

## ORDINANCE No. 04-14

### ROLL CALL

VOTING	YES	NO
STEVE LEIFSON <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	
MIKE MENDENHALL <i>Council member</i>	X	
KEIR A. SCUBES <i>Council member</i>	X	

I MOVE this ordinance be adopted: Councilman Scoubes

I SECOND the foregoing motion: Councilman Gordon

## ORDINANCE No. 04-14

### 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 commerce and economic development department has made various recommendations to the development portion of the land use ordinance, which have been reviewed by engineers, developers, planners, and the DRC; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on Wednesday, the 5th day of March, 2014, whereat public comment was received; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on Tuesday, the 18th day of March, 2014, 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 §15.1.04.020, Definitions, is hereby amended by repealing the definitions of "Boarding House," "Foster Home," and "Housekeeping Unit" and amending other definitions as follows:

**15.1.04.020 Definitions**

Assisted Living Facility: A residential facility, licensed by the State of Utah, with a home-like setting that provides an array of coordinated supportive personal and health care services, available 24-hours per day, to residents who have been assessed under Utah Department of Health or the Utah Department of Human Services rules to need any of these services. Each resident shall have a service plan based on the assessment, which may include: (1) specified services of intermittent nursing care; (2) administration of medication; and (3) support services promoting the resident's independence and self-sufficiency. Such facility does not include adult day care provided in conjunction with a residential facility for persons with a disability.

Building Height: The vertical distance from the average finished grade surface of the building to the peak of the roof.

Completion Date: The date the entire subdivision, development, or construction is completed and an approved final inspection statement is given.

Comprehensive General Plan or General Plan: The Land Use Element of the Comprehensive General Plan document as approved by the city council.

Duplex: A building designed for two (2) family units living independently of each other.

Dwelling, Single Residence: A detached building designed for one family unit and having one main kitchen.

Final Plat: An original map or plat drawn on Mylar in a form as approved by the city, showing all lots, streets, utility easements, etc.

Hotel/Motel: A building which provides guest rooms for the overnight lodging of travelers. It may include customarily incidental uses such as meeting rooms, restaurants, and gift shops.

Residential Facility for Elderly Persons: A facility that houses and provides at least some services that contributes towards the care of elderly residents.

## II.

Spanish Fork Municipal Code §15.1.04.040, Notices, is hereby amended as follows:

### **15.1.04.040 Notices**

Notices informing of public hearings shall provide a minimum of ten days' notice and shall be given as follows:

Zoning map changes, zoning text amendments, and comprehensive general plan amendments shall be published in a newspaper of general circulation within the City.

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.

Land use ordinance amendments shall be mailed, sent by facsimile, or e-mailed to affected entities.

In addition to the above notices, all notices shall be posted on the City's web page and the State Notice Website.

## III.

Spanish Fork Municipal Code §15.3.08.060, Conditional Use Permits, is hereby amended as follows:

### **15.3.08.060 Conditional Use Permits**

- A. Purpose: Certain uses have characteristics that may have a greater impact on the adjoining properties, surrounding neighborhood, or community as a whole than do other permitted uses in the specific zoning district. These uses require a more comprehensive review to determine whether the proposed use at a specific location is appropriate, or whether the use can be made compatible by placing certain conditions on its operation that mitigate or eliminate potential detrimental impacts. The Commission is the land use authority for conditional use permits and is empowered to grant, to grant with conditions, or to deny the conditional use permit application, subject to the findings and hearing requirements of this section.

- B. Application: Application is made by following the instructions on the electronic form provided by the Community Development Department and submitting all required materials.

#### IV.

Spanish Fork Municipal Code §15.3.16.010, R-R Rural Residential, is hereby amended by deleting seasonal fruit, vegetable, and hay sales from Permitted Uses and moving those uses to Uses Subject to Conditions as follows:

##### **15.3.16.010 Agricultural and Rural Residential Districts**

R-R. Rural Residential. This district is similar in character with the A-E District, but parcel sizes are generally somewhat smaller and the soil types may be lower quality. Many of these areas within the Growth Management boundary will likely be rezoned and developed with higher density uses as utilities are extended and adequate streets are developed and/or widened. Other lands outside the Growth Management boundary may eventually be converted to urban uses when a need is shown to expand that boundary.

