

# ORDINANCE NO. 14-12

## ROLL CALL

VOTING	YES	NO
G. WAYNE ANDERSEN <i>Mayor (votes only in case of tie)</i>		
ROD DART <i>Council member</i>	X	
RICHARD M. DAVIS <i>Council member</i>	X	
BRANDON B. GORDON <i>Council member</i>	X	
STEVE LEIFSON <i>Council member</i>	X	
KEIR A. SCUBES <i>Council member</i>	X	

I MOVE this ordinance be adopted: Council member Leifson  
I SECOND the foregoing motion: Council member Dart

## ORDINANCE No. 14-12

### AN ORDINANCE MAKING VARIOUS AMENDMENTS TO THE LAND USE ORDINANCE OF SPANISH FORK CITY

WHEREAS, Spanish Fork City has enacted a land use ordinance to regulate the development of land within the City, establish zoning to protect property values, and establish administrative rules concerning land use; and

WHEREAS, amendments to the land use ordinance need to be made from time to time in order to remain compliant with state and federal law, become more efficient, and to keep standards in line with best construction and safety practices; and

WHEREAS, the public works department has made various recommendations to the development portion of the land use ordinance, which have been reviewed by engineers, contractors, and the DRC; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on Wednesday, the 5th day of September, 2012, whereat public comment was received; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on Tuesday, the 18th

day of September, 2012, whereat additional public comment was received;

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

I.

Spanish Fork Municipal Code §§15.4.04.060, 070, 100, 110, and 130 are hereby amended as follows:

**15.4.04.060 Filing of Preliminary Plats**

A. Prior to preparing a preliminary plat, the developer should review conceptual plans with the City Planner. To apply for a preliminary plat, complete a preliminary application form. Forms are available at the City office or City website. Submit the completed form to the Community Development Department with the following:

1. Seven 24x36 inch copies of the preliminary plat drawings folded to a 9x12 inch size so the name of the subdivision is visible.
2. Two clearly legible 11x17 inch copies of the preliminary plat drawings. and
3. A computer aided design (CAD) file of the plat on a CD, or by an e-mail in a dwg or dxf format. The CAD file of the subdivision must be in the 1927 North American Datum (NAD27) or 1983 North American Datum (NAD83) State Plane Coordinate System, Utah Central Zone, US Foot, with a tie to a section corner.
4. All fees for the preliminary plat are due upon filing the application.

If anything is submitted by e-mail, the Community Development Department must be contacted for the proper e-mail address and for confirmation that the e-mail was received.

B. The city will review the submission and notify the developer of any changes that must be made. The developer shall have a written response to all redlines corrected. Once these changes are made, a Portable Document Format (PDF) file of the plat must be submitted to the Community Development Department. Ten bound subdivision packets must also be submitted for master planned developments.

All drawings, CAD files, and packets must be updated and re-submitted to the City with any changes made that were required by the Development Review Committee, Planning Commission, or City Council after each meeting.

C. In the event a pending ordinance which has been formally initiated would prohibit the plat approval, the application need not be accepted, unless the pending ordinance has not been adopted within 180 days of its formal initiation. A subdivision application shall meet the requirements in place at the time of submittal, or the requirements of any ordinance which has been formally initiated at the time of submittal.

**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. The proposed name of the subdivision;
2. The names and addresses of the Developer, the Civil Engineer of the subdivision, and other persons to whom notice of the hearing to be held by the Council should be sent;
3. The names of all adjacent subdivisions and property owners;
4. The location of the subdivision as a part of some larger subdivision or tract of land referred to in the records of the county recorder. In such case, a sketch of the prospective street system of the unplatted parts of the subdivider's land shall be submitted and the street system of the part submitted shall be considered in light of existing master street plans or other Commission street studies;
5. A tie to a section corner. All horizontal data shall be based on the 1927 North American Datum (NAD27) or 1983 North American Datum (NAD83) State Plane Coordinate System, Utah Central Zone, US Foot. Horizontal datum shall be clearly written on all plat drawings;

