



## Planning Commission Agenda September 5, 2012

- Planning Commissioners** 6:00 P.M.
1. Preliminary Activities
    - a. Pledge of Allegiance
    - b. Approval of Minutes: August 15, 2012.
  2. Preliminary Plats
    - a. **Robert Lewis Subdivision Waiver**  
Applicant: Robert Lewis  
General Plan: Medium Density Residential  
Zoning: R-1-6  
Location: 704 North 200 East
    - b. **Skyline**  
Applicant: Mark Sperry  
General Plan: Light Industrial  
Zoning: Industrial 1  
Location: approximately 3400 North Main
  3. Conditional Use
    - a. **Haven Home for Girls**  
Applicant: Myrna Dalton  
General Plan: High Density Residential  
Zoning: R-3  
Location: 200 East 400 North
  4. Text Amendments
    - a. **CD Zone (continued from August 15, 2012)**  
Applicant: Brandon Kirk  
General Plan: not applicable  
Zoning: not applicable  
Location: City-wide
    - b. **Title 15 Updates**  
Applicant: Chris Thompson  
General Plan: not applicable  
Zoning: not applicable  
Location: City-wide
  5. Zone Change
    - a. **Efren Bedolla**  
Applicant: Efran Bodolla

General Plan: General Commercial  
Zoning: Shopping Center existing, Commercial 2 proposed  
Location: approximately 900 North Expressway Lane

6. Other Business

**Planning Commissioners, if you are unable to attend a meeting please let us know ASAP. Thanks.**

The public is invited to participate in all Planning Commission Meetings at 40 South Main Street, Room 140, Spanish Fork. If you need special accommodations to participate in the meeting, please contact the City Manager's Office at (801) 804-4530.

1 Draft Minutes  
2 Spanish Fork City Planning Commission Work Session  
3 August 15, 2012  
4  
5

6 **Commission Members Present:** Brad Gonzales, George Gull, Seth Sorensen,  
7 Bruce Fallon, Richard Heap, Reed Swenson.

8  
9 **Staff Present:** Dave Anderson, Community Development Director; Shelley  
10 Hendrickson, Planning Secretary; Jered Johnson, Engineering Division Manager;  
11 Jason Sant, Assistant City Attorney.

12  
13 **Citizens Present:** Les Allen, Branden Kirk, Steve Maddox.

14  
15 Mr. Anderson welcomed and introduced the new members of the Commission:  
16 Richard Heap, Bruce Fallon and Reed Swenson.

17  
18 Commission discussion was held regarding appointing a new chairman and co-  
19 chairman. Commissioner Heap **moved to appoint** Commissioner Gonzales as the  
20 Chairman. Commissioner Gull **seconded** and the motion **passed** all in favor.  
21 Commissioner Gonzales **moved to appoint** Commissioner Sorensen as the Co-  
22 Chairman. Commissioner Swenson **seconded** and the motion **passed** by a roll call  
23 vote.  
24  
25

26 **PRELIMINARY ACTIVITIES**

27  
28 **Pledge**

29  
30 Chairman Gonzales led in the pledge of allegiance.  
31  
32

33 **MINUTES**

34  
35 **June 6, 2012**

36  
37 Chairman Gonzales reviewed the minutes.

38  
39 Chairman Gonzales **moved to approve** the minutes of June 6, 2012.  
40 Commissioner Gull **seconded** and the motion **passed** all in favor.  
41  
42

43 **PRELIMINARY PLATS**

44  
45 Mr. Anderson explained that the applicants, for the Preliminary Plat for The Ridge  
46 and the Robert Lewis Subdivision Waiver, asked that their proposals be continued.  
47

48 **Old Mill Estates**

49 Applicant: CW Management

50 General Plan: Low Density Residential

51 Zoning: R-1-15

52 Location: approximately 1500 South Mill Road

53

54 Mr. Anderson explained the City's subdivision approval process. He further  
55 explained the history of the proposal and that the Preliminary Plat had expired.  
56 The improvements have been constructed for the first phase of the plat. The  
57 applicant is not making any changes.

58

59 Commissioner Heap asked if the City's standards had changed since the original  
60 approval. Mr. Anderson said that the standards had been updated and that the  
61 applicant had met the new standards.

62

63 Commissioner Swenson asked if there was a concern with only one ingress and  
64 egress into the subdivision. Mr. Anderson explained that it was and that the  
65 Commission could recommend how many lots could be constructed before a  
66 second ingress and egress is constructed.

67

68 Mr. Johnson said that the applicant had submitted a phasing plan and was  
69 planning on hooking the pressurized irrigation to the north.

70

71 Commissioner Gonzales said that he felt, prior to the City Council approving this  
72 proposal, that they need to see a phase that includes another ingress and egress.

73

74 Mr. Anderson said that it was his understanding that the applicant would have to  
75 put in the other access well before they construct 50 lots.

76

77 Commissioner Swenson **moved** to recommend that the City Council **approve** the  
78 Old Mill Estates Preliminary Plat. Discussion was held regarding the motion.

79 Commissioner Swenson **amended** his **motion** to **include** that the City Council will  
80 look at the phasing process as it relates to the streets and utilities.

81

82 Commissioner Heap **seconded** and the motion **passed** all in favor by a roll call vote.

83

84 **Somerset Village**

85 Applicant: Los Dos Amigos

86 General Plan: Low Density Residential

87 Zoning: R-1-6

88 Location: approximately 2900 East 950 South

89

90 Mr. Anderson gave background on the proposal and explained that with the most  
91 recent proposal that the applicant determined (in the absence of a private street)  
92 to build a townhome structure. It adds two additional units to the project but does  
93 not exceed the density sealing allowed by our ordinance. The DRC recommended  
94 that the proposal be approved.

95  
96 Commissioner Fallon asked Mr. Anderson to explain why the street connection has  
97 been eliminated. Mr. Anderson explained that the City ordinance had changed and  
98 that the City no longer permits private streets and that plans for the development  
99 to the west had changed.

100  
101 Commissioner Heap **moved** to recommend that the City Council **approve** the  
102 Somerset Village Preliminary Plat subject to the applicant meeting the City's  
103 Engineer Department redlines. Commissioner Sorensen **seconded** and the motion  
104 **passed** all in favor by a roll call vote.

105  
106 **The Ridge**  
107 Applicant: Los Dos Amigos  
108 General Plan: Low Density Residential  
109 Zoning: R-1-6  
110 Location: approximately 2700 East Canyon Road

111  
112 The applicant requested that the proposal be continued.

113  
114 Commissioner Sorensen **moved** to **continue** the Preliminary Plat for The Ridge and  
115 the Robert Lewis Subdivision Waiver; to some future date. Commissioner Gull  
116 **seconded** and the motion **passed** all in favor.

117  
118 **Robert Lewis Subdivision Waiver**  
119 Applicant: Robert Lewis  
120 General Plan: Medium Density Residential  
121 Zoning: R-1-16  
122 Location: 704 North 200 East

123  
124 The applicant requested that the proposal be continued.

125  
126 Commissioner Sorensen **moved** to **continue** the Preliminary Plat for The Ridge and  
127 the Robert Lewis Subdivision Waiver; to some future date. Commissioner Gull  
128 **seconded** and the motion **passed** all in favor.

129  
130  
131 **ANNEXATIONS**

132  
133 **Schwartz**  
134 Applicant: Spanish Fork City  
135 General Plan: Light Industrial  
136 Zoning: Industrial 1 (proposed)  
137 Location: approximately 2300 North 1100 East

138  
139 Mr. Anderson explained the City's annexation process. The DRC recommended  
140 that the annexation be approved with Light Industrial zoning.

141

142 Discussion was held regarding the zoning, the need for the City to connect 1100  
143 East with 2700 North and the existing railroad crossing.

144

145 Commissioner Gull **moved** to **approve** the Schwartz Annexation. Commissioner  
146 Sorensen **seconded** and the motion **passed** all in favor by a roll call vote.

147

148

149 **TEXT AMENDMENTS**

150

151 **CD Zone**

152 Applicant: Spanish Fork City

153 General Plan: Mixed Use

154 Zoning: Commercial Downtown

155 Location: City-wide

156

157 Mr. Anderson explained that the Commercial Downtown zone covers six blocks of  
158 town; from 100 North to 400 North. This zone does not permit churches. There is  
159 a group that has started using a building in the C-D zone as a church and they  
160 want to purchase the building. They do not want to purchase the building if  
161 churches are not a permitted use in the C-D zone. DRC decided that it would not  
162 be a good idea to add churches as a permitted use in the C-D zone but to add it as  
163 a use subject to a Conditional Use Permit so that the City could impose site  
164 specific conditions on individual proposals. He then explained the Conditional Use  
165 Permit process.

166

167 The Commission opened into a public hearing at 7:13 p.m.

168

169 Mr. Brandon Kirk introduced himself as representing Lane Henderson who is the  
170 owner of the building. He explained that the intent was to keep the retail uses  
171 along 300 North and use the rest of the building as the church. He further  
172 explained that there was a lot of on-site parking.

173

174 Chairman Gonzales explained that a class at BYU, as a project, had studied our C-  
175 D zone and had given the Planning Commission and City Council a presentation on  
176 how to preserve the City's Downtown area. He asked the Commission to consider  
177 what the City is trying to achieve long term.

178

179 Commissioner Fallon expressed that he felt the Commission needed to look at the  
180 zone in a broader sense than just the proposed building.

181

182 Chairman Gonzales asked if this was a permanent use for the church at this  
183 location.

184

185 Mr. Kirk explained that it would be and that the church would be using the  
186 structure in the evenings and during the day on Sunday.

187

188 Discussion was held regarding conditional uses being linked to the property and  
189 not the ownership. If the use changes on the property or if the use is abandoned  
190 for the period of one year than the conditional use goes away.

191

192 Commissioner Sorensen asked how the process of conditions worked. Mr.  
193 Anderson explained that Conditional Use Permits have to be approved but that the  
194 Commission could impose reasonable conditions.