##### A. Uses Subject to Conditions

1. Home Occupations (as described in §5.40.010 et seq.)
2. Manufactured Homes (as described in §15.3.24.040 et seq.)
3. Residential facilities for persons with a disability (as described in §15.3.24.010(A) et seq.)
4. Residential facilities for elderly persons (as described in §15.3.24.010(B) et seq.)
5. Seasonal fruit, vegetable, and hay retail sales in structures of less than 500 square feet when at least some of the products being sold are raised on the premises. Subject to having access, parking, and any utility needs approved by the DRC.

#### V.

Spanish Fork Municipal Code §15.3.24.020(A)(9) is hereby amended as follows:

##### **15.3.24.020 Billboards**

A. Billboards are permitted in the following locations and subject to the following restrictions:

9. The Utah Department of Transportation must issue a permit for the proposed location prior to commencing construction, or prior to City conducting any inspections pursuant to its permit.

#### VI.

Spanish Fork Municipal Code §15.3.24.030, Master Plan Developments is hereby amended as follows:

**15.3.24.030 Master Planned Developments**

1. Purpose: The purpose of the Master Planned Development concept is to:
  - a. Allow for designs that provide for more efficient utilization of public infrastructure than what is achieved in a standard subdivision.
  - b. Allow for deviations from typical zoning standards in order to permit uniquely configured or situated properties to be developed in a functional manner that enhances the City.
  - c. Allow developments to include a total number of units that matches the base density that found in the underlying zone as identified in Table 1 – Residential Development Standards of Title 15.
  - d. Establish residential neighborhoods with a distinct character and convey a sense of unity.
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.

**A. Subdivision Design**

1. For purposes of calculating base density, sensitive lands shall be excluded from the calculation.
2. The minimum size of a Master Planned Development is five (5) contiguous acres, except in R-1-6 and R-3 zones, where one (1) contiguous acre is required. School and church sites are to be excluded from the acreage calculation.
3. Density Calculations - Church sites, school sites, and sites for other non-residential uses may not be counted in the density calculations.
4. Street Design - Local streets shall not exceed 600 feet in length without an intersecting street.

**B. Architecture**

1. Minimum House Sizes - finished area (square feet). For the purposes of calculating required finished area, square footage in basements shall not qualify. For split level homes, finished area on floors that are at least 50% below the finished grade of the lot shall not count towards the required finished area.

Minimum House Sizes - Finished Floor Area

Minimum House Sizes - finished area		
Minimum Lot Size and Multi-family	One Story	Multi-Level
80, 000 square feet	1,600 square feet	2,400 square feet
60,000 square feet	1,600 square feet	2,400 square feet
40,000 square feet	1,600 square feet	2,400 square feet

30,000 square feet	1,500 square feet	2,200 square feet
20,000 square feet	1,500 square feet	2,200 square feet
15,000 square feet	1,500 square feet	2,200 square feet
12,000 square feet	1,400 square feet	2,000 square feet
9,000 square feet	1,300 square feet	1,600 square feet
8,000 square feet	1,200 square feet	1,500 square feet
6,000 square feet	1,100 square feet	1,400 square feet
Multi-family	1,000 square feet (one level)	1,200 square feet (multi-level)

2. Distinct Designs – Master Planned Developments shall provide a variety of home styles to ensure a diverse and interesting streetscape. Neighborhoods that have repetitive homes constructed along the same street are not allowed. In order to ensure that the neighborhood is non-repetitive, the same street facing elevation shall not be built on adjacent lots on the same street or on lots directly or diagonally across the street from one another. Different elevations shall be characterized by elements such as, but not limited to, distinct footprints, rooflines, cladding materials or architectural features which contribute to home designs that are easily distinguishable from other home designs along the same street. The City Council may waive this requirement for developments which include multi-family housing that present specific architectural designs for the multi-family portion of the development at the time of project approval.
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 on the main portion of the roof unless it is determined by the Community Development Department that a lesser pitch roof is essential to maintain the integrity of a particular architectural style and that the style is a substantial improvement to what would be built in a standard subdivision.
5. Exterior Materials - Homes in Master Planned Developments shall be clad in masonry, or masonry based materials or a chemically-treated, wood-based, nail-on, lap siding that has at least a 50-year warranty. The City Council may grant a waiver of this requirement based upon superior architectural design plans which involve other materials.