6. A contour map with vertical intervals not to exceed two feet. Contours shall be clearly labeled. All vertical data shall be based on the 1929 North American Vertical Datum (NAVD29) or 1988 North American Vertical Datum (NAVD88). Vertical datum shall be written on plat; and
7. Show all existing and proposed streets, alleys, easements, watercourses including flood zone areas, irrigation ditches, fence lines, utilities, buildings, public areas and any other important features within 200 feet of the tract to be subdivided;
8. Phasing plan showing how proposed development will function until the subdivision is completed;
9. 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, and total acreage in flood zone;
10. The date of preparation, a standard engineering scale of not more than 100 feet to the inch, a north arrow, and a vicinity map;
11. A stamp and signature of a Civil Engineer licensed in the state of Utah.

The following documents must accompany the preliminary plat:

1. Soils Report. The developer must provide a detailed soils report addressing the following issues for the subdivision: hill stabilization, road design including CBR of existing soils, foundation design, groundwater impacts, and general soil stability. The report must be stamped and signed by a civil engineer licensed in the state of Utah. Whenever the soils report for a development requires foundation drains, a storm drain system with laterals to each foundation drain must be installed. In such cases, the storm drain system shall be lower than the sewer system.
2. Storm Water Plan. The developer must provide a detailed storm water plan for the subdivision according to the Storm Water Drainage Design Manual. This plan shall include all calculations showing that it meets all the requirements of the Construction Standards and the Drainage Design Manual. Plans and calculations must be stamped and signed by a civil engineer licensed in the state of Utah.
3. Traffic Impact Study. The developer must submit a traffic impact study performed by a professional engineer licensed in the state of Utah, unless waived by the City Engineer.
4. Wetland Delineation Study. The developer must submit a wetland delineation study, unless waived by the City Engineer.
5. Title Report. The developer shall provide the city with a title report showing clear title for all of the properties in the proposed development.
6. Other Jurisdictional Approvals. The developer shall acquire approvals from any agency or company having affected properties or utilities.

In addition to the above, a MPD subdivision packet shall include a project overview, plat drawings, product elevations, landscape plan, description and design of amenities, CC&R's, and soil reports. The description and design of amenities shall include detailed drawings and pictures of proposed playgrounds, open space, trails, streetscapes, architectural variety, fencing, and any other items deemed necessary by the City Planner.

#### 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 Community Development Department, together with the following:

1. Seven 24x36 inch copies of the final plat and construction drawings stapled and folded to a 9 x 12 inch size so the name of the subdivision and plat is visible, the final plat on top;
2. Two 11x17 inch copies of the Final Plat and construction drawings;
3. A Computer Aided Design (CAD) file and a Portable Document Format (PDF) file of the

plat must be submitted on a CD or by e-mail in a dwg or dgn format. The CAD file of the subdivision must be in the 1927 North American Datum (NAD27) or 1983 North American Datum (NAD83) State Plane Coordinate System, Utah Central Zone, US Foot, with a tie to a section corner.

If anything is submitted by e-mail, the Community Development Department must be contacted for the proper e-mail address and for confirmation that the e-mail was received.

The City will review the submission and notify the developer of any changes that must be made. The developer shall have a written response to all redlines corrected. Once these changes are made, a Portable Document Format (PDF) file of the plat must be submitted to the Community development department.

Once accepted by the DRC, four 24x36 inch copies, one clearly legible 11x17 inch copy, and a CAD file of the plat must be submitted to the engineering department. Two 24x36 inch copies will be retained by the City, the other two 24x36 inch 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.

#### **15.4.04.110 Filing of Final Plats - Form and Contents of Final Plats**

The developer must submit a mylar of the final plat to the City in a format approved by the City and County. The final plat of a subdivision shall contain the following:

1. A tie to a section corner and the state plane coordinates of each point. All horizontal data shall be based on the 1927 North American Datum (NAD27) or 1983 North American Datum (NAD83) State Plane Coordinate System, Utah Central Zone, US Foot. Horizontal datum shall be clearly written on the plat;
2. Accurate dimensions for all lines, angles and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use, and other important features; the lines, angles, dimensions, state plane coordinates, bearings, areas and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All dimensions shall be determined by an accurate field survey which shall balance and close as required by the county;
3. All lots and blocks are to be numbered, addressed, and named in accordance with the street numbering and naming system assigned by the City Engineer;
4. A statement that "All drinking water and pressurized irrigation lines up to and including the meter, all sanitary sewer mains, all electric meters, and all electric and SFCN communication service lines up to the mast on overhead installations and to the top of the meter base for underground installations are dedicated to Spanish Fork City.";
5. Plats and signatures shall be in waterproof ink on a 24x36 inch mylar sheet. There shall be an unencumbered margin of one and one-half inches on the left-hand side of the sheet and not less than a half inch margin around the outer three sides of the sheets. The scale shall be a standard engineering scale of no more than 100 feet to the inch;
6. A stamp and signature of a surveyor licensed in the state of Utah;
7. A statement that "All public utility easements platted hereon are in perpetuity for installation, maintenance, repair, and replacement of public utilities, sidewalks, and appurtenant parts thereof and the right to reasonable access to grantor's easement shall run with the real property and shall be binding upon the grantor and the grantor's successors, heirs and assigns";
8. All building permits for the subdivision shall comply with the Development Soils Report and Mass Grading Plan. Elevation certificates shall be reviewed and approved by the City Engineer or his/her designee as required;
9. The date of preparation, a standard engineering scale of not more than 100 feet to the inch, a north arrow, and a vicinity map;

10. All offsite easements required to provide services or utilities to the project shall be recorded with the Utah county Recorder's office prior or in conjunction with the final plat recordation;

The following documents must accompany the final plat:

1. Construction Plans. A complete set of construction plans must accompany the final plat. Construction plans must meet the requirements of this title as well as the standards found in Chapter 39.20 Improvement and Design Requirements of the Construction Standards;
2. Soils Reports. A final plat soils report shall provide a detail of lot by lot summary addressing finished floor elevation including basements. The report shall include a minimum height factor for peak month in a wet year, and also address all Hillside Development Standards;
3. Storm Water Plan. The developer shall provide a final drainage plan and report according to the Storm Water Drainage Design Manual;
4. Mass Grading Plan. The developer shall provide a final subdivision grading plan showing each individual property. The site shall be designed to eliminate flooding or standing water on any private property.

#### 15.4.04.130 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. Only the City may record final plats. The final plat must be recorded with Utah County within 120 days after approval by the DRC. Approval expires and the plat must be resubmitted if the final plat is not recorded within 120 days.

All inspection, testing and/or connection fees required by ordinance shall be paid and permits required shall be obtained prior to the recording of the Final Plat.

## II.

Spanish Fork Municipal Code §§15.4.08.030 and 050 are hereby amended as follows:

#### 15.4.08.030 Application and Review Process

A site plan shall go through the following process. Pre-application conference with the city planner and city engineer, staff review, and then to the DRC.

1. Pre-application conference for Site Plan Review.

Persons intending to undertake development need to arrange with the city planner for a pre-application meeting. The purpose of this meeting is to acquaint the applicant with the requirements of the code; to provide for an exchange of information regarding to applicable elements of the General Plan and development requirements, to arrange such technical and design assistance as will aid the applicant, and to otherwise identify policies and regulations that create opportunities or pose significant constraints for the proposed development.

2. Staff Review.

- A. An application provided by the City shall be filled out in completeness and submitted to the Community Development Department together the following:
  1. Seven 24x36 copies folded to a 9x12 size so that the name of the plan is visible.
  2. Two clearly legible 11x17 copies of the site plan.
  3. A computer aided design (CAD) file of the plans on a CD, or by an e-mail in a .dwg or .dxf format. The CAD file of the subdivision must be in the 1927 North American Datum (NAD27) or 1983 North American Datum (NAD83) State Plane Coordinate System, Utah Central Zone, US Foot, with a tie to a section corner.  
If anything is submitted by e-mail, the Community Development

Department must be contacted for the proper e-mail address and for confirmation the e-mail was received.