195

196 Chairman Gonzales read the City staff's considerations and asked the applicant  
197 about how many vehicles there were when the church was in use. Mr. Kirk said  
198 that the structure was 5,000 square feet and around 50 vehicles are parked there  
199 when it is being used as a church. He said that no one parks along Main Street.  
200 The church uses the building on Thursday nights and Sundays at 10:30 am.

201

202 Discussion was held regarding how many on-site parking stalls are in the vicinity  
203 and if there would ever be another C-D zone somewhere in the City. Mr.  
204 Anderson said that he felt the C-D zone was specifically crafted for the existing  
205 uses from 100 North to 400 North.

206

207 Chairman Gonzales said that he did not have a problem with a warehouse that is  
208 not directly on Main Street but has concerns with someone using a building on  
209 Main Street.

210

211 Commissioner Fallon asked if there were any other structures that front Main  
212 Street that could be used in a like manner. Discussion was held regarding other  
213 buildings along Main Street.

214

215 Commissioner Swenson expressed that he felt that the Commission needed to be  
216 very careful in how they treat this part of town.

217

218 Commissioner Fallon asked how other cities handled such proposals. Mr.  
219 Anderson said that he did not know but that he could look into it.

220

221 Commissioner Sorensen expressed that he felt that if there was a demand for a  
222 commercial use in the downtown area that the market would drive it.

223

224 Chairman Gonzales expressed that he was inclined to protect the Commercial  
225 Downtown zone and would not support approving the proposal.

226

227 Commissioner Heap said that he would like to take some time to talk to  
228 businesses downtown before he made a decision.

229

230 Chairman Gonzales expressed that he felt that down the road there could be other  
231 businesses that might not fit into the historic downtown area.

232

233 Commissioner Sorensen expressed that he feels that the owner of the property  
234 has the right to use the property as he wants.

235

236 Chairman Gonzales **moved** to **continue** this proposal, for one month, so that the  
237 Commission could further study the issue. Commissioner Sorensen **seconded** and  
238 the motion **passed** all in favor.

239

240 Mr. Anderson explained that churches are allowed in the City's Residential Office  
241 zone and asked the Commission if they would like to explore that zone as an  
242 option.

243

244 Chairman Gonzales recommended that City staff look into the R-O zone.

245 Chairman Gonzales expressed that he did not have an issue with any church along  
246 Main Street. His concern is with preserving the historical nature of the Main  
247 Street area from 100 North to 400 North.

248

249 *\*Commissioner Heap excused himself at 7:50 p.m.*

250

### 251 **Title 15 Updates**

252 Applicant: Spanish Fork City

253 General Plan: not applicable

254 Zoning: not applicable

255 Location: City-wide

256

257 Mr. Anderson explained the changes to the language in the ordinance. He went  
258 through the changes one by one. They were as follows: re-organization of the  
259 Engineering Department, adding language to the R-1-6, R-1-8, R-1-9 relative to  
260 Master Planned Developments, clerical verification relative to billboards along  
261 Highway 6 and Highway 89 and the removal of language relative to Poultry,  
262 Turkeys, Hens or Fowl in Title 15 that is now covered under Title 6.

263

264 Chairman Gonzales **moved** to recommend that the City Council **approve** the Title  
265 15 updates with the addition that, under the Planning Commission Category C,  
266 compensation be changed to read that the Planning Commission receiving  
267 privileges to City amenities. Commissioner Swenson **seconded** and the motion  
268 **passed** all in favor by a roll call vote.

269

270

### 271 **OTHER BUSINESS**

272

#### 273 **Discussion on Maple Highlands**

274

275 Mr. Anderson explained that when things come up for development, that are  
276 subjective in nature, that the proposals are brought before the Commission for  
277 dialogue. It does not mean that the dialogue is binding. He further explained that  
278 Maple Highlands was approved in 2007 under a City Master Planned Development  
279 ordinance but that the approval had expired. Mr. Maddox is here tonight to get  
280 feedback from the Commission relative to the Maple Highlands project.

281

282 Discussion was held regarding which direction the applicant could go with the  
283 development.

284 **ADJOURNMENT**

285

286 Chairman Gonzales **moved** to **adjourn**. Commissioner Sorensen **seconded** and the  
287 motion **passed** all in favor at 8:32 p.m.

288

289 **Adopted:**

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Shelley Hendrickson, Planning Secretary



# SUBDIVISION WAIVER

## REPORT TO THE PLANNING COMMISSION ROBERT LEWIS SUBDIVISION WAIVER

**Agenda Date:** September 5, 2012.

**Staff Contacts:** Dave Anderson, Community Development Director.

**Reviewed By:** Development Review Committee.

**Request:** Robert Lewis has requested that the City approve a Subdivision Waiver for a three-lot subdivision.

**Zoning:** R-1-6.

**General Plan:** Medium Density Residential.

**Project Size:** .6 acres.

**Number of lots:** 3.

**Location:** 700 North 200 East.

### Background Discussion

The proposal involves developing the subject property into three lots. A home currently exists on the property. It is proposed that this home remains. All of the proposed lots meet the City's requirements for the R-1-6 Zone and staff recommends that the lots be approved. This proposal was continued from your August 15 meeting as the applicant chose to modify the layout of the proposed lots. The images included with this report reflect the modified design.

Given that only minor public improvements are required to accommodate the development of these three lots, the City may approve this subdivision as a Subdivision Waiver. As such, the approval process is abbreviated and the Planning Commission is the Land Use Authority. Staff is looking for the Commission to act with either approval or denial on this proposal rather than a recommendation to the City Council.

### Development Review Committee

The Development Review Committee reviewed this proposal with a different layout on July 11, 2012. Draft minutes from that meeting are included below. As the applicant has modified the layout, the Development Review Committee will review the new layout on September 5 and staff will be prepared to report on the DRC review in your meeting that night.

### Robert Lewis

Applicant: Robert Lewis  
 General Plan: Medium Density Residential  
 Zoning: R-1-16  
 Location: 704 North 200 East

Mr. Anderson explained that the lots would need to be 50 feet wide and that the lot that has the existing home is that wide. Setbacks will need to be five feet on one side and ten feet on the other.



Mr. Peterson explained that any changes that need to be made to the lots, to supply power, will be the responsibility of the property owner.

Discussion was held regarding bonding and the relocation of the power.

Mr. Johnson said that sewer cleanouts would be required on the sewer laterals. The drive approaches will need to be approved by the City's Engineer Department. Applicant will need to submit a recordable plat.

Mr. Johnson **moved** to **approve** the Robert Lewis Subdivision Waiver subject to the following conditions:

### **Conditions**

1. That sewer cleanouts are required within one foot; top back of sidewalk.
2. That a plat is submitted to the City to be recorded by the City.
3. That the drive approaches be approved by the City's Engineer Department.
4. That an excavation permit be required for any public improvements.
5. That the power pole be relocated into the northeast corner of the west lot; at the applicant's expense.

Mr. Peterson **seconded** and the motion **passed** all in favor.

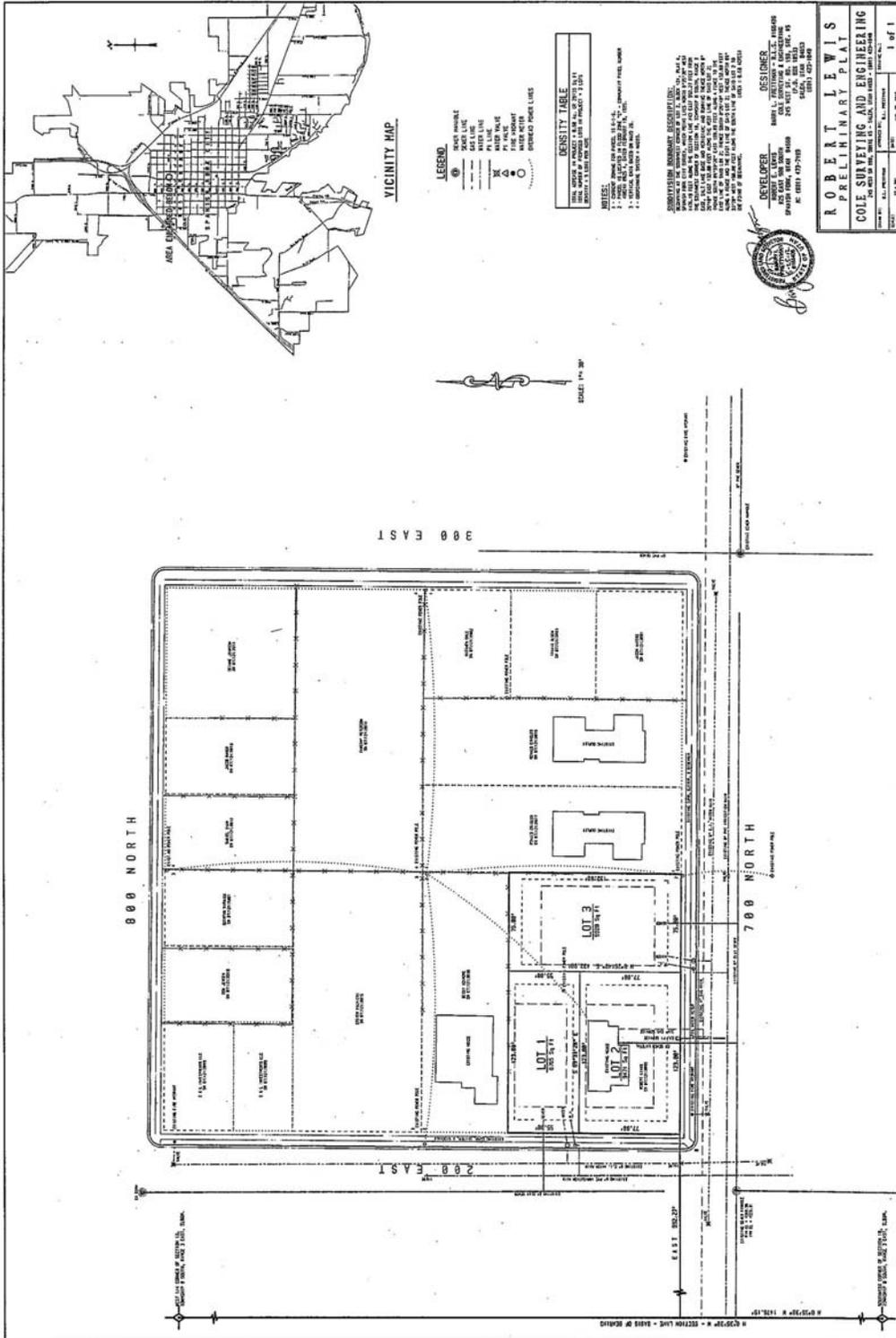
### **Budgetary Impact**

There is no anticipated budget impact with this proposed subdivision.

