

ORDINANCE NO. 04-08

ROLL CALL

VOTING	YES	NO
MAYOR JOE L THOMAS <i>(votes only in case of tie)</i>		
G. WAYNE ANDERSEN <i>Councilmember</i>	X	
ROD DART <i>Councilmember</i>	X	
RICHARD M. DAVIS <i>Councilmember</i>	X	
STEVE LEIFSON <i>Councilmember</i>	X	
JENS P. NIELSON <i>Councilmember</i>	X	

I MOVE this ordinance be adopted: Councilman Leifson

I SECOND the foregoing motion: Councilman Nielson

ORDINANCE 04-08

AN ORDINANCE MAKING CHANGES IN TITLE 15, INCLUDING REQUIRING TRAFFIC AND WETLAND STUDIES AND A GEOTECHNICAL REPORT FOR DEVELOPMENT

WHEREAS, Spanish Fork City has adopted a land use title in the municipal code, known as Title 15, which includes zoning and development chapters; and

WHEREAS, Title 15 needs minor adjustments from time to time in order to accomplish the goals and intent of the City Council; and

WHEREAS, in order to preserve property values and protect current and future residents, various studies should be provided as part of a development proposal in appropriate situations, which studies should include a traffic study, a wetlands delineation study, and a geotechnical report ; and

WHEREAS, the Planning Commission reviewed the issue and held a public hearing on

Wednesday the 6th day of February, 2008 where public comment was received; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on Tuesday the 19th day of February, 2008 where public comment was received; and

WHEREAS, in order to protect the health, safety, and welfare of the residents of the City, it is appropriate to make minor amendments to Title 15, and include the requirement of various studies in appropriate cases, including traffic and wetlands delineation studies and geotechnical reports;

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

I.

Spanish Fork City Municipal Code §15.3.08.050(B) is hereby amended as follows:

15.3.08.050. Amendments to the Zoning Ordinance - Text and Maps..

B. Application:

Applications shall be filed with the City Planner on a form provided by the City. The application form will require the applicant to provide certain documentation and information about the site, surrounding area, and proposed use that will help the City properly evaluate the request. The specific information to be included with the application is described on the application form.

II.

Spanish Fork City Municipal Code §15.4.04.070 is hereby amended as follows:

15.4.04.070. Form and Content of Preliminary Plats.

Each preliminary plat shall be accompanied by a filing fee in the amount established by the City Council in the annual budget. Each preliminary plat of a subdivision shall contain the following

information:

1~7 [unchanged]

8. A table including: total acreage of area proposed for development, acreage of individual phases, total acreage in lots, total acreage in open space, percent of open space, total number of lots, and density in lots per acre.

10. [unchanged]

The following documents must accompany the preliminary plat:

1~2 [unchanged]

3. Traffic impact study performed by a professional engineer licensed in the State of Utah, unless waived by the City Engineer.

4. Wetland delineation study, unless waived by the City Engineer.

5. Geotechnical report performed by a professional engineer licensed in the State of Utah, unless waived by the City Engineer.

[balance unchanged]

III.

Spanish Fork Municipal Code §15.4.04.080(D) is hereby amended as follows:

15.4.04.080. Approval or Disapproval - Procedure.

D. If the plat is not in conformity with the Design and Development Standards or this title, 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 Commission with suggestions and comments noted thereon. The Commission may table the matter to further study the issues presented. The Commission may recommend approval, rejection, or approval with

conditions to the City Council. After considering the recommendation of the Commission, the Council may approve, reject , or grant approval upon the conditions stated. If approved, the City Council shall express its 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. Changes made in the preliminary plat by the DRC, Commission, or Council must be made before proceeding to the next step. One 24X36 inch copy, one 11X17 inch copy and a CAD file of the revised plat must be submitted to the planning department.

IV.

Spanish Fork Municipal Code §15.4.04.100 is hereby amended as follows:

15.4.04.100. Filing of Final Plats - 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 shall be submitted to the City, together with the following:

1. **Seven** 24X36 inch copies of the final plat and construction drawings stapled and folded to a 9X12 inch size so the name and the subdivision and plat is visible, the final plat on top;
2. **Two** 11x17 inch copies of the Final Plat and construction drawings;

Once accepted by the DRC, four 24x36 inch copies and one clearly legible 11x17 inch copy of the plat must be submitted to the engineering department. Two 24x36 inch copies will be retained by the City, the other two 24x36 in copies will be signed and stamped by the City and returned to the Developer. The Developer must insure that a copy of the signed and approved construction plans is on site at all times during construction. Each final plat shall be accompanied by a filing fee established by the City Council in its annual budget, together with any impact, inspection, testing,

connection, or other fees which are due before recording.

V.

Spanish Fork Municipal Code §15.4.08.030(B)(A) is hereby amended as follows:

15.4.08.030. Application and Review Process.

B. Staff Review.

A. An application provided by the city shall be filled out in completeness with all supporting documentation submitted to the planning department.

VI.

This Ordinance shall take effect 20 days after passage and publication.

DATED this 19th day of February, 2008.

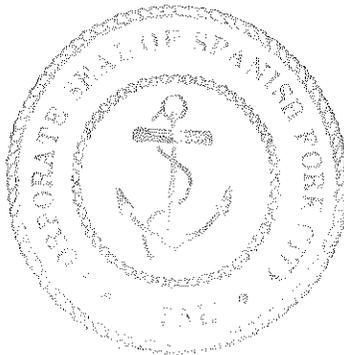


JOE L THOMAS, Mayor

ATTEST:



KIM ROBINSON, City Recorder



Proof of Publication

THE SPANISH FORK PRESS, a weekly newspaper printed and published at Provo, 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 6 day

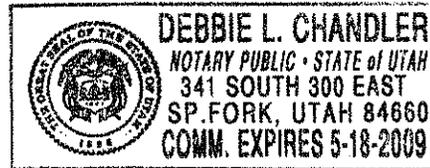
of March 2008

And the last on the 6 day

of March 2008

Erica Savage

ORDINANCE 04-08 studies and a geo- Office, 40 South
The Spanish Fork technical report Main, Spanish
City Council has ad- for development Fork.
opted an ordinance A complete copy Published in the
changing Title 15, of this ordinance **Spanish Fork Press**
including requiring is available at the on March 6, 2008.
traffic and wetland Spanish Fork City UPAXLP



Subscribed and sworn to before me this 6th day of March 2008

Debbie L. Chandler
Notary Public