- B. Each Site Plan shall be accompanied by a filing fee in the amount established by the City Council in the annual budget.
- C. Information required for Staff Review including the following:
  - 1. Proposed name of site plan at lower right hand corner
  - 2. Name and address of developer on the lower right hand corner
  - 3. Name and address of engineer/architect/surveyor at the lower right hand corner
  - 4. Date of preparation
  - 5. statement that " All drinking water and pressurized irrigation lines up to and including the meter, all sanitary sewer mains, all electrical meters, and all electric and SFCN communication service lines up to the mast on overhead installations and to the top of the meter base for underground installations are dedicated to Spanish Fork City."
  - 6. Licensed Land Surveyor/Engineer Stamp and Signature
  - 7. Title block with name and location
  - 8. Vicinity map and north arrow
  - 9. Standard engineered scale – 1" = 100' or less
  - 10. Description of boundary of development
  - 11. Section tie/bearing of section line based on NAD27 or NAD83 State Plane Coordinates. Horizontal datum shall be clearly marked on all plat drawings.
  - 12. Adjacent property owners names and buildings within 200 feet of proposed development
  - 13. Existing and proposed fences
  - 14. Existing and proposed streets with names and widths within 200 feet of site
  - 15. Existing and proposed water courses, culverts, and irrigation ditches
  - 16. Flood zones or wetlands as per NWI wetland map
  - 17. Existing and proposed power lines (labeled), gas lines, water mains, fire hydrants and valves with pipe size
  - 18. Existing and proposed sewer mains and manholes with pipe sizes
  - 19. Existing and proposed storm drains
  - 20. Existing and proposed public utility easements
  - 21. Minimum of 2-foot contours of existing elevations, with note that all vertical data is based on NAVD29 or NAVD88. Vertical datum shall be written on the plan.
  - 22. Typical street cross section.
  - 23. Building setbacks dimensioned on the site plan.
  - 24. Parking stalls (9'x18') and calculations identifying the required number of handicapped and non-handicapped parking spaces in the development.
  - 25. Photometric lighting plan.
  - 26. Dumpster location, height and materials used.
  - 27. Location and screening plan for mechanical equipment.
  - 28. Note on site plan if building is to be sprinkled.
  - 29. Finish floor elevation.
  - 30. Type of building and occupancy per International Building Code.
  - 31. Project phasing (if applicable).
  - 32. Table with the following:
    - i. Total acreage of area proposed for development
    - ii. Total area and percent of site in landscaping (open space)

- iii. Total building area and dimensions - separate areas for different uses (office, warehouse, shop, etc...)
  - iv. Total developed and undeveloped area
  - v. Total number of parking spaces required and proposed (including ADA parking stalls).
  - vi. Total impervious area
33. Landscaped plan prepared by a licensed landscape architect
- i. Planting schedule showing plant material and sizes
  - ii. Planting plan
  - iii. Irrigation plan
34. Off-street parking plan showing circulation and number and size of spaces
35. Vehicular and pedestrian circulation—ingress, egress, and internal movement
36. Location and function of any loading and servicing facilities
37. Scale drawings of exterior building elevations and an indication of building materials to be used. Architectural drawings shall be drawn to a scale of no smaller than 1/8" = 1-foot
38. Elevations and/or architectural renderings of building facades facing public right-of-way. Said elevations or renderings must be sufficiently complete to show building heights and roof lines, the location and height of any walls, signs, light standards, openings in the facade, and the general architectural character of the building.
39. All existing and proposed signs for the development.
40. Grading plan with detailed elevations showing the drainage of the property. Sites shall be designed to eliminate drainage of water to adjacent properties. Site Grading Plan shall address soil types of material on the project site to ensure it is suitable for growth of landscaping and adequate percolation rates which are applicable to the design.
41. Construction plans which conform to the standards found in section 39.20 Improvement and Design Requirements of the Spanish Fork City Construction Standards.
42. Soils report addressing the following issues for the site: hill stabilization, road design, foundation design, groundwater impacts, and general soil stability. Report must be stamped and signed by a civil engineer licensed in the state of Utah.
- Whenever a soils report for development requires foundation drains, a storm drain system with laterals to each foundation drain must be installed. Storm drain system must be at a lower elevation than the sewer system. The report shall include a minimum height factor for a peak month in a wet year for the lowest buildable floor elevation. All ground drain systems shall be approved by the City Engineer.
43. Public Utility Easement documents and/or deeds for all utilities or public facilities required by the City.
44. Detailed storm water plan for the site according to the Storm Water Drainage Design Manual. This plan shall include all calculations showing that it meets the requirements of the Construction Standards and the Drainage Design Manual. Plans and calculations required by of Chapter 39.20 of the Construction Standards must be stamped and signed by a civil engineer licensed in the state of Utah.
45. Approvals from any agency or company having affected properties or utilities.
46. Other data or plans or reports deemed necessary by the Planning, Public

