

ORDINANCE NO. 02-02

ROLL CALL

VOTING	YES	NO
MAYOR DALE R. BARNEY <i>(votes only in case of tie)</i>		
SHERMAN E. HUFF <i>Councilmember</i>	X	
PAUL M. CHRISTENSEN <i>Councilmember</i>	X	
GLENN A. JAMES <i>Councilmember</i>	X	
ROY L. JOHNS <i>Councilmember</i>	X	
EVERETT KELEPOLO <i>Councilmember</i>	ABSENT	

I MOVE this ordinance be adopted: Councilmember Huff

I SECOND the foregoing motion: Councilmember Christensen

ORDINANCE 02-02

AN ORDINANCE AMENDING THE SUBDIVISION ORDINANCE OF SPANISH FORK CITY

WHEREAS, Spanish Fork City has adopted a Subdivision Ordinance which establishes the requirements and standards for creating and developing subdivisions; and

WHEREAS, the subdivision ordinance should be amended from time to time in order to remain current with new technology and standards, in order to provide high quality subdivisions for the residents of the City; and

WHEREAS, the City Engineering Department and Planning Department have taken the best ideas and assimilated them into a new ordinance with accompanying construction standards in order to provide high quality subdivisions, promote property values, and protect the health, safety, and

welfare of the residents; and

WHEREAS, copies of the proposed changes have been distributed to a number of developers who frequently work within Spanish Fork City in order to receive their comments; and

WHEREAS, public hearings were held before the Spanish Fork City Planning Commission on the 6th day of March, 2002 and again on the 3rd day of April, 2002 whereat the proposed ordinance was reviewed and discussed and public comment was received; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on Tuesday the 2nd day of July, 2002 whereat additional public comment was received;

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

SECTION I.

The following sections of Title 16 of the Spanish Fork Municipal Code, entitled "Subdivisions" are hereby amended to read as follows:

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, or a waiver granted in accordance with Utah Code Ann. §10-9-806.

16.04.020. Approval Required.

- A. [Unchanged].
- B. [Unchanged].
- 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 and the following improvements are installed and accepted by Spanish Fork City:
 - 1. All required underground utilities or conduit for them;
 - 2. Curb, gutter, sidewalk, and cross-gutters;
 - 3. Six (6) inches of compacted road base in all areas where asphalt will be placed.The city engineer or his/her designee is hereby designated as the responsible official to accept

the improvements. Once acceptance has been granted, a building permit may be issued.

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 or 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. Council or City Council. The governing body of the city.
7. Developer. Person, persons, partnership, corporation, or other legal entity developing residential, commercial or industrial property.
8. Construction and Development Standards. The Construction and Development Standards as referred to in this title and adopted by the city council.
9. Development Review Committee or DRC. The review committee as established by Spanish Fork City Municipal Code § 19.12.010 (B).
10. Engineer. The person appointed by the city to be the city engineer.
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 Construction 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; telecommunication lines; underground conduits; and junction boxes and all appurtenances to the above.

26. Zoning Ordinance. The comprehensive zoning ordinance adopted by the city council as Title 17 of the Spanish Fork Municipal Code.

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 for approval. The City shall determine the size and number of copies to be submitted.

16.12.030. Approval or Disapproval - Procedure.

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

A. [Unchanged].

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. City pressurized irrigation system, including transmission and distribution capacity.

C. [Unchanged].

D. If the plat is not in conformity with the Construction and Development Standards or this chapter, the DRC 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 suggestions 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.

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.

16.16.010. 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. The size and number of copies to be submitted shall be in accordance with the Construction and Development Standards. Each final plat shall be accompanied by a filing fee established by the City Council in its annual budget, together with any impact or other fees which are due before recording.

16.16.020. 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 and Utah County.

16.16.030. Review and Approval Procedure.

Final plat and construction drawings shall be submitted to the City for review to insure conformity to the present ordinances and standards and for the adequacy and availability of public facilities. If the final plat or construction drawings are not in conformity, the City shall refer it back

to the subdivider or developer with a list of items necessary to bring the final plat or construction drawings into compliance. If the final plat and construction drawings are in conformity, the plat or complete drawings 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, city planner, and city engineer shall sign the final plat. If any conditions are attached, the final plat or construction drawings shall be amended to reflect such changes and an accurate final plat shall be submitted to the City, prior to signing.

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.

16.16.040. Recordation - Copy to be Supplied to City Engineer.

Following acceptance by the DRC, the final plat bearing all official approvals shall be deposited in the office of the county recorder for recording by the city. 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.

16.20.110. Security for Improvements Required.

The owners and/or developers of property shall deposit security with the City to guarantee proper installation of all required improvements in accordance with the plans, specifications, time limitations, and conditions relating thereto as meets with the approval of the city council or such personnel as the city council shall designate. The amount of the security shall be 125% of the City's estimated costs of the improvements. Security shall be in the form of cash in the minimum amount of 15% of the City's bond amount. The balance of the security shall be in the form of cash, an irrevocable letter of credit, or an escrow bond.

Irrevocable letters of credit or escrow bonds shall be executed by financial institutions acceptable to the City and authorized to conduct business in the State of Utah, and must be in the form approved by the City. The bond or letter of credit as required by this section must be posted prior to recording. Upon completion, inspection, approval, and acceptance of the improvements, the security, less fifteen percent (15%), shall be released to the developer. Fifteen percent (15%) of the security amount shall be held for a period of one (1) year following final inspection and acceptance to warrant improvements for this time period. The fifteen percent retained shall be the cash amount required as the minimum security.

SECTION II.

This Ordinance shall become effective 20 days after passage and publication.

Proof of Publication

I **Steve Hardman** being first duly sworn according to law, disposes and says that he is the General Manager 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 02-02
AN ORDINANCE
AMENDING THE SUB-
DIVISION ORDINANCE
OF SPANISH FORK
CITY**

WHEREAS, Spanish Fork City has adopted a Subdivision Ordinance which establishes the requirements and standards for creating and developing subdivisions; and
WHEREAS, the subdivision ordinance should be amended from time to time in order to remain current with new technology and standards, in order to provide high quality subdivisions for the residents of the City; and
WHEREAS, the City Engineering Department

and Planning Department have taken the best ideas and assimilated them into a new ordinance with accompanying construction standards in order to provide high quality subdivisions, promote property values, and protect the health, safety, and welfare of the residents; and

WHEREAS, copies of the proposed changes have been distributed to a number of developers who frequently work within Spanish Fork City in order to receive their comments; and

WHEREAS, public hearings were held before the Spanish Fork City Planning Commission on the 6th day of March, 2002 and again on the 3rd day of April, 2002 whereat the proposed ordinance was reviewed and discussed and public comment was received; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on Tuesday the 2nd day of July, 2002 whereat additional public comment was received;

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

SECTION I.
The following sections of Title 16 of the Spanish Fork Municipal Code, entitled "Subdivisions" are hereby amended to read as follows:

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

16.04.020. Approval Required.

16.08.010. General Definitions.

16.12.010. Filing.

16.12.030. Approval or Disapproval - Procedure.

16.16.010. Filing - When.

16.16.020. Form and Contents.

16.16.030. Review and Approval Procedure.

16.16.040. Recordation - Copy to be Supplied to City Engineer.

16.20.110. Security for Improvements Required.

SECTION II.

This Ordinance shall become effective 20 days after passage and publication.

PASSED

ORDERED

AND

PUB.

for consecutive 1 weeks,

the first publication on the 11 day

of JULY 2002

And the last on the 11 day

of JULY 2002

Subscribed and sworn to before

Notary Public

day of July 2002