### **Recommendation**

Staff recommends that the proposed Subdivision Waiver be approved.







# PRELIMINARY PLAT

## REPORT TO THE PLANNING COMMISSION SKYLINE BUSINESS PARK PRELIMINARY PLAT

**Agenda Date:** September 5, 2012.

**Staff Contacts:** Dave Anderson, Community Development Director.

**Reviewed By:** Development Review Committee.

**Request:** Mark Sperry is requesting Preliminary Plat approval for an eleven-lot industrial subdivision.

**Zoning:** Industrial 1.

**General Plan:** Light Industrial.

**Project Size:** approximately 80 acres.

**Number of lots:** 11.

**Location:** approximately 3450 North Main Street.

### Background Discussion

The proposed Preliminary Plat is presented for the Commission's review. This plat would create 11 lots to accommodate uses that are permitted in the City's Industrial 1 zone. As proposed, the plat meets the City's zoning requirements with respect to lot size and dimensions.

Spanish Fork City is anxious to have this plat approved as it represents a step towards correcting a zoning violation. The lots illustrated with this subdivision proposal were actually created several years ago when an unapproved subdivision occurred. One of the effects of that unapproved subdivision is the creation of properties that are now landlocked. That is to say, some properties in the plat do not have access to public streets or utilities.

This existing situation is one that the City works to avoid. While approving this Preliminary Plat does not solve all of the problems that could occur with the unapproved subdivision, it certainly establishes a plan for the alignment and potential construction of public streets that would provide access to the properties in the development.

### Development Review Committee

The Development Review Committee reviewed this request in their August 29, 2012 meeting and recommended that it be approved. Draft minutes from that meeting read as follows:

#### Skyline

Applicant: Mark Sperry  
 General Plan: Light Industrial  
 Zoning: Industrial-1  
 Location: approximately 3400 North Main Street

Mr. Anderson explained that the properties had been subdivided and that Mr. Sperry had interest in constructing a building on lot one. Mr. Anderson sent letters to all of the property owners that have property within the plat.



Mr. Anderson **moved** to recommend that the Planning Commission **approve** the Skyline Preliminary Plat subject to the following condition:

**Condition:**

1. That the applicant modifies the plat as needed to include any planned right-of-way along the western boundary.

Mr. Johnson **seconded** and the motion **passed** all in favor.

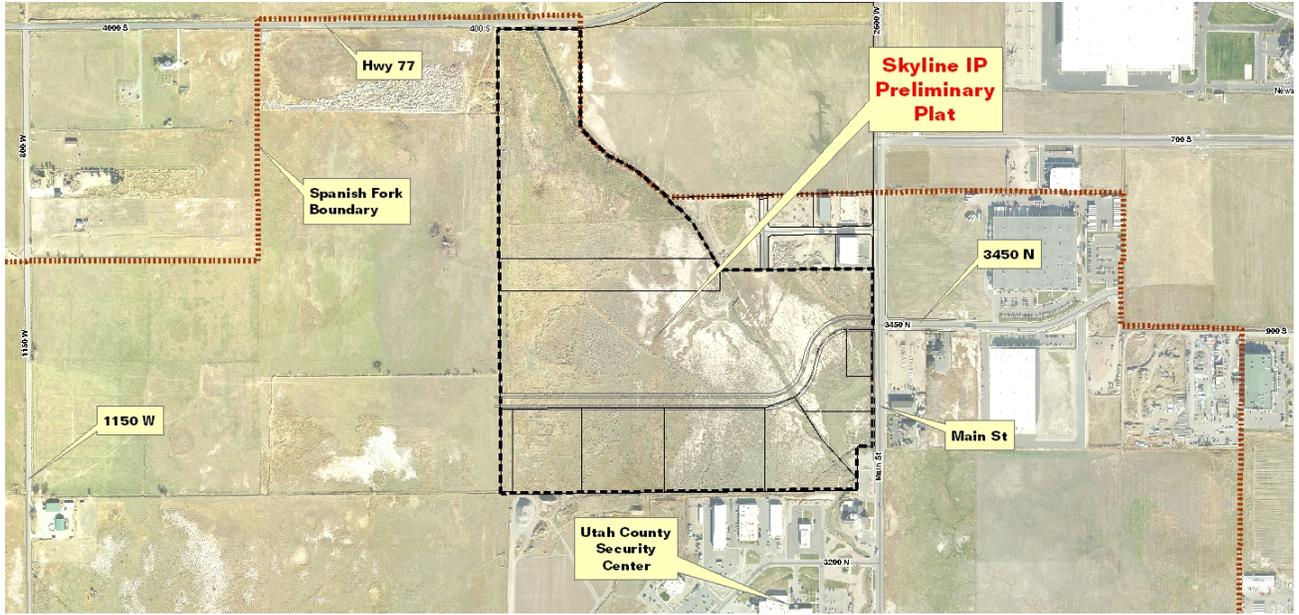
Mr. Peterson explained what the applicant would be responsible for relative to getting power to the property.

**Budgetary Impact**

There is no anticipated budget impact with this proposed subdivision.

**Recommendation**

Staff recommends that the proposed Preliminary Plat be approved subject to the applicant modifying the plat to include the road right-a-way along the western boundary of the plat as described on the City's Transportation Master Plan.







# CONDITIONAL USE

## REPORT TO THE PLANNING COMMISSION HAVEN HOME FOR GIRLS CONDITIONAL USE APPROVAL REQUEST

**Agenda Date:** September 5, 2012.

**Staff Contacts:** Dave Anderson, Community Development Director.

**Reviewed By:** Development Review Committee.

**Request:** Haven Home for Girls is requesting Conditional Use approval for a Residential Treatment Facility.

**Zoning:** R-3 and R-1-6.

**General Plan:** High Density Residential.

**Project Size:** 2 acres.

**Number of lots:** Not applicable.

**Location:** 400 North 200 East.

### Background Discussion

The proposal involves approving a Conditional Use Permit for a Residential Treatment Facility for Girls to accommodate a facility that would house up to 16 teenage girls. The girls would be housed on the premises and would be taught in on-premise classrooms. Additionally, other girls might be brought to the facility to attend class.

This proposal has been previously discussed with the Planning Commission as the applicants went through a Text Amendment process and other steps that have led to this proposal. In short, it is proposed that the old Rees Elementary School be converted to a facility that would provide space for both housing and education for the facility's residents.

Several concerns with this proposal have been discussed with the applicants in recent years. Staff's primary concern has not been with the location of the facility or its potential to be a good fit with surrounding properties. Staff has been much more concerned with the suitability of the structure itself to be adapted for the new use in accordance with contemporary codes and requirements.

On this issue, the applicant has employed structural and electrical engineers who have presented plans to the City that detail what improvements need to be made in order to conform to applicable codes. The City's Chief Building Official, Power Department and Fire Code Official have all reviewed the proposed plans and have found everything to be consistent with relevant standards.

With that being the case, the City has entertained the concept of moving forward with the conversion. The applicant has submitted plans that describe how they propose to modify the site as they prepare to commence using the building. Staff has reviewed those plans and



believes additional detail needs to be added in order to address all of the potential concerns. The applicants have agreed to modify their plans and are currently working to make the suggested corrections.

Staff anticipates having the modified plans prior to your meeting and plans to forward those plans onto the Commission before your meeting. Staff has included the Landscape Plan but notes that it is being modified by the applicant as well. Also accompanying this report is an image that describes the masonry wall that the applicant proposes to construct where their site abuts neighboring residential uses.

All in all, staff does not have significant concerns with the proposal. Staff is concerned with making sure the applicant's proposal and all proposed improvements are accurately documented to avoid confusion or other problems in the future.

Staff suggests that the Commission consider any conditions you feel are necessary to mitigate any impact this facility might have on the surrounding neighborhood. The City's ordinance prescribes certain conditions that must be met before the City can approve a treatment facility, several of those conditions are provided below:

#### **15.3.24.010. Treatment Facilities.**

##### **E. Design and Separation.**

An existing building which has been vacant for over one year may be converted to a residential treatment facility, if it meets all other criteria of 15.3.24.010(D) and (E), but shall be exempt from the criteria found in subsection (E)(2) and shall, in lieu thereof, meet the following criteria:

- a. provide a report from a licensed structural engineer indicating the building is safe, or can be made safe, for its intended use. The City building official and fire inspector will have the final say on what must be done to meet current codes;
- b. veneer finishes to the exterior of the building may be required, depending on the exterior material of the building and the other buildings in the neighborhood, to match the type and color of existing materials on other residences within the neighborhood;
- c. bring the building up to current standards on all codes (building, fire, safety, energy, etc).

- d. provide a landscaping plan prepared by a landscape architect which shows a minimum of 50% of the entire site to be green landscaped, unless the size of the vacant building makes it impossible or very difficult, then a landscape plan shall be approved by the Planning Commission;
- e. provide off-street parking for all staff members on duty at the highest shift, plus one additional stall for each three residents;
- f. at the discretion of the electric division, remove any overhead electric lines and place them underground;
- g. the facility shall have a fully fenced rear yard of either masonry or solid vinyl materials six (6) feet in height;
- h. the only signage shall conform to that permitted for a home occupation;
- i. security lighting shall be adjusted such that no overflow light falls onto adjoining properties;
- j. windows shall be non-reflective.

While the above listed conditions must be met, it is not intended or expected that they represent a complete list of the conditions that might be appropriate.

