

## ORDINANCE NO. 14-05

### ROLL CALL

VOTING	YES	NO
MAYOR DALE R. BARNEY <i>(votes only in case of tie)</i>		
MATTHEW D. BARBER <i>Councilmember</i>	X	
PAUL M. CHRISTENSEN <i>Councilmember</i>	ABSENT	
EVERETT KELEPOLO <i>Councilmember</i>	X	
SETH V. SORENSEN <i>Councilmember</i>	X	
CHRIS C. WADSWORTH <i>Councilmember</i>	X	

I MOVE this ordinance be adopted: Councilmember Kelepolo

I SECOND the foregoing motion: Councilmember Sorensen

## ORDINANCE 14-05

### AN ORDINANCE AMENDING TITLE 15 TO INCLUDE ADDITIONAL STANDARDS

WHEREAS, Spanish Fork City has adopted a land use ordinance and has also adopted construction standards to implement the ordinance; and

WHEREAS, the public works department has determined that some of the standards should be in the ordinance in order to create less confusion with developers and land owners, who do not always obtain and read the standards; and

WHEREAS, the standards are necessary to ensure quality projects and to protect future residents of the project and existing residents of adjacent areas; and

WHEREAS, a public hearing was held before the Spanish Fork Planning Commission on Wednesday, the 5<sup>th</sup> day of October, 2005, whereat public comment was received; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on Tuesday,

the 1st day of November, 2005, whereat additional public comment was received; and

WHEREAS, in order to protect the health, safety, and welfare of the residents of the City clarifying the standards in the land use ordinance is necessary;

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

I.

Spanish Fork Municipal Code §15.4.16.030 is hereby amended as follows:

**15.4.16.030. Improvement Installations.**

A. No improvements may be installed until the final plat is recorded. Thereafter, all improvements shall be installed in accordance with the Design and Development Standards unless waived by the City engineer for unique conditions. A waiver is intended to be extremely difficult to obtain and is to be based on rare and unusual circumstances. Any waiver, variation, or substitution from the standards must be authorized in writing by the City Engineer or his/her designee. 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/her 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. Any developer or subdivider forfeiting a bond may jeopardize his/her/its ability to do future projects in the City, following a hearing before the City Council. 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.

B. The developer or subdivider shall be responsible for the protection of any existing improvements on public or private property at the start of work or placed there during the progress of the work. Existing improvements shall include but are not limited to permanent surfacing, curbs, ditches, driveways, culverts, fences, walls and landscaping. Any surface improvements damaged as a result of construction shall be restored or replaced to an equal or better condition than before. This shall be accomplished in a timely manner.

C. The developer or subdivider shall be responsible for maintaining existing road surfaces suitable for travel by the public. The developer or subdivider shall be responsible for all dust and mud control and all claims and damages resulting from failure to maintain the construction area.

D. New residential developments shall not be designed to allow direct access from individual lots or dwelling units to arterial streets or major collector streets. Masonry walls shall be provided along the sides of residential developments, which have reverse or side frontage to arterial streets, major collector streets, or interstates. The walls will be of decorative block, brick, or similar materials together with design elements such as columns, capping, inlays, and variations in materials.

The material, style, and color of the wall must be reviewed and approved by the City. The wall shall be constructed according to a design stamped by a licensed professional civil engineer. The Council may waive this requirement in those instances where the height of the interstate, arterial street, or major collector street is significantly higher than the top of the wall. The Council may also waive the requirement for a masonry wall if a park or open space area is adjacent to such streets. The Council may waive all fencing requirements or impose non-sight obscuring fencing, at their sole discretion.

## II.

Spanish Fork Municipal Code §15.4.16.050 is hereby amended as follows:

### **15.4.16.050. Utility Connection.**

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

The developer or subdivider shall provide easements for all utility extensions through private property. The developer or subdivider shall also provide a ten foot public utility easement along public rights-of-way or streets and along one side of all other property lines. If setbacks are less than ten feet then public utility easements shall be the extent of the setback.

## III.

Spanish Fork Municipal Code §15.4.16.085 is hereby created as follows:

### **15.4.16.085. Street Improvements.**

A. General. The developer or subdivider shall construct all streets and appurtenances required for the development as specified by the Council in accordance with the city Construction Standards and/or other policies adopted by the City. The design and all street work shall be done as directed and under the supervision of the City Engineer or his/her designee.

B. Cul-de-sacs. The maximum length of a cul-de-sac is 400 feet measured from the nearest right-of-way line of the adjoining street to the center of the cul-de-sac, and the minimum radius of the cul-de-sac is 60 feet at the property line.

C. Curbs, Gutters, and Sidewalks. Curbs, gutters, and sidewalks shall be built along all public streets according to the Construction Standards. All curbs, gutters, and sidewalks shall connect to existing curbs, gutters, and sidewalks within a reasonable area as determined by the City Engineer or his/her designee.

D. Partial-Streets Widths. In certain conditions, and when special approval is given, partial road widths may be allowed. A partial road width shall include half the road plus ten feet. The road shall also include a two foot shoulder along the unfinished portion of the street with a minimum three percent (3%) slope away from the edge of pavement. All City improvements must be made in dedicated City right-of-way or public utility easements.

E. Turn-arounds. Temporary turn-arounds are to be provided on all streets which extend more than one lot from an intersection. These are to be recorded as easements. These easements

may be abandoned when a permanent street is extended and dedicated. They shall be 84 feet in diameter and consist of a minimum of eight inches of compacted road base.

F. Grades. The maximum grade allowed for any City street is eight percent (8.0%) unless otherwise approved by the City Engineer. In no case shall grades greater than fourteen percent (14.0%) be allowed. The minimum grade allowed for any City street is 0.45%.

IV.

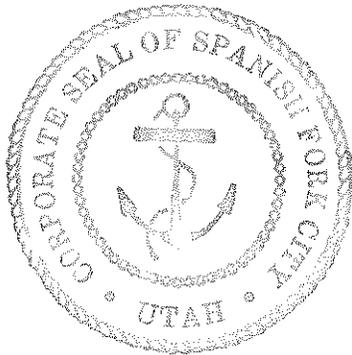
This ordinance shall become effective twenty days after passage and publication.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 15th day of November, 2005.

  
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DALE R. BARNEY, Mayor

ATTEST:

  
\_\_\_\_\_  
KENT R. CLARK, City Recorder



# Proof of Publication

Lana Creer-Harris being first duly sworn according to law, disposes and says that she is the Editor of the Spanish Fork Press, a weekly newspaper printed and published in 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 14-05 AN ORDINANCE AMENDING TITLE 15 TO INCLUDE ADDITIONAL STANDARDS

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

Spanish Fork Municipal Code §15.4.16.080 is hereby amended as follows:

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for ..... 1 ..... consecutive weeks,

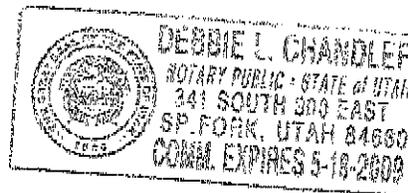
the first publication on the 29 day

of December 2005

And the last on the 29 day

of December 2005

Lana Creer Harris



day of December 2005

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Published in the Spanish Fork Press on December 29, 2005.