

**ORDINANCE NO. 08-07**

ROLL CALL

VOTING	YES	NO
MAYOR JOE L THOMAS <i>(votes only in case of tie)</i>	Absent	
G. WAYNE ANDERSEN <i>Councilmember</i>	X	
MATTHEW D. BARBER <i>Councilmember</i>	X	
STEVE LEIFSON <i>Councilmember</i>	X	
SETH V. SORENSEN <i>Councilmember</i>	X	
CHRIS C. WADSWORTH <i>Councilmember</i>	X	

I MOVE this ordinance be adopted: Councilman Sorensen  
 I SECOND the foregoing motion: Councilman Wadsworth

ORDINANCE NO. 08-07

**AN ORDINANCE MAKING CHANGES TO THE MASTER  
 PLANNED DEVELOPMENT REQUIREMENTS OF THE  
 SPANISH FORK CITY SUBDIVISION ORDINANCE**

WHEREAS, Spanish Fork City has adopted a subdivision ordinance to provide for quality residential development with the City; and

WHEREAS, The City has a master planned development section of the subdivision ordinance which allows for density bonuses to be granted in return for certain amenities which will provide for even higher quality residential development; and

WHEREAS, The City has recognized the need to make changes to the master planned development section of the subdivision ordinance to assure high quality development, and to have even application of the requirements; and

WHEREAS, a moratorium has been placed on master planned developments to give adequate time for the Council, Planning Commission, and staff to properly study the needs and draft appropriate changes; and

WHEREAS, recommendations have been made and studied; and

WHEREAS, the moratorium has been lifted; and

WHEREAS, a public hearing was held before the Planning Commission on Wednesday, the 2nd day of May, 2007, where public comment was received; and

WHEREAS, a public hearing was held before the City Council on Tuesday, the 15th day of May, 2007, where additional public comment was received; and

WHEREAS, the Council having found it is in the best interests of the current and future residents of the City to make changes to the master planned development requirements of the Spanish Fork City subdivision ordinance; and

WHEREAS, in order to protect the health, safety, and welfare of the residents of the City, this ordinance should become effective immediately due to the lifting of the moratorium on master planned developments;

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

**I.**

Spanish Fork City Municipal Code §15.3.24.030 is hereby amended to read as follows:

**15.3.24.030. Master Planned Developments**

1. Purpose:

The purpose of the Master Planned Development concept is to:

- a. Encourage imaginative and innovative planning of residential neighborhoods by providing greater flexibility in design.
- b. Encourage the provision of useable open space and recreation facilities within developments.
- c. Encourage variation in lot size and residential types within the development.
- d. Establish residential neighborhoods with a distinct character and convey a sense of unity.
- e. Allow projects that provide superior amenities to be developed at the high end of the density ranges as shown on the General Plan Map. Amenities include but are not necessarily limited to design features, architectural style, open space (including parks and trails), conservation elements, landscaping features, and recreational facilities.
- f. Reduce ongoing maintenance costs.

2. Permitted Uses

- a. All uses listed in R-1 and R-3 Districts, subject to the same restrictions or limitations of the use.
- b. Multi-family dwellings with more than four (4) attached units.
- c. Clubhouses, community buildings, and recreational facilities.

3. Master Planned Development Requirements and Bonus Density

This section includes a list of requirements that must be met in order for a project to qualify as a Master Planned Development and a list of options that exist for the City to award bonus density. Density bonuses may be awarded for the inclusion of amenities that the City determines to be upgrades from design standards in conventional subdivisions. In determining what bonus is warranted, the Planning Commission and City Council shall consider the size of the development and the overall benefit that a particular amenity would be to the development and the City. As a guide, sample items are listed in the various areas below to describe some elements that may qualify for bonus density. The listed elements are intended to serve as a guide and do not represent an all inclusive list of what may be considered. Projects at or near the top of the density range for the underlying district must demonstrate a coordinated approach to neighborhood development and include such things as an overall landscape concept, the use of high quality materials and architecture, the blending of different dwelling types in larger projects, well designed and useable open space and developed recreational amenities and attention to detail such as fencing, street lighting, entry treatments, and project signage.

