

ORDINANCE No. 15-14

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: Council member Mendenhall
I SECOND the foregoing motion: Council member Scoubes

ORDINANCE No. 15-14

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, there have been various requests by residents and recommendations by staff to amend portions of the land use ordinance, which have been reviewed by the DRC and the Planning Commission; and

WHEREAS, a public hearing was held before the Planning Commission on Wednesday, the 3rd day of September, 2014, whereat public comment was received; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on Tuesday, the 7th day of October, 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 adding definitions as follows:

15.1.04.020 Definitions

Billboard: a freestanding ground sign designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

II.

Spanish Fork Municipal Code §15.4.04.080(D)(1), Approval or Disapproval- Procedure, is hereby amended as follows:

15.4.04.080 Approval or Disapproval – Procedure

(D) The adequacy of public facilities shall be determined in accordance with the Spanish Fork City development standards, the various master plans and the comprehensive general plan of the city, and at the discretion of the city engineer. In the event that the city engineer determines that adequate public facilities are not available and will not be available by the time of final plat approval, so as to assure that adequate public services are available at the time of occupancy, the following alternatives may be elected, at the discretion of the city council:

1. Allowing the developer to voluntarily construct those public facilities which are necessary to service the proposed development and provide adequate facilities as determined by the city engineer and by entering into an appropriate form of connector's or development agreement, which may include, as deemed appropriate by the city engineer, provisions for recoupment of any expenses incurred above and beyond those reasonably necessary for or related to the need created by or the benefit conferred upon the proposed development, and the method and conditions upon which recoupment is to be obtained. Any connector's agreement authorized by this paragraph must be requested within 90 days of the completion and acceptance by City of the improvements. A

request for a connector's agreement shall be made on forms provided by the City. An application fee in an amount to cover the City's expenses in preparing the connector's agreement shall be included. The amount of the fee shall be established by the City Council in the annual budget or by resolution.

III.

Spanish Fork Municipal Code §15.4.16.020(A)(1), Unavailability of Adequate Public Facilities, is hereby amended as follows:

15.4.16.020 Unavailability of Adequate Public Facilities

A. In the event that the city engineer determines that adequate public facilities are not available and will not be available by the time of approval, so as to assure that adequate public services are available at the time of occupancy, the following alternatives may be elected, at the discretion of the city council:

1. Allowing the developer to voluntarily construct those public facilities which are necessary to service the proposed development and provide adequate facilities as determined by the city engineer and by entering into an appropriate form of connector's, or developers agreement, which may include, as deemed appropriate by the city engineer, provisions for recoupment of any expenses incurred above and beyond those reasonably necessary for or related to the need created by or the benefit conferred upon the proposed development, and the method and conditions upon which recoupment is to be obtained. Any connector's agreement authorized by this paragraph must be requested within 90 days of the completion and acceptance by the City of the improvements. A request for a connector's agreement shall be made on forms provided by the City. An application fee in an amount to cover the City's expenses in preparing the connector's agreement shall be included. The amount of the fee shall be established by the City Council in the annual budget or by resolution.

IV.

Spanish Fork Municipal Code §15.4.04.130, Recordation – Copy to be Supplied to City Engineer, is hereby amended as follows:

15.4.04.130 Recordation – Copy to be Supplied to City Engineer

Following acceptance by the DRC, a final plat bearing all official approvals shall be deposited in the office of the Utah County Recorder for recording by the City. Only the City may record final plats. The final plat must be recorded within 180 days after approval by the DRC. Approval expires and the plat must be resubmitted if a final plat is not recorded within 180 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.

V.

Spanish Fork Municipal Code §15.4.16.090(A), Time Limitation for Completion, is hereby amended as follows:

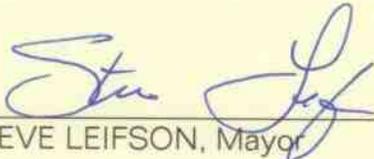
15.4.16.090 Time Limitation for Completion

A. All improvements listed in this Chapter must be completed within one year from the date of recordation, unless the city engineer requires an earlier completion date. An extension for completion of improvements may be granted by the City Council for up to an additional one year. A request for extension must be submitted to the City Council, in writing, explaining the reasons for the requested extension.

VI.

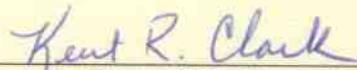
This ordinance shall be effective twenty days after passage and publication.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 7th day of October, 2014.



STEVE LEIFSON, Mayor

Attest:



Kent R. Clark, City Recorder