#### **Development Review Committee**

The Development Review Committee reviewed this request in their August 29, 2012 meeting and recommended that it be approved. Minutes from that meeting read as follows:

##### **Haven Home for Girls**

Applicant: Myrna Dalton

General Plan: High Density Residential

Zoning: R-3

Location: 200 East 400 North

Mr. Anderson explained that he felt that there was a level of comfort between the City and the applicant with the concept that had been presented and described. He said that discussion needed to take place to make sure that it was done correctly. The detail will need to be black and white; so that nothing could be misunderstood. He further explained that he felt the City needed to get some more detail on the plans relative to aesthetics. He said that he felt comfortable with the plans that had been turned in for the facility to be retrofitted; for the use that

the applicant would be conducting there. He also said that currently the landscape that is adjacent to the public streets was in very poor condition.

Ms. Dalton explained that they would not be leaving it in its current condition.

Discussion was held regarding the asphalt portion of the site and whether or not it would remain asphalt. Mr. Jeffs concurred that it would remain asphalt with fifty percent green landscaping.

Mr. Anderson said that there was not quite fifty-percent and that it would need to be adjusted.

Discussion was held regarding the location of the masonry wall, landscape and the location of the current chain link fence.

Mr. Baker made the suggestion that the asphalt, all through the back of the property, was in bad shape and that the applicant might want to look at replacing the asphalt with green landscape or some kind of new hard surface. He said that one of the issues this summer, relative to the property, was weed abatement and complaints from neighbors.

Mr. Baker asked if the City's parking requirement was going to be met.

Ms. Dalton said that at their highest shift they would have a staff of 10. It was determined that there was sufficient parking.

Mr. Anderson talked through conditions that would be relative to the conditional use permit such as: 16 being the maximum number of clients and the clients not being adjudicated. Mr. Anderson **moved** to recommend that the Planning Commission **approve** the Haven Home for Girls Conditional Use Permit subject to the following conditions:

#### Conditions:

1. That the applicant modifies the Site plan to include additional detail to describe property improvements.
2. That the facility houses no more than 16 clients between the ages of 12 and 18.
3. That none of the clients are adjudicated girls through the juvenile court system.

4. That the building is updated, retrofitted, and modified to meet the International Building Code and Fire code.
5. That the applicant must maintain an active license with the State of Utah.
6. That the applicant may be able to allow up to 9 non-residents for school.

Mr. Baker **seconded** and the motion **passed** all in favor.

#### Budgetary Impact

There is no immediate budgetary impact anticipated with the amendment of this approval.

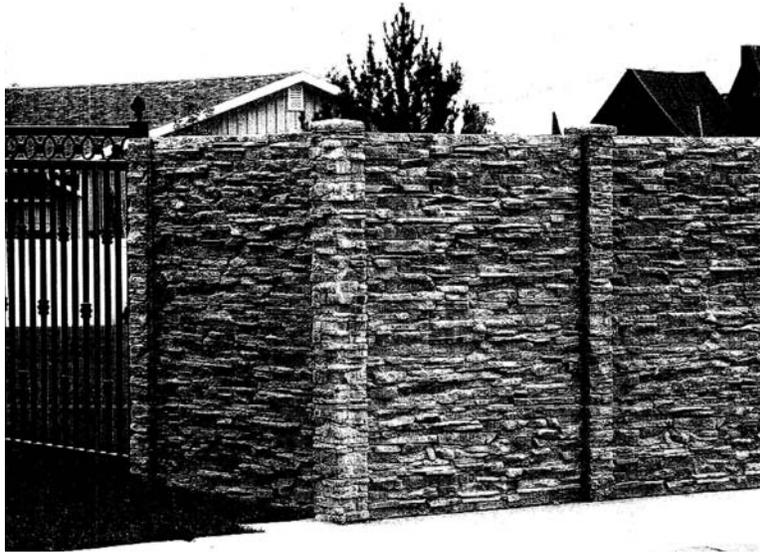
#### Recommendation

Staff recommends that the proposed Conditional Use Permit be approved subject to the applicant meeting the following conditions:

1. That the applicant modifies the Site plan to include additional detail to describe property improvements.
2. That the facility houses no more than 16 clients between the ages of 12 and 18.
3. That none of the clients are adjudicated girls through the juvenile court system.
4. That the building is updated, retrofitted, and modified to meet the International Building Code and Fire code.
5. That the applicant must maintain an active license with the State of Utah.
6. That the applicant may be able to allow up to 9 non-residents for school.









# TEXT AMENDMENT

## REPORT TO THE PLANNING COMMISSION COMMERCIAL DOWNTOWN ZONE TEXT AMENDMENT

**Agenda Date:** September 5, 2012.

**Staff Contacts:** Dave Anderson, Community Development Director.

**Reviewed By:** Development Review Committee.

**Request:** Brandon Kirk has submitted this Text Amendment for the City's consideration. The proposal would make Churches a Conditional Use in the Commercial Downtown Zone.

**Zoning:** City-wide.

**General Plan:** City-wide.

**Project Size:** City-wide.

**Number of lots:** Not applicable.

**Location:** Not applicable.

### Background Discussion

This item was continued in your August 15 meeting. Since that meeting City staff have contacted a few cities to research how their codes might address churches in commercial or downtown districts. Staff has also reviewed the prospect of approving a Map Amendment to address the current applicant's desire.

Staff found it difficult to make any type of apples for apples comparison between the regulations in our CD Zone and those found in other cities. This is difficult to do as other cities don't seem to have distinct zoning provisions for a downtown area like we have here. Therefore, we simply inquired as to whether other cities permit churches in commercial zones and if they've had any problems with churches in retail districts. In short, West Jordan does not permit churches in Commercial zones. Roy, Sandy, Provo, South Jordan, Springville and Pleasant Grove all permit Churches in commercial zones. In most of those cities, churches are Conditional Uses in commercial zones. South Jordan mentioned they have started to monitor one church in a strip mall because of parking concerns. No other city could recall any problems that they've had with churches in commercial districts.

After further review, staff suggests that a Map Amendment not be pursued to accommodate a church at the site that the applicant represents. Changing the zoning of the property to Residential Office – what is likely the most appropriate other zoning district – would not allow a church at the subject property without having changes made to the text of the Residential Office zone.

The proposed amendment would make Churches a Conditional Use in the Commercial Downtown Zone. Properties zoned Commercial Downtown are primarily found adjacent to Main Street between 100 North and 400 North.

The following is an excerpt of Title 15, the proposed change is identified in bold, red print:

**15.3.16.060 C-D Downtown Commercial**

This district is intended to promote and maintain the character of a pedestrian oriented retail district along Main Street. Building orientation should strongly encourage pedestrian use by having buildings close to the street with frequent entrances to buildings, and significant amounts of glass. Drive-thru uses should be strongly discouraged.

#### A. Permitted Uses:

The following uses are permitted if operated from a permanent, enclosed building, with no outside storage. The outside display of merchandise for sale is allowed between the hours of 7:00 a.m. and 9:00 p.m. if the merchandise remains off from the public right-of-way. Merchandise is allowed on the public right-of-way during sidewalk sales, which are allowed every weekend:

1. Art galleries and studios.
2. Entertainment uses.
3. Financial institutions with no drive-thru service.
4. Hotels, with all guest rooms above the first floor.
5. Office supply, copying, printing businesses.
6. Offices.
7. Personal service businesses.
8. Residential uses when located above the first floor.
9. Restaurants.
10. Retail uses.
11. Instructional Studios
12. Municipal facilities required for local service.

#### B. Uses Subject to Conditional Use Permit (see §15.3.08.060):

1. Drive-thru facilities as part of a financial institution.
2. Parking structures.
3. Wireless communication facilities on existing structures, with the intent to make them "stealth" facilities, which are not noticeable to a degree greater than the structure to which it is attached; or new stealth facilities which are camouflaged into its surroundings.
4. Lube Centers.
5. Tire Centers.
6. Churches.

Staff suggests that the Commission consider a few factors in their deliberation on this proposal. One issue is parking. At present, off-street parking is not required of any uses in the CD Zone. Therefore, the City would not inherently require that off-street parking be required of Churches if they are made an allowable use in the CD Zone. However, if Churches become permitted as a Conditional Use, the City could impose site specific conditions on individual proposals that might involve requirements to provide on-street parking.

Another issue you might consider is the value of increasing activity in the area that is zoned Commercial Downtown. As a general rule, efforts to revitalize downtowns involve plans to incorporate a variety of land uses that are expected to operate at varied hours throughout the week. In essence, the idea is to get people to spend time in a downtown area in more of a 24-hour-a-day-seven-day-a-week manner than just from eight to five Mondays through Fridays.

Another item to consider is the scarcity of space in the Commercial Downtown zone and in other zones that permit retail activity. In short, most cities attempt to preserve as much land for retail uses as what a current or future market might be able to support. From this perspective, some might question whether a mixture of uses in the CD Zone truly reflects the highest and best uses of the properties in the Zone.

#### Development Review Committee

The Development Review Committee reviewed this proposal on July 25, 2012 and recommended that the proposal be approved. Draft minutes from that meeting read as follows:

#### CD Zone

Applicant: Spanish Fork City  
General Plan: Mixed Use  
Zoning: Commercial Downtown  
Location: City-wide

Mr. Anderson explained what City zones currently allow Churches as a Permitted Use. He stated that Churches are not allowed in our Commercial Downtown Zone. He further explained that the applicant was requesting to change the Commercial Downtown Zone for the purpose of purchasing a building, in the Commercial Downtown Zone, to use as a Church.

Mr. Oyler said that he thought the reason Churches were not allowed in the C-D zone is because there is not any parking.

Mr. Kirk said that the specific building that his client is purchasing does have a lot of parking.

Mr. Anderson said that he could see parking being the issue with the C-D Zone.

Discussion was held regarding parking.

Mr. Oyler suggested making it a Conditional Use in the C-D Zone and require parking for Churches. If a particular piece of property has parking then it would be fine but if someone buys another facility that has no parking, then no.

Mr. Kirk explained that he felt parking was somewhat self-regulating.

Mr. Oyler said that he did not have a problem with it if it was a Conditional Use.

Discussion was held regarding scenarios that could affect parking in the Commercial Downtown Zone.

Mr. Anderson explained that the C-D Zone is intended to be something of a mixed use zone and that there is a benefit to having a mixture of uses in that area.