A. Subdivision Design

1. The base density for projects that meet the minimum requirements to qualify as Master Planned Developments will receive the base density as identified in Table 1 (Residential Development Standards) plus .25 units per acre. Additional density may be obtained as developments qualify for bonus density.
2. Developments may not exceed the maximum density identified in Title 15, Table 1 (Residential Development Standards).
3. For purposes of calculating base density, sensitive lands shall be excluded from the calculation.
4. The minimum size of a Master Planned Development is twenty (20) contiguous acres, except in R-1-6 and R-3 zones, where five (5) contiguous acres are required. School and church sites are to be excluded from the acreage calculation.
5. Minimum lot size and width - Single family lots shall be a minimum of 6,000 square feet, with a minimum of 50 feet of frontage; twin home lots shall be a minimum of 4,000 square feet each, with a minimum of 40 feet of frontage each. The Council may grant a waiver of this requirement based on superior design. The Council has the absolute discretion in approving a request for such a waiver.
6. Density Calculations – Church sites, school sites, and sites for other non-residential uses may not be counted in the density calculations.
7. Street Design – Local streets shall not exceed 800 feet in length without an intersecting street.

B. Recreation

Bonus Density

Developments that include recreation elements may qualify for bonus density. Some of the specific elements that may qualify for bonus density are listed below:

Active Recreation (private-gated communities only if accepted by City). Active recreation areas may include swimming pools, sports courts, spas, and other similar areas.

Common Buildings (private-gated communities only if accepted by City). Developments which provide common buildings or facilities for meetings, indoor recreation, receptions, classes, or other similar uses.

Parks. Developments that provide and improve park space may qualify for bonus density. Improved park space means fully developed, landscaped property (consistent with the needs of the City), approved by the City, which includes a commercially rated automatic sprinkler system and commercially rated playground equipment, pavilion, or equivalent. The City will not accept public parks less than three acres in size.

Trails. Developments that construct trails, in accordance with the City's trails master plan and trails construction standards, may qualify for bonus density.

C. Architecture

1. Minimum House Sizes - finished area (sq. ft.)

Minimum House Sizes - Finished Floor Area (square feet)

District	Rambler – Main Level	Two- Story – Main Level	Townhomes, Twinhomes – Main Level
R-1-80	1,600	1,200	1,400
R-1-60	1,600	1,200	1,400
R-1-40	1,600	1,200	1,400
R-1-30	1,500	1,100	1,400
R-1-20	1,500	1,100	1,300
R-1-15	1,500	1,100	1,200
R-1-12	1,400	1,000	1,100
R-1-9	1,300	1,000	1,000
R-1-8	1,200	750	1,000
R-1-6	1,100	750	800
R-3	1,000	600	600

2. Duplicate Houses - There shall be no identical houses, i.e. same footprint (floor plan or elevation) within 200 feet of another, measured from property line to property line.

3. Parking - Master Planned Developments shall provide at least a two car garage for each single family residence. Townhomes and multi-family units must have one attached or detached garage (minimum 12 feet x 20 feet) per unit. Developments shall include no less than 0.5 guest parking spaces per dwelling unit. Developments that include, with each dwelling unit, a two car garage and driveway space for two vehicles shall not be required to provide additional guest parking.

When required, at least one space for guest parking shall be located within 200 feet of each dwelling

unit.

4. Roofing - Homes in the development shall have at least a 6/12 pitched roof.
5. Design Appeal - Homes in the development will be required to have variation in their articulation of both the front facade and roofline, provide variation in the finistration between structures, and use high quality materials.
6. Exterior Materials - Homes in Master Planned Developments shall be clad in masonry or masonry based materials. The City Council may grant a waiver of this requirement based upon superior architectural design plans which involve other materials. The City Council has the absolute discretion in approving a request for such a waiver.

#### Bonus Density

Developments with superior architectural designs qualify for bonus density. Designs may be determined to be superior based on consistency with a particular style, building articulation, type and quality of materials, excellent use of materials, conservation elements, additional garages or garage placement, and other creative and/or innovative ideas, as deemed superior in the discretion of the City Council.

