

## ORDINANCE NO. 11-09

### ROLL CALL

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

I MOVE this ordinance be adopted: Councilmember Andersen

I SECOND the foregoing motion: Councilmember Nielsen

### ORDINANCE No. 11-09

#### AN ORDINANCE AMENDING THE NOTICE REQUIREMENTS FOR COMMERCIAL, INDUSTRIAL, AND MULTIFAMILY RESIDENTIAL PLATS

WHEREAS, Spanish Fork City has adopted a land use ordinance in accordance with State Law; and

WHEREAS, in order to comply with State Law, the Spanish Fork Land Use Ordinance mandates notices and public hearings for preliminary plats for industrial, commercial, and multifamily residential projects; and

WHEREAS, State Law also mandates that preliminary plat applications which are in conformance with the City standards must be approved, which makes the necessity of public hearings meaningless; and

WHEREAS, the 2009 Utah State Legislature repealed the requirement to hold public hearing

for commercial, industrial, and multifamily residential plats; and

WHEREAS, a public hearing was held before the Spanish Fork Planning Commission on Wednesday the 1st day of July 2009, where public comment was received; and

WHEREAS, public hearing was held before the Spanish Fork City Council on Tuesday the 21st day of July 2009, where additional public comment was received; and

WHEREAS, in order to protect the health, safety, welfare of the residents of the City, and in compliance with Utah State law, it is advisable to repeal the requirements of public hearings for preliminary plats for commercial, industrial, and multifamily residential projects;

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

**I.**

Spanish Fork Municipal Code §15.1.04.040(C) is hereby repealed.

**II.**

Spanish Fork Municipal Code §15.1.04.040(B) is hereby amended to read as follows:

**15.1.04.040 Notices.**

- B. Conditional use permits and specific property zone changes shall be posted on the subject property and mailed to all property owners located within 300 feet of the subject property.

**III.**

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 September, 2009.

ATTEST:

Kent R. Clark  
KIMBERLY ROBINSON, City Recorder  
KENT R. CLARK

Joe L Thomas  
JOE L THOMAS, Mayor