Mr. Oyler explained that one of the challenges is employee parking. When you have a business that has a lot of employees, that take up a majority of the parking if not all of the parking, then customers have nowhere to park.

Mr. Anderson explained that he would allow for a Church to count on-street parking when evaluating the need for conditions.

Brandon Kirk explained that the client was purchasing the entire building and that they planned to keep the Retail uses and add a Church use.

Mr. Anderson stated that, from a land use perspective, he did not feel a Church in the Commercial Downtown area is a problem. Making it a Conditional Use gives the City some opportunity to impose conditions to mitigate anticipated adverse impacts.

Mr. Oyler said that he did not have a problem with it being put into the ordinance as a Conditional Use.

Mr. Kirk asked for clarification on the City's Conditional Use process. Mr. Oyler gave an explanation.

Mr. Anderson **moved** to **recommend** that the City **change** the list of Conditional Uses in the Commercial Downtown (C-D) Zone to include Churches.

Mr. Peterson **seconded** and the motion **passed** all in favor.

Staff believes there would be little or no budgetary impact with the proposed Zoning Text Amendment.

### **Recommendation**

Staff recommends that the proposed Ordinance Amendment be approved.

### **Budgetary Impact**



# Memo

To: Planning Commission  
From: Jered Johnson, Engineering Division Manager  
Date: August 30, 2012  
Re: Title 15-Land Use Revision

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## Staff Report

Title 15 has been updated to reflect the current version of the Construction and Development Standards of Spanish Fork City. The Engineering Division recommends these changes to Title 15. (See attached document)

We also recommend that a 50 foot easement be required along the Spanish Fork River as development occurs as outlined in Part 4 Development Chapter 20 Flood Damage Prevention 15.4.20.020 General Provisions.

**PART 4 DEVELOPMENT**

- Chapter 04 Subdivisions**
- Chapter 08 Site Plans**
- Chapter 12 Impact Fees**
- Chapter 16 Design and Development Standards**

Recorder and the following improvements are installed and accepted by the City:

1. All required underground utilities or conduit for them;
2. Curb, gutter, sidewalk, and cross-gutters;
3. Six (6) inches of compacted road base in all areas where asphalt will be placed.

The city engineer or his/her designee is hereby designated as the responsible official to accept the improvements. Once acceptance has been granted, a building permit may be issued.

**CHAPTER 04 Subdivisions**

- 15.4.04.010 Sale of Plats or Parcels Prior to Approval and Recordation Prohibited**
- 15.4.04.020 Approval Required**
- 15.4.04.030 Endangering Health or Property Prohibited**
- 15.4.04.040 Amended Plats**
- 15.4.04.050 Exceptions to Avoid Hardship**
- 15.4.04.060 Filing of Preliminary Plats**
- 15.4.04.070 Form and Content of Preliminary Plats**
- 15.4.04.080 Approval or Disapproval - Procedure**
- 15.4.04.090 Duration of Preliminary Approval**
- 15.4.04.100 Filing of Final Plats - When**
- 15.4.04.110 Form and Contents of Final Plats**
- 15.4.04.120 Review and Approval Procedure**
- 15.4.04.130 Recordation - Copy to be Supplied to City Engineer**
- 15.4.04.140 Commencement/Completion Time Frame**
- 15.4.04.150 Amendments to Final Plat**
- 15.4.04.160 Building Permits**
- 15.4.04.170 Appeals.**

**15.4.04.030 Endangering Health or Property Prohibited**

No subdivision shall be developed in the City which, in the opinion of the city council, is incompatible to the health or well-being of the citizens of Spanish Fork and the future lot owners when the subdivision is completed.

**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.

**15.4.04.050 Exceptions to Avoid Hardship**

Whenever the tract to be subdivided is, in the opinion of the city council, of such unusual shape or size or is surrounded by such development or unusual conditions that the strict application of the requirements contained herein would result in real difficulties and substantial hardships or injustices, the city council may vary or modify such requirements so that the subdivider is allowed to develop his or her property in a reasonable manner but so, at the same time, the public welfare and interests of the city and surrounding area are protected and the general intent and spirit of this title is preserved.

**15.4.04.010 Sale of Plats or Parcels Prior to Approval and Recordation Prohibited**

No person shall subdivide any tract of land which is located wholly or in part within the corporate limits of the city, nor shall any person sell, exchange, offer for sale, purchase, or offer to purchase any parcel of land which is any part of a subdivision of a larger tract of land as hereinafter described, nor shall any person offer for recording any deed conveying such parcel of land or any interest therein unless there is first recorded a plat of such land which has been prepared and recorded in compliance with the requirements of this title, or a waiver granted in accordance with Utah Code Ann. §10-9a-605.

**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:**

**15.4.04.020 Approval Required**

- A. Subdividing land. It shall be unlawful for any person to create a subdivision or subdivide for the purpose of transferring, selling, conveying, or assigning any tract or parcel of land which is located wholly or in part in the city except in compliance with this title.
- B. Subdivisions. It shall be unlawful for any person to sell or exchange or to offer to sell or exchange any parcel of land which is part of a subdivision of land, or recorded in the office of the Utah County Recorder as a subdivision unless the subdivision has been approved by the city and complies with the provisions of this title.
- C. Building permit conditions. No building permit shall be issued until the final subdivision plat has been recorded by the City at the office of the Utah County

1. ~~Whenever a subdivision is to be filed, an application for plat approval, together with~~ 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 3 1/2" disk, zip disk, CD, or by an e-mail in a dwg or dxf format. ~~shall be prepared and presented to the City for approval.~~~~ 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.

2C. 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,

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. ~~Geotechnical report performed by a professional engineer licensed in the State of Utah, 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.

~~The soils report and storm water plan must be stamped and signed by a Civil Engineer licensed in the state of Utah.~~ 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.

#### 15.4.04.080 Approval or Disapproval - Procedure

Each plat 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. Prior to review with the DRC, the applicant must hold a meeting, inviting all property owners within 500 feet of the proposed project. The notice, names of those invited and those who attended, conceptual drawings, presentation, and minutes from the meeting must be submitted to the planner prior to the DRC meeting.

- A. Approval of a preliminary subdivision plat shall not be granted until such time as the applicant has provided information, to the satisfaction of the city engineer, to establish that adequate public facilities exist in the areas affected by the development to accommodate the development.
- B. The public facilities to which the preceding paragraph applies shall include the following:
  1. The city culinary water system, including quantity, quality, treatment, storage capacity, transmission capacity, and distribution capacity;
  2. The city sanitary sewer system, including treatment, overall capacity, outfall lines, laterals, and collector lines;
  3. The city electric power system, including generation, transformation, transmission, and distribution;
  4. The storm water system, including drainage and flood control facilities;
  5. Streets and roads, including arterial and collector roads, sidewalks, curb and gutter, and related transportation facilities;
  6. City pressurized irrigation system, including transmission and distribution capacity.
- C. 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 connectors agreement authorized by this paragraph must be requested within 30 days of the completion and acceptance by City of the improvements.

2. Requiring the timing, sequencing, and phasing of the proposed development consistent with the availability of adequate public facilities;
  3. Deferring final plat approval and the issuance of building permits until all necessary public facilities are adequate and available; or
  4. Denying plat approval and allowing the applicant to reapply when adequate public facilities are available.
- 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.

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 and with the preparation of the final plat. Original preliminary plats are subject to the standards, policies, and regulations that are in effect at the time of approval for each of the final plats.

#### 15.4.04.090 Duration of Preliminary Approval

A preliminary plat expires if it is not approved by the Council within twelve months from the time its application is submitted and accepted.

Approval of the preliminary plat by the city council shall be valid for a period of twelve months after approval unless, upon application by the developer, the city council grants an extension. An extension may not exceed six months. A preliminary plat remains active if a final plat is recorded at least every twelve months. If a final plat has not been recorded within the twelve-month period or an extension granted, the

preliminary plat must again be submitted to the city council for re-approval.

Preliminary approval of a large tract shall not be voided if the final plat of the first section thereof is submitted for final approval within one year and no more than twelve (12) months have expired between the recording of each consecutive final plat or an extension of time is granted as to the remainder thereof.

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

1. ~~One~~ **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. ~~One~~ **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 ~~and~~, 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 - When Form and Contents of Final Plats

~~Within one (1) year after approval of the preliminary plat or within the time for which an extension to make such filings has been granted, the original tracing shall be submitted to the City, together with the following:~~

1. ~~One~~ 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. ~~One~~ 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 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.~~

**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 ~~on the preliminary plat~~ Engineer;**
4. **A statement that "All ~~culinary 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.

#### 15.4.04.120 Review and Approval Procedure of Final Plats

Final 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 final 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 final plat or construction drawings into compliance. If the final 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 final plat approval.

After considering the recommendation of the city engineer, the development review committee may table the matter, approve, or grant approval upon conditions stated. If approved, the city manager, city planner, and city engineer shall sign the final plat. If any conditions are attached, the final plat or construction drawings shall be amended to reflect such changes and an accurate final plat shall be submitted to the City, prior to

signing.

Original and preliminary plats are subject to the standards, policies, and regulations that are in effect at the time of approval for each of the final plats.

#### 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.

#### 15.4.04.140 Commencement/Completion Time Frame

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.

All improvements within subdivisions must be completed within one year of the date of the pre-construction meeting. 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.

#### 15.4.04.150 Amendments to Final Plat

The city engineer may approve minor amendments to approved final plats before the final 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 final plats. Major amendments to unrecorded approved final plats shall go back through the approval process. Amendments to record the final plat shall be in accordance with state law and any policies or procedures adopted by the City.

#### 15.4.04.160 Building Permits

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.

#### 15.4.04.170 Appeals

Any decision of the DRC approving a final plat may be appealed to the Appeal Authority. Any appeal must be taken within fifteen (15) days of the final decision of the DRC. Appeals must follow the procedures set forth in Section 15.1.04.050. Any decision by the Appeal Authority concerning a final plat shall be final and non-appealable.