### C. 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 hydro seed, 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 (xeriscaping) landscape plan is proposed.
2. 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 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.
3. 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.
4. 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.

## VII.

Spanish Fork Municipal Code §15.3.24.090(A)(1)(k) and (l) are hereby created and §15.3.24.090(A)(2)(a) is amended, as follows:

### **15.3.24.090 Supplementary Regulations**

#### **A. Accessory Structures:**

- 1. All accessory structures must meet the following requirements:
  - k. Where a property's side yard abuts another property's rear yard, no setback is required for structures that are open on at least two sides so long as though the structure is attached to the principle structure and is constructed of materials that are aesthetically consistent with the principle structure.
  - l. The structure must be constructed so all water runoff from the accessory structure does not flow onto adjoining properties.
- 2. Structures that are 200 square feet and less in area and are less than five feet from the property line must meet the following additional requirements:
  - a. Structures with a wall height of eight (8) feet or less and a maximum peak height of twelve (12) feet may be constructed with no side or rear setback from property lines. In no case may any portion of a structure extend beyond the property line.

## VIII.

Spanish Fork Municipal Code §15.4.04.040, Amended Plats, is hereby amended as follows:

### **15.4.04.040 Amended Plats**

In all subdivisions which have been recorded and in which changes have been made which changed the subdivision materially, an amended plat must be filed and recorded in accordance with the provisions of this title. In situations where modifications are limited to the

adjustment of lot lines and all affected property owners consent to the modifications, an applicant shall apply to have a Minor Plat Amendment approved. The information required with an application for Minor Plat Amendment approval shall match those found with Final Plat applications. The fee for Minor Plat Amendment approval shall be set forth by the City Council in the City's budget. The DRC may waive individual submittal requirements as the DRC finds appropriate. Upon finding that all applicable standards have been met, the DRC shall approve the Minor Plat Amendment. Once all requirements have been met and any required bonds have been posted, the Plat will be submitted to the Utah County Recorder's Office for recordation.

## IX.

Spanish Fork Municipal Code §15.4.04.060(A), Filing of Preliminary Plats, is amended to provide for electronic filing of plats 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 Community Development Department. To apply for a preliminary plat approval, applicants must follow instructions on the electronic form provided by the Community Development Department and submit all required materials. Plans submitted for preliminary plat approval shall be provided in this format:
  1. A pdf and computer aided design (CAD) file of the plat 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.
  2. 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.

## X.

Spanish Fork Municipal Code §14.4.04.070(A), Form and Content of Preliminary Plats, is hereby amended as follows:

### **15.4.04.070 Form and Content of Preliminary Plats**

- A. 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 and the Civil Engineer of the subdivision;
  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.

## XI.

Spanish Fork Municipal Code §15.4.04.100, Filing of Final Plats – When, 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 Community Development Department, together with the following:

1. A Computer Aided Design (CAD) file in a dwg or dxf format and a Portable Document Format (PDF) file of the plat.
2. 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.

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.

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.

## XII.

Spanish Fork Municipal Code is hereby amended by creating sections 15.4.04.180, Minor Subdivision Plats; 15.4.04.190, Form and Contents of Minor Final Plats; 15.4.04.200, Review and Approval Procedure for Minor Final Plats; 15.4.04.210, Recordation of Minor Final Plats; 15.4.04.220, Commencement/Completion Time Frame for Minor Final Plats; 15.4.04.230, Amendments to Minor Final Plats; and 15.4.04.240, Building Permits for Minor Final Plats, as follows:

### **15.4.04.180 Filing of Minor Subdivision Plat**

Minor Subdivision Plats may be approved for subdivisions of five (5) or fewer lots where those lots conform to applicable zoning standards and where all required infrastructure is adjacent to the subject property. Application for Minor Subdivision Plat approval can be made by completing an application form and submitting the following materials to the Community Development Department:

1. Seven 24x36 inch copies of the Minor Subdivision Plat and construction drawings;
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.