#### D. Landscaping

1. Front and side yard landscaping shall be installed in Master Planned Developments prior to receiving a Certificate of Occupancy. Exceptions to this rule include the installation of yards between October 15 and April 15. Provisions shall be made to allow bonds to be posted for required landscaping between October 15 and April 15 when homes are otherwise ready for occupancy. For phased multi-family Master Planned Developments, landscaping shall be installed according to the approved phasing plan. Minimum landscaping shall include sod or hydroseed, one, two-inch caliper tree, measured two feet from the ground, and automated sprinkler system. The City Council has the discretion to modify the minimum landscaping requirements if a conservation(xeriscape) landscape plan is proposed.

#### Bonus Density

Developments that include landscaping above and beyond the minimum required qualify for bonus density. Landscaping elements that may qualify for bonus density include perimeter landscaping, entrance monuments, landscaped features in common areas and enhanced landscaping on individual lots.

Developments that incorporate fencing for individual lots and the whole project with high quality materials may qualify for bonus density.

Developments that are designed so as to incorporate common areas at highly visible locations may qualify for bonus density.

#### 4. Application

Applications to establish a Master Planned Development shall be processed as a subdivision if any

new lots are to be created. If no new lots are proposed, such as for an apartment project, an application will be processed according to the Site Plan procedures. All applications must include the following information in addition to normal filing requirements for a subdivision or Site Plan project:

- a. Complete description of the intended nature and character of the development.
- b. Description of all proposed private or public open space areas, including improvements, ownership, and maintenance provisions.
- c. Proposed project phasing.
- d. Plans representing proposed landscaping, fences, walls, entry treatments, signage and lighting.
- e. Preliminary conditions, covenants, and restrictions (CC & R's).
- f. Any variations from the non-Master Planned Development standards.
- g. Any proposed amended development standards, including such things as variations in setbacks, heights, and lot sizes.
- h. Proposed street cross sections, and proposed ownership and maintenance provisions, if the streets are proposed to be private.
- i. A description of the architecture, materials, and colors of the dwelling types within the project including colored elevations and materials boards.
- j. A data table which includes total acreage, acreage of sensitive lands, total number of dwelling units, and units by type, dwelling units per acre, acreage of open space, percent of acreage in open space.
- k. A description of any requested bonus density and the proposed justification for bonus density.

## 5. Phases

All residential subdivisions shall include a phasing plan that specifies the timing of public improvements and residential construction. This plan must be submitted at the submission of the Preliminary Plat. If the sequence of construction of various portions of the development is to occur in stages then the bonus density amenities shall be developed, or committed thereto, in proportion to the number of dwelling units intended to be developed during any given stage of construction.

## 6. Findings

Prior to granting approval of a Master Planned Development, the applicable reviewing body shall make findings identifying why the applicant's proposal justifies a bonus density. Those findings should include the following:

- a. The proposed development will provide a more pleasant and attractive living environment than a conventional residential development established under the strict application of the provisions of the underlying zone;
- b. The proposed development will not be materially detrimental to the health, safety, or general welfare of persons residing or working within the neighborhood of the development;
- c. Any variation allowed from the development standards of the underlying district will not

create increased hazards to the health, safety, or general welfare of the residents of the development of adjacent areas.

**II.**

This ordinance shall be effective immediately upon passage.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH,  
this 15th day of May, 2007.



JOE L THOMAS, Mayor

ATTEST: 

KENT R. CLARK, City Recorder



# Proof of Publication

**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

for consecutive 1 weeks,

the first publication on the 28 day

of June 2007

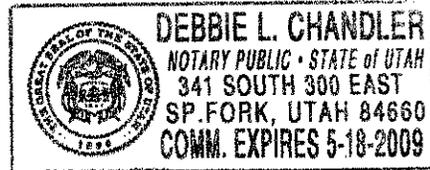
And the last on the 28 day

of June 2007

Erica Savage

**Public Notice** city. The ordinance identifies what type of developments can qualify for a master planned development and what types of amenities are required to obtain bonus densities. A copy of the full ordinance is available for inspection at the City Offices located at 40 South Main.  
Published June 28, 2007 in **The Spanish Fork Press**.

ORDINANCE 08-07. Spanish Fork City has adopted an ordinance rewriting the master planned development requirements of the



Subscribed and sworn to before me this 28<sup>th</sup> day of June 2007

Debbie L. Chandler  
Notary Public