**PART 4 DEVELOPMENT**

**CHAPTER 08 Site Plans**

- 15.4.08.010 Purpose**
- 15.4.08.020 Site Plan Required**
- 15.4.08.030 Application and Review Process**
- 15.4.08.040 Action on Site Plan**
- 15.4.08.050 Approval or Disapproval - Procedure**
- 15.4.08.060 Duration of Approval**
- 15.4.08.070 Amendments to Site Plan**
- 15.4.08.080 Appeals**

**15.4.08.010 Purpose**

The site plan review process is established in order to assure that development proposed for Spanish Fork City will comply with all zoning and development standards. The general appearance of developments shall contribute to an orderly, sustainable, and harmonious appearance and a safe and efficient development.

It is not the purpose of this Chapter that design should be so rigidly controlled so as to stifle creativity or individual expression, or that substantial additional expense be incurred; rather, it is the intent of this Chapter that any control exercised be the minimum necessary to achieve the objectives as stated above.

**15.4.08.020 Site Plan Required**

1. Requirement. Site Plan review shall be required for the following:
  - a) All proposed new commercial or industrial developments
  - b) All additions to commercial or industrial structures
  - c) Any change of use of an existing commercial or industrial site or structure.
  - d) All Conditional Use Permits or Uses Subject to Conditions
  - e) Some projects such as minor additions to non-residential structures may not need a complete review.

The Planning Director may waive full Site Plan review, including fees, if it is determined that such review will not further the purpose of the City’s development standards.

**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 with all supporting documentation, submitted to the City Planning Department. 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 3 1/2" disk, zip disk, CD, or by an e-mail in a dwg or dxf format. ~~shall be prepared and presented to the City for approval.~~ 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:
  - A. Proposed name of site plan at lower right hand corner
  - B. Name and address of developer on the lower right hand corner
  - C. Name and address of engineer/architect/surveyor at the lower right hand corner
  - D. Date of preparation
  - E. A 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.”
  - F. Licensed Land Surveyor/Engineer Stamp

- and Signature
- G. Title block with name and location
- H. Vicinity map and north arrow
- I. Standard engineered scale – 1" = 100' or less
- J. Description of boundary of development
- K. Section tie/bearing of section line based on NAD27 or NAD83 State Plane Coordinates. **Horizontal datum shall be clearly marked on all plat drawings.**
- L. Adjacent property owners names and buildings within 200 feet of proposed development
- M. Existing and proposed fences
- N. Existing and proposed streets with names and widths within 200 feet of site
- O. Existing and proposed water courses, culverts, and irrigation ditches
- P. Flood zones or wetlands as per NWI wetland map
- Q. Existing and proposed power lines (labeled), gas lines, water mains, fire hydrants and valves with pipe size
- R. Existing and proposed sewer mains and manholes with pipe sizes
- S. Existing and proposed storm drains
- T. Existing and proposed public utility easements
- U. 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.**
- V. Typical street cross section
- W. Building setbacks dimensioned on the site plan
- X. Parking stalls (9'x18') and calculations identifying the required number of handicapped and non-handicapped parking spaces in the development.
- Y. Photometric lighting plan
- Z. Dumpster location, height and materials used
- AA. Location and screening plan for mechanical equipment
- BB. Note on site plan if building is to be sprinkled
- CC. Finish floor elevation
- DD. Type of building and occupancy per International Building Code.
- EE. Project phasing (if applicable)
- ~~FF. Surface drainage plan~~
  - ~~A. based on 25-year storm calculations~~
  - ~~B. on-site retainage of 25-year storm~~
  - ~~C. design of .2 cfs/acre outlet to city storm drain system~~
  - ~~D. spot elevations of proposed grade, FL and TBC~~
- GG. Table with the following:
  - A. Total acreage of area proposed for development
  - B. Total area and percent of site in landscaping (open space)
  - C. Total building area **and dimensions** - separate areas for different uses (office, warehouse, shop, etc...)
  - D. Total developed and undeveloped area
  - E. Total number of parking spaces required and proposed (including ADA parking stalls).
  - F. Total impervious area
- HH. Landscaped plan prepared by a licensed landscape architect
  - A. Planting schedule showing plant material and sizes
  - B. Planting plan
  - C. Irrigation plan
- II. Off-street parking plan showing circulation and number and size of spaces
- JJ. Vehicular and pedestrian circulation—ingress, egress, and internal movement
- KK. Location and function of any loading and servicing facilities
- LL. 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
- MM. 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.
- NN. All existing and proposed signs for the development.
- ~~OO. A CAD file of site plan in .dwg, .dgn, or .dxf tied to NAD27 State Plane Coordinates~~
- PP. **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.**
- QQ. **Construction plans which conform to the standards found in section 39.20 Improvement and Design Requirements of the Spanish Fork City Construction Standards.**
- RR. 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.

- SS. Public Utility Easement documents and/or deeds for all utilities or public facilities required by the City.
- TT. 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.
- UU. Approvals from any agency or company having affected properties or utilities.
- VV. 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.
- ~~ΘΘ. 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, geotechnical 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.

#### 15.4.08.040 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 effect at the time of approval.

#### 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.

#### 15.4.08.070 Amendments to Site Plan

The Planning Director may approve minor 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 site plan. Major amendments to the final Site Plan shall go back through the approval process.

#### 15.4.08.080 Appeals

Any decision of the DRC approving a site plan may be appealed to the Appeal Authority. Any appeal must be taken

within fifteen (15) days of the final decision of the DRC. Appeals must follow the procedures set forth in §15.1.04.050. Any decision by the Appeal Authority concerning a site plan shall be final and non-appealable.

## **PART 4 DEVELOPMENT**

### **CHAPTER 12 Impact Fees**

#### **15.4.12.010 Impact Fees, Authorization**

#### **15.4.12.020 Purpose of Impact Fees, Limitations**

#### **15.4.12.030 Determination**

#### **15.4.12.040 Method of Assessing**

#### **15.4.12.050 Special Exceptions**

#### **15.4.12.010. Impact Fees, Authorization.**

Spanish Fork City is hereby authorized to establish and collect impact fees as a condition of granting subdivision plat approval and/or as a condition of the issuance of a building permit.

#### **15.4.12.020 Purpose of Impact Fees, Limitations**

The purpose of impact fees is to provide necessary funding for capital improvements to public facilities incurred due to new development. Impact fees may be assessed for water, sewer, pressurized irrigation, electric power, storm drainage, streets and roads, recreation, and public safety.

(Ord. No. 07-11, Amended 05/17/2011)

#### **15.4.12.030 Determination**

The Council may set impact fees based on studies and analyses of the anticipated costs to provide adequate public facilities to new developments. The amount of the impact fee shall not exceed the anticipated cost of providing adequate public facilities which become necessary as a result of the development. In setting the amount of the fee, the Council shall take into consideration the following factors:

- A. The cost of existing capital facilities;
- B. The manner of financing existing facilities;
- C. The relative extent to which newly developed property and other properties within the city have already contributed to the costs of existing capital facilities;
- D. The relative extent to which newly developed properties and other properties within the city will contribute to the cost of existing capital facilities in the future;
- E. The relative extent to which newly developed properties are entitled to a credit because the city may be requiring owners or developers to provide common facilities that have historically been provided by the city and financed through general taxation or other charges in other parts of the city;
- F. The extraordinary costs, if any, in servicing newly developed properties;
- G. The time-price differential inherent in fair comparison of amounts paid at different times.

#### **15.4.12.040 Method of Assessing**

The Council may establish and assess impact fees by an

impact fee enactment and by complying with the notice and hearing provisions of Utah Code Ann. §11-36-202

#### **15.4.12.050 Special Exceptions**

- A. The Council retains the authority to adjust any impact fee imposed in order to respond to unusual circumstances in specific cases and to insure that impact fees are fairly imposed. Economic hardship shall not be considered an unusual circumstance justifying an adjustment to the impact fee.
- B. The Council may, at its sole discretion, adjust any impact fee, on the basis of justice and equity, based upon studies and data submitted by the developer.
- C. The Council may, at its sole discretion, waive any impact fee for governmental development or other development activities with broad public purposes. Any development undertaken to gain a profit, whether or not a profit is realized, does not qualify as a broad public purpose.
- D. The Council may, at its sole discretion, allow a full or partial credit against impact fees for any system improvements provided by the developer that are required as a condition of approval of the development activity.

**PART 4 DEVELOPMENT****CHAPTER 16 Design and Development**

- 15.4.16.010 Availability of Adequate Public Facilities**
- 15.4.16.020 Unavailability of Adequate Public Facilities**
- 15.4.16.030 Improvement Installations**
- 15.4.16.040 Fees**
- 15.4.16.050 Utility Connection**
- 15.4.16.060 Sewage Facilities**
- 15.4.16.070 Foundation Drains**
- 15.4.16.080 Water Transfer**
- 15.4.16.085 Street Improvements**
- 15.4.16.090 Time Limitation for Completion**
- 15.4.16.100 Conflict of Interest**
- 15.4.16.110 Security for Improvements Required**
- 15.4.16.120 Off Street Parking**
- 15.4.16.130 Landscaping, Buffering Walls, and Fences**
- 15.4.16.140 Solid Waste Receptacle Areas**
- 15.4.16.150 Clear Vision Area**

**15.4.16.010 Availability of Adequate Public Facilities**

- A. Approval of a preliminary plat or site plan shall not be granted until such time as the applicant has provided information, to the satisfaction of the city engineer, to establish that adequate public facilities exist in the areas affected by the development to accommodate the development.
- B. The public facilities to which the preceding paragraph applies shall include the following:
  1. The city culinary water system, including quantity, quality, treatment, storage capacity, transmission capacity, and distribution capacity;
  2. The city sanitary sewer system, including treatment, overall capacity, outfall lines, laterals, and collector lines;
  3. The city electric power system, including generation, transformation, transmission, and distribution;
  4. The storm water system, including drainage and flood control facilities;
  5. Streets and roads, including arterial and collector roads, sidewalks, curb and gutter, and related transportation facilities;
  6. Recreational facilities, including ballparks, playgrounds, and trails.
  7. Secondary irrigation, including transmission and distribution capacity.
- C. The adequacy of public facilities shall be determined in accordance with the Spanish Fork City Design and Development standards, the various master plans and the comprehensive general plan of the City, and at the discretion of the city engineer.