The City will review the submission and notify the applicant of any changes that must be made. Once these changes are made, a Portable Document Format (PDF) file of the plat must be submitted to the Community Development Department. Once approved 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 Community Development 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 applicant must insure that a copy of the signed and approved construction plans is on site at all times during construction. Each Minor Subdivision 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.

#### 15.4.04.190 Form and Contents of Minor Final Plats

- A. The developer must submit a Mylar of the Minor Subdivision Plat to the City in a format approved by the City and County. The Minor Subdivision Plat 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 Utah 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 to or in conjunction with the Minor Subdivision Plat recordation;
- B. The following documents must accompany the Minor Subdivision Plat:
1. Construction Plans. A complete set of construction plans must accompany the Minor Subdivision 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 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.

#### **15.4.04.200 Review and Approval Procedure of Minor Final Plats**

Minor Subdivision Plat and construction drawings shall be submitted to the City for review to insure conformity to the present ordinances and standards and for the adequacy and availability of public facilities. If the Minor Subdivision Plat or construction drawings are not in conformity, the City shall refer it back to the subdivider or developer with a list of items necessary to bring the Minor Subdivision Plat or construction drawings into compliance. If the Minor Subdivision Plat and construction drawings are in conformity, the plat or complete drawings will be submitted to the Development Review Committee with suggestions and comments noted thereon. The DRC shall act as the Land Use Authority for Minor Subdivision Plat approval. If approved, the City Manager, Community Development Director and City Engineer shall sign the Minor Subdivision Plat. If any conditions are attached, the Minor Subdivision Plat or construction drawings shall be amended to reflect such changes and an accurate Minor Subdivision Plat shall be submitted to the City, prior to signing.

#### **15.4.04.210 Recordation of Minor Final Plats**

Following acceptance by the DRC, the Minor Subdivision 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 Minor Subdivision Plats. The Minor Subdivision 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 Minor Subdivision 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 recordation of the Minor Subdivision Plat.

#### **15.4.04.220 Commencement/Completion Time Frame for Minor Final Plats**

- A. Prior to the construction of any improvements required by this Title, the subdivider shall furnish to the City Engineer the following:
  1. Approved sets of construction plans;
  2. Full security deposit (bond) required by this title (15.4.16.110);
  3. Inspection fee deposit;
  4. Subdivision development agreement;
  5. Hold a preconstruction meeting;
  6. Meet all conditions for approval as established by the Council.

- B. All improvements within subdivisions must be completed within one year of the date of recordation. If improvements are not completed within the time limitation imposed herein, the City may forfeit any bond or surety, which shall have been posted by the owner or subdivider.

#### **15.4.04.230 Amendments to Minor Final Plats**

The City Engineer may approve minor amendments to approved Minor Subdivision Plat before the Minor Subdivision Plat is recorded, if he/she finds that the proposed amendments do not jeopardize the interest of the City or adjoining property owners. The types of minor amendments contemplated by this section may include, but not be limited to, legal description mistakes, minor boundary changes and items that should have been included on the original Minor Subdivision Plat. Major amendments to unrecorded approved Minor Subdivision Plat shall go back through the approval process.

#### **15.4.04.240 Building Permits for Minor Final Plats**

The City may issue a Building Permit upon application and compliance with the requirements of law and once all improvements are installed, accepted by the City Engineer, and in service for the entire plat. In the event asphalt pavement plants are closed for the winter, Building Permits may be issued before paving if there is six inches of compacted road base in all areas to be paved.

### **XIII.**

Spanish Fork Municipal Code §15.4.08.040, Approval or Disapproval – Procedure, is hereby amended as follows:

#### **15.4.08.040 Approval or Disapproval - Procedure**

Each Site Plan submitted to the City shall be referred to the DRC, for review to insure conformity to the present ordinances and standards and for adequacy and availability of public facilities. The DRC may table the matter to further study the issues presented. The DRC may approve, reject, or grant approval upon the conditions stated. If approved, the DRC shall express its approval with whatever conditions are attached. If any conditions are attached, the site plan shall be amended to reflect such changes and an accurate site plan shall be submitted to the City.