Works, or Fire and Police Departments. In the event that a traffic study, environmental study or other technical study is required, the applicant may be required to pay additional review fees. The additional review fees will be utilized to prepare studies deemed necessary by the City Engineering Department or to perform a peer review of work submitted on behalf of the applicant.

- D. The City will review the submission and notify the developer of any changes that must be made. The developer shall have a written response to all redlines corrected. Once these changes are made, a Portable Document Format (PDF) file of the plat must be submitted to the Community Development Department.
- E. Once accepted by the DRC, four 24x36 inch copies, one clearly legible 11x17 inch copy, and a CAD file of the plat must be submitted to the engineering department. Two 24x36 inch copies will be retained by the City, the other two 24x36 inch 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.

#### **15.4.08.050 Duration of Approval**

A site plan expires if it is not approved by the DRC within twelve months from the time a complete application is submitted and accepted. Approval of the site plan by the DRC shall be valid for a period of twelve months after approval unless, upon application by the developer, the DRC grants an extension. An extension may not exceed six months.

All City improvements required for a site plan approval must be completed within one year of the date of approval by the DRC. Improvements which are not completed within the time limitation imposed herein shall work a forfeiture of any bond or surety which shall have been posted by the owner or subdivider.

### **III.**

Spanish Fork Municipal Code §§15.4.16.085(E), and 150 are hereby amended as follows:

#### **15.4.16.085 Street Improvements**

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 96 feet in diameter and consist of a minimum of eight inches of compacted road base.

#### **15.4.16.150 Clear Vision Area**

- A. The clear vision area is formed by extending lines from each curb face to the point that the lines intersect, measuring back forty-five (45) feet along each curb face and connecting those points. Fencing, planting and other obstacles are restricted within this area as follows:
  - 1. No fence shall exceed a height of three (3) feet, measured from the curb.
  - 2. Shrubs shall be pruned to a height not to exceed three (3) feet in height.
  - 3. Trees in park strips shall be pruned to maintain a clear area below fourteen (14) feet in height.
  - 4. Trees on private property must be pruned to maintain a clear area below eight (8) feet in height.
  - 5. Other site obscuring obstacles of that are three (3) feet or taller may not be placed in the clear vision area.
- B. A second clear vision area is also required at each driveway or where the rear of a corner lot adjoins an interior lot's driveway. This clear vision area is formed by extending lines from the point that the driveway or property line intersects the sidewalk, measuring back twenty (20) feet along the sidewalk and the driveway or property line and connecting those points. The same restrictions for landscaping, fencing and obstacles apply in this area

IV.

Spanish Fork Municipal Code §§15.4.20.020(G) is hereby created as follows:

**15.4.20.020 General Provisions**

G. All properties adjacent to the Spanish Fork River shall provide a forty (40) foot trail and river access easement for the installation, maintenance, repair, and replacement of a public trail, and the following public purposes:

1. Access to the Spanish Fork River;
2. The right to do necessary work on the Spanish Fork River to preserve the river corridor buffer in an effort to reduce the chance of erosion and potential future flooding;
3. The right to construct a trail for public access and public use that will be part of the Spanish Fork River Parkway;
4. The right to install and maintain armor along the Spanish Fork River bank;
5. The right to maintain and repair the river and easement area and monitor river flow capacities;
6. The right to survey the easement area as needed for installation of armor and for periodic monitoring of the easement area.

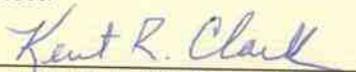
V.

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

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 18th day of September, 2012.

  
G. WAYNE ANDERSEN, Mayor

Attest:

  
Kent R. Clark, City Recorder