**15.4.16.020 Unavailability of Adequate Public Facilities**

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:

- A. 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 connectors agreement authorized by this paragraph must be requested within 30 days of the completion and acceptance by the City of the improvements.
- B. Requiring the timing, sequencing, and phasing of the proposed development consistent with the availability of adequate public facilities;
- C. Deferring approval and the issuance of building permits until all necessary public facilities are adequate and available; or
- D. Denying approval and allowing the applicant to reapply when adequate public facilities are available.

**15.4.16.030 Improvement Installations**

- A. No improvements may be installed until the final plat is recorded. Thereafter, all improvements shall be installed in accordance with the Design and Development Standards unless waived by the City engineer for unique conditions. A waiver is intended to be extremely difficult to obtain and is to be based on rare and unusual circumstances. Any waiver, variation, or substitution from the standards must be authorized in writing by the City Engineer or his/her designee. The expense of all such improvements and installations, including but not limited to expenses for all of the foregoing items and for area-wide topographical drainage, engineering, ecological or other work or study, shall be borne by the owner or subdivider or developer subject to such terms and conditions as may be required by the city council by way of ordinance, resolution, contract, or otherwise. The failure of any owner or subdivider to comply with the terms of this provision or his/her failure to complete the installation of all of the foregoing installations, fixtures or improvements or such others as may be required by the city council from time to time, shall result in the forfeiture *pro tanto* of the bond or other security posted. Any developer or subdivider forfeiting a bond may jeopardize his/her/its ability to do future projects in the City, following a hearing before the City Council. Any subdivision not in full compliance with this section shall not be connected to or receive any of its municipal services, including but not limited to water, sewer, irrigation, electricity, or refuse removal services.
- B. The developer or subdivider shall be responsible for the protection of any existing improvements on

public or private property at the start of work or placed there during the progress of the work. Existing improvements shall include but are not limited to permanent surfacing, curbs, ditches, driveways, culverts, fences, walls and landscaping. Any surface improvements damaged as a result of construction shall be restored or replaced to an equal or better condition than before. This shall be accomplished in a timely manner.

- C. The developer or subdivider shall be responsible for maintaining existing road surfaces suitable for travel by the public. The developer or subdivider shall be responsible for all dust and mud control and all claims and damages resulting from failure to maintain the construction area.
- D. New residential developments shall not be designed to allow direct access from individual lots or dwelling units to arterial streets or major collector streets. Masonry walls shall be provided along the sides of residential developments, which have reverse or side frontage to arterial streets, major collector streets, or interstates. The walls will be of decorative block, brick, or similar materials together with design elements such as columns, capping, inlays, and variations in materials. The material, style, and color of the wall must be reviewed and approved by the City. The wall shall be constructed according to a design stamped by a licensed professional civil engineer. The Council may waive this requirement in those instances where the height of the interstate, arterial street, or major collector street is significantly higher than the top of the wall. The Council may also waive the requirement for a masonry wall if a park or open space area is adjacent to such streets. The Council may waive all fencing requirements or impose non-sight obscuring fencing, at their sole discretion.

(Ord 14-05, Amending 15.4.16, Enacted 11/15/2005)

#### 15.4.16.040 Fees

Fees may be charged by the City for the purpose of defraying expenses of all work performed by the City or its agents in connection with processing or approving the application for a subdivision, reviewing a preliminary plat and a final plat or for inspecting or installing a fixture or apparatus in any subdivision. Such fees shall in no case be less than the fee charged for similar services provided by the city to persons who are not subdividers.

#### 15.4.16.050 Utility Connection

It shall be the responsibility of the developer to connect to all available utilities or improvements wherever they are located and extend those improvements to and through the development to obtain approval of said subdivision.

The developer or subdivider shall provide easements for all utility extensions through private property. The developer or subdivider shall also provide a ten foot public utility easement along public rights-of-way or streets and along one side of all other property lines. If setbacks are less than ten feet then public utility easements shall be the extent of the setback.

(Ord 14-05, Amending 15.4.16, Enacted 11/15/2005)

#### 15.4.16.060 Sewage Facilities

Five (5) acre parcels or larger may be approved with a septic system sanitary sewer, at the discretion of the Council, when the following minimum requirements are met:

1. The owner signs a recordable instrument waiving the right to protest or otherwise object to the creation of a special improvement district to be created for the purpose of providing the city sanitary sewer system;
2. Including a requirement that the city sanitary sewer system be connected to each residence at the owner's expense at such time that the city sanitary sewer system is within five hundred (500) feet of the lot line.
3. The septic system sanitary sewer meets all requirements of Federal, State, County or municipal law and regulations at the time of installation.
4. No more than one building containing a septic system sanitary sewer may be constructed on each lot.

#### 15.4.16.070 Foundation Drains

Whenever the soils report for a development requires foundation drains, a storm drain system with laterals to each foundation drain must be installed. The storm drain system must be at a lower elevation than the sewer system.

#### 15.4.16.080 Water Transfer

Each developer of a subdivision shall transfer to the City the quantity and type of water rights as determined and established from time to time by resolution of the City Council. The purpose of the section is to assure the City has an adequate water supply to provide water to the development, or to replace water which is provided to the development.

#### 15.4.16.085 Street Improvements

- A. General. The developer or subdivider shall construct all streets and appurtenances required for the development as specified by the Council in accordance with the city Construction Standards and/or other policies adopted by the City. The design and all street work shall be done as directed and under the supervision of the City Engineer or his/her designee.
- B. Cul-de-sacs. The maximum length of a cul-de-sac is 400 feet measured from the nearest right-of-way line of the adjoining street to the center of the cul-de-sac, and the minimum radius of the cul-de-sac is 60 feet at the property line.
- C. Curbs, Gutters, and Sidewalks. Curbs, gutters, and sidewalks shall be built along all public streets according to the Construction Standards. All curbs, gutters, and sidewalks shall connect to existing curbs, gutters, and sidewalks within a reasonable area as determined by the City Engineer or his/her designee.
- D. Partial-Streets Widths. In certain conditions, and when special approval is given, partial road widths may be allowed. A partial road width shall include half the road plus ten feet. The road shall also include a two foot shoulder along the unfinished portion of the street with a minimum three percent (3%) slope away from the edge of pavement. All City improvements must be made in dedicated City right-of-way or public utility easements.
- 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 ~~84~~96 feet in diameter and consist of a minimum of eight inches of compacted road base.

- 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%.

(Ord 14-05, Amending 15.4.16, Enacted 11/15/2005)

**15.4.16.090 Time Limitation for Completion**

- A. All improvements listed herein must be completed within one (1) year of from the date of approval, 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 one additional year. A request for an extension must be submitted to the city council, in writing, explaining the reasons for the requested extension.
- B. The city engineer may require certain of the improvements to be completed prior to the one year period. The engineer shall have the discretion to designate what improvements shall be completed and within what time frame. Ten (10) days after written notice of the failure to complete improvements is given, the City may proceed to have the improvements completed and may execute upon the security posted in order to pay for the same.

**15.4.16.100 Conflict of Interest**

No employee or agent of the City shall work for or be employed by any contractor or subdiviver for the purpose of installing any plumbing or sewer fixture, pipes or connections, or for the purpose of installing or supervising the installation of any curb, gutter, street or sidewalk, or for the purpose of surveying any portion of the subdivision or proposed subdivision, or for the purpose of installing or supervising the installation of any electrical wiring, connections, apparatus or fixture, provided that this section shall not apply to independent engineering contractors employed by the city.

**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 125% of the City’s estimated costs of the improvements. Security shall be in the form of cash in the minimum amount of fifteen percent (15%) 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. Upon completion, inspection, approval, and acceptance of the improvements, the security, less fifteen percent (15%), shall be released to the developer. Fifteen percent (15%) of the security

amount shall be held for a period of one (1) year following final inspection and acceptance to warrant improvements for this time period.

The fifteen percent retained shall be the cash amount required as the minimum security.

**15.4.16.120 Off-Street Parking**

- A. Purpose:  
To provide adequate, but not excessive, parking to meet the needs of residents, employees, and business patrons, in a manner which is functional, safe, and aesthetically pleasing.
- B. General Requirements:
  1. Off-street parking is not required for permitted uses in the Downtown Commercial (C-D) district.
  2. Each parking space shall be at least nine (9) feet wide and eighteen (18) feet deep (See parking design standards in the Construction and Development Standards for details on aisle widths, maneuvering areas, and fire lanes).
  3. Tandem parking (front to rear) shall not be permitted.
  4. All parking spaces and driveway areas serving such parking spaces shall be surfaced with concrete, asphalt, or paving blocks except that portions of driveway areas located farther than 200 feet from a public road and which service a single residence dwelling in the R-R or A-E zoning districts may be constructed and surfaced to an all weather standard as approved by the city engineer. Such surfacing may include gravel, slag, or similar materials.
  5. Required parking shall be provided on-site or on contiguous lots.
  6. Backing and maneuvering areas shall be provided on-site for all uses other than single family, twin homes, and duplexes.
  7. For the purpose of identifying required parking, square feet shall mean the gross floor area of the building.
  8. No part of any vehicle may overhang onto a public sidewalk or within five (5) feet of a street curb where no sidewalk exists.
  9. All parked vehicles must comply with the City’s clear vision area requirements.
  10. Parking of commercial vehicles in residential districts is limited to one (1) commercial vehicle with a one ton chassis, having a capacity of not more than 10,000 pounds gross vehicle weight rating (GVWR).
  11. Landscaping and screening of parking lots shall be in accordance with the requirements of §15.4.16.130, Landscaping, Buffering, Walls, and Fences.

C. Parking Requirements by Use:

USE	MINIMUM # OF SPACES
Auditorium, Stadium, Public Assembly, Private Clubs, Health Clubs, Theaters	1:100 sq. ft. or 1:5 seats
Auto Repair, Major	1:100 sq. ft.
Auto Repair, Minor	1:300 sq. ft.
Automobile Service Station	1:200 sq. ft.