Receipt of this accurate copy shall be authorization for the developer to proceed with the preparation of plans and specifications for the minimum improvements hereinafter required by this title. Original site plans are subject to the standards, policies, and regulations that are in constraints for the proposed development.

1. Staff Review.
  - a. Application for Site Plan approval can be made by following instructions on the electronic form provided by the Community Development Department and by submitting a in 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.

#### XIV.

Spanish Fork Municipal Code §15.4.12.060, Existing Structures, is hereby created as follows:

##### **15.4.12.060 Existing Structures**

Where the following conditions are met, credit will be given towards the impact fees for replacement structures:

1. The subject property was located within Spanish Fork City limits on July 1, 1995.
2. A dwelling or business was located on the subject property on July 1, 1995.
3. Municipal services such as water, sewer, or power were being provided to the subject property on July 1, 1995.

Credit towards impact fees will be limited to the services provided to the property for the existing service size.

#### XV.

Spanish Fork Municipal Code §15.4.16.085(F) is hereby amended and (G), (H) and (I) are created as follows:

##### **15.4.16.85 Street Improvements**

- 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%. The maximum grade allowed for any private driveway is twelve percent (12.0%).
- G. Pedestrian Connections. Pedestrian connections may be required in situations where the Development Review Committee finds that the design creates an impediment for pedestrian travel within a development or neighborhood. Particular attention will be paid to providing pedestrian access to public spaces such as schools and parks. Pedestrian access corridors will be twelve feet in width or wider. Sidewalks may be required on non-residential sites to connect buildings with sidewalks in public streets, to connect one site with adjacent sites or to provide a connection between two public streets.

- H. Two Points of Access. Two points of vehicular access may be required for developments if the DRC finds they are necessary to create a functional street network or to help ensure access for public safety personnel and equipment.
- I. Local Street Connections. Where parallel or nearly parallel streets are 600 feet or longer, a local street connection between those two streets shall be required, unless this requirement is expressly waived by the DRC.

**XVI.**

Spanish Fork Municipal Code §15.4.16.110 is hereby amended as follows:

**15.4.16.110 Security for Improvements Required**

The owners and/or developers of property shall deposit security with the City to guarantee proper installation of all required improvements in accordance with the plans, specifications, time limitations, and conditions relating thereto as meets with the approval of the Council or such personnel as the Council shall designate. The amount of the security shall be 110% of the City's estimated costs of the improvements. Security shall be in form of cash in the minimum amount of ten percent (10%) of the City's bond amount. The balance of the security shall be in the form of cash, an irrevocable letter of credit, or an escrow bond.

Irrevocable letters of credit or escrow bonds shall be executed by financial institutions acceptable to the City and authorized to conduct business in the State of Utah, and must be in the form approved by the City. The bond or letter of credit, as required by this section, must be posted prior to recording of the plat. Upon completion, inspection, approval, and acceptance of the improvements, the security, less ten percent (10%), shall be released to the developer. Ten percent (10%) of the security amount shall be held for a period of one year following final inspection and acceptance to warrant improvements for this time period.

The ten percent (10%) retained for the warranty period shall be in cash. The cash amount may be released one year after installation, final inspection, and acceptance by City, if no repairs or replacement are required to the infrastructure installed.

**XVII.**

Spanish Fork Municipal Code §15.4.16.120 is hereby amended as follows:

**15.4.16.120 Off-Street Parking**

B. General Requirements:

- 1. Off-street parking is not required for permitted uses in the Downtown Commercial (C-D) district, except for residential uses, which must meet the requirements that are otherwise prescribed in subparagraph C.

**XVIII.**

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

**15.4.20.020 General Provisions**

G. All properties adjacent to the Spanish Fork River shall dedicate forty (40) feet of land adjacent to the River for access and the installation, maintenance, repair, and replacement of roadway access for the following public purposes:

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

The City may require additional land be dedicated to provide an access corridor from developed areas to the River.

**IX.**

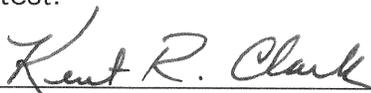
This ordinance shall be effective twenty days after passage and publication.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 1st day of April, 2014.



STEVE LEIFSON, Mayor

Attest:



Kent R. Clark, City Recorder

