sworn according to law, disposes and says that he is the *Publisher* of *THE SPANISH FORK PRESS*, a weekly newspaper, printed and published at Spanish Fork, Utah County, Utah, and of general circulation therein; that the Notice, a copy of which is hereto attached, was printed and published in said paper.

## ORDINANCE 15-96

### AN ORDINANCE MAKING CHANGES TO THE SUBDIVISION ORDINANCE OF THE SPANISH FORK CITY CODE

WHEREAS, Spanish Fork City has enacted a subdivision ordinance to assure quality construction of subdivision improvement; and

WHEREAS, the subdivision ordinance needs to be updated from time to time in order to stay abreast of current technology and construction methods to insure quality improvements; and

WHEREAS, significant changes to the subdivision ordinance have not been made for a lengthy period of time; and

WHEREAS, the city is experiencing rapid growth which growth is largely occurring within new subdivisions, which should be subject to current technology and construction methods; and

WHEREAS, the proposed new ordinance has been reviewed by the planning commission in a public hearing held on the 5th day of November, 1996;

wherein public input was received; and

WHEREAS, a public hearing was held with the Spanish Fork City Council on the 4th day of December, 1996, wherein additional public input was received; and

WHEREAS, a new subdivision ordinance should be adopted in order to protect the health, safety, and welfare of the residents of the city;

PASSED AND ORDERED PUBLISHED BY THE SPANISH FORK CITY COUNCIL OF SPANISH FORK, UTAH, this 4th day of December, 1996.

Title 16 of the Spanish Fork City Municipal Code is repealed in its entirety and re-enacted.

A summary of the Chapter Headings are as follows:

- 16.04. General Provisions.
- 16.08. Definitions.
- 16.12. Preliminary Plat.
- 16.16. Final Plat.
- 16.20. Improvements and Design Standards.
- 16.24. Impact Fees.
- 16.28. Enforcement.

A complete copy of the Spanish Fork City Subdivision Ordinance (Title 16) is available at the City Office, 40 South Main, Spanish Fork.

Published in the Spanish Fork Press December 12, 1996.

for One consecutive weeks,  
the first publication on the 12th day  
of December, 1996  
and the last on the 12th day of  
December, 1996

*Jane Henderson*

Subscribed and sworn to before me this 19th day of December, 1996

*Sara Northington*  
Notary Public

Residing at Spanish Fork, Utah

My Commission expires 5-14-99