Banks, Financial Institutions	1:250 sq. ft.
Barber Shop or Beauty Shop	1:100 sq. ft.
Churches	1:5 seats or 90 lineal inches per pew
Child Care Center	1:employee, plus 1:10 children
Home Furnishings, Major Appliances	1:500 sq. ft.
Hospitals	1:bed
Manufacturing/Assembly Wholesale/Warehouse	1:employee on the highest shift
Mixed Uses or Unlisted Uses	To be determined by Planning Director
Motels/Hotels	1:room
Restaurants	1:200 sq. ft.
Banquet/Meeting Rooms	1:200 sq. ft.
Office: General/Professional	1:300 sq. ft.
Medical/Dental	1:150 sq. ft.
Indoor Recreation Facility:	
Amusement Center/Arcades	1:100 sq. ft.
Bowling Alley	4:lane
Outdoor Recreation Facility:	
Golf Course	6:hole
Miniature Golf Course	2:hole
Batting Cages	1:cage
Water Park, Theme Parks	To be determined by Planning Director
Residential:	
Single Family	2:unit - 1 covered, 2nd space not in side or front setback
Duplex or Twin Home	2:unit - 1 covered, 2nd space not in front setback
Multi-Family: Studio or 1 Bedroom	1:unit
2 or more Bedrooms	2:unit; one covered, 2nd uncovered
Guest Parking	1:3 units
Restaurant - freestanding	1:100 sq. ft.
Retail/Shopping Center (including up to 10% restaurant, health club, beauty shops; additional percentages calculated at rate for each use)	1:250 sq. ft.
Retirement/Senior Housing/Nursing Home	1:employee on highest shift plus 0.4:unit
Schools: Elementary	2:classroom
Middle or Junior High	3:classroom
High School	7:classroom
College	10:classroom
Vocational/Technical	1:2 students
Storage Building/Space	0.5 per 1,000 sq. ft. of storage space

**15.4.16.130 Landscaping, Buffering, Walls and Fences**

**A. Purpose:**

The purpose of these requirements is to enhance, conserve, and stabilize property values by encouraging pleasant and attractive surroundings and to provide proper separations between uses. Landscaping should also contribute to the reduction of heat and glare through the proper placement of plants and trees.

**B. Multi-family residential uses:**

1. Minimum of thirty-five (35%) on-site landscaping as a percentage of total site area.
2. Parking lots shall include planter areas within the parking lot, with a minimum of 108 square feet of planter area for every ten (10) parking spaces. Required planter areas shall be individual islands of landscaping and shall be at least 6 feet wide. Required planter areas shall include non-ornamental trees with a maximum spacing of thirty (30) feet.
3. Minimum of fifteen (15) foot wide planter area adjacent to all public streets, which shall include trees with a maximum spacing of thirty (30) feet. The planter area may be partially or completely within the street right-of-way area.
4. Minimum of ten (10) foot wide planter area and six (6) foot high decorative block wall, where any multi-family use abuts a single-family residential use or district. The planter area shall include trees with a maximum spacing of 30 (30) feet.
  - a. The DRC may waive or modify this requirement, if it is determined that this requirement does not further the intent of this ordinance.
5. All other landscaped areas shall include at least three (3) non-ornamental trees and twenty (20) shrubs for each 1,000 square feet of landscaped area.

**C. Professional Office and Non-Residential or Non-Commercial Uses:**

1. Minimum of thirty percent (30%) on-site landscaping as a percentage of total site area.
2. Parking lots shall include planter areas within the parking lot, with a minimum of 108 square feet of planter area for every ten (10) parking spaces. Required planter areas shall be individual islands of landscaping and shall be at least six (6) feet wide. Required planter areas shall include non-ornamental trees with a maximum spacing of thirty (30) feet.
3. Minimum of fifteen (15) foot wide planter area adjacent to all public streets, which shall include trees with a maximum spacing of thirty (30) feet. The planter area may be partially or completely within the street right-of-way area.
4. Minimum of ten (10) foot wide planter area and six (6) foot high decorative block wall, where the site abuts a residential use or district. The planter area shall include trees with a maximum spacing of thirty (30) feet.
  - a. The DRC may waive or modify this requirement, if it is determined that this requirement does not further the intent of this ordinance.
5. All other landscaped areas shall include at least three (3) non-ornamental trees and twenty (20) shrubs for each 1,000 square feet of landscaped area.

**D. Commercial Uses:**

1. Minimum of fifteen percent (15%) on-site landscaping as a percentage of total site area.
2. Parking lots shall include planter areas within the parking lot, with a minimum of 108 square feet of planter area for every ten (10) parking

spaces. Required planter areas shall be individual islands of landscaping and shall be at least 6 feet wide. Required planter areas shall include non-ornamental trees with a maximum spacing of thirty (30) feet.

3. Minimum of fifteen (15) foot wide planter area adjacent to all public streets, which shall include trees with a maximum spacing of thirty (30) feet. The planter area may be partially or completely within the street right-of-way area.
4. Minimum of ten (10) foot wide planter area and six (6) foot high decorative masonry wall, where the site abuts a residential use or district. The planter area shall include trees with a maximum spacing of thirty (30) feet.
  - a. The DRC may waive or modify this requirement, if it is determined that this requirement does not further the intent of this ordinance.
5. All other landscaped areas shall include at least three (3) non-ornamental trees and twenty (20) shrubs for each 1,000 square feet of landscaped area.

**E. Industrial Uses:**

1. Minimum of ten percent (10) on-site landscaping as a percentage of total site area.
2. Parking lots shall include planter areas within the parking lot, with a minimum of 108 square feet of planter area for every ten (10) parking spaces. Required planter areas shall be individual islands of landscaping and shall be at least 6 feet wide. Required planter areas shall include non-ornamental trees with a maximum spacing of thirty (30) feet. The planter area may be partially or completely within the street right-of-way area.
3. Minimum of fifteen (15) foot wide planter area adjacent to all public streets, which shall include trees with a maximum spacing of thirty (30) feet.
4. Minimum of ten (10) foot wide planter area and six (6) foot high decorative block wall, where the site abuts a residential use or district. The planter area shall include trees with a maximum spacing of thirty (30) feet.
  - a. The DRC may waive or modify this requirement, if it is determined that this requirement does not further the intent of this ordinance.
5. All other landscaped areas shall include at least one (1) non-ornamental trees and ten (10) shrubs for each 1,000 square feet of landscaped areas. Natural vegetation may be included if materials are appropriate for the setting and location.

**F. Standards and Maintenance:**

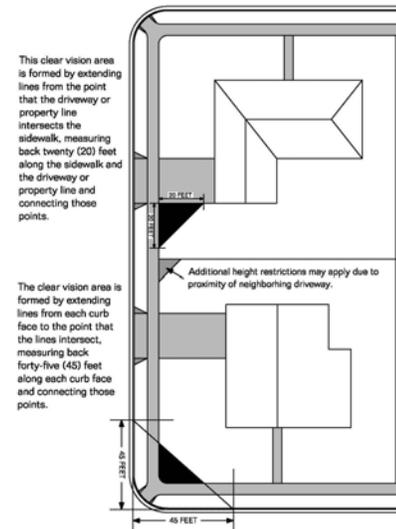
1. All deciduous trees shall have a minimum of two (2) inch caliper trunk. All evergreen trees shall be minimum of five (5) feet in height.
2. All shrubs shall be a minimum of one (1) gallon size.
3. Planting areas shall be separated from parking areas and driveways by a six (6) inch concrete

curb.

4. Landscaped areas shall be maintained with an automatic sprinkler system.
5. Landscaped areas shall be maintained in a neat, clean, and orderly condition. This in meant to include proper pruning, lawn mowing, weeding, removing of litter, fertilizing, replacing of dead plants, and regular watering of all landscaped areas.

**G. General Fencing Requirements:**

1. The maximum height of a fence is six (6) feet in all zoning districts; fence pillars are not to exceed 6 ½ feet in height. The Council may waive the height requirement at its sole discretion.
2. The maximum height of a solid fence within the front yard setback area is three (3) feet. Substantially open fences such as chain link, or wrought iron may be four (4) feet high.
3. Barbed wire fencing is allowed in A-E, R-R, I-



- 1, and I-2 districts.
4. Razor wire, and other similar type fencing is allowed in C-2, I-1, and I-2 districts when located above a height of six (6) feet, subject to Design Review approval. Additional screening of any such fence with plant materials may be required.
5. Fences must be built with a minimum setback of three (3) feet around the following utilities: fire hydrants, water meters (culinary and irrigation), telephone pedestals, power boxes, and cable boxes.
6. A clear vision area is required at each driveway as set forth in §15.4.16.150.
7. A building permit is required for all fences that are taller than three (3) feet. No fee is charged for fence permits unless the permit is required by the adopted building code set forth in §14.04.010.

8. Corner lots must maintain the clear vision area as set forth in §15.4.16.150. (Ord. No. 23-10, Amended 11/16/2010)

**15.4.16.140 Solid Waste Receptacle Areas**

Multi-family dwellings, and non-residential uses shall provide solid waste receptacle areas screened on three (3) sides with a masonry wall having a height at least one (1) foot above any receptacle or container. A steel site-obscuring gate at least six (6) feet in height is required. This requirement may be waived or modified by the Development Review Committee when it is determined that a “roll-out” residential style container is sufficient for the type of operation proposed, or, the screen wall requirement may be waived when solid waste receptacle areas are sufficiently screened or otherwise located within the project to not be visible by or adversely impact adjoining properties.

**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 five (5) feet in height.
- 4. **Trees on private property must be pruned to maintain a clear area below eight (8) feet in height.**
- 4. 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

(Ord. No. 05-05, Enacted 06/07/2005)  
(Ord No. 12-08, Amended 09/16/2008)  
(Ord. No. 23-10, Amended 11/16/2010)

**PART 4 DEVELOPMENT**

**CHAPTER 20 Flood Damage Prevention**

- 15.4.20.010 Warning and Disclaimer of Liability**
- 15.4.20.020 General Provisions**
- 15.4.20.030 Administration**
- 15.4.20.040 Provisions for Flood Hazard Reduction**
- 15.4.20.050 Penalties for Violation**

**15.4.20.010 Warning and Disclaimer of Liability**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

**15.4.20.020 General Provisions**

A. The ordinance shall apply to all areas with defined flood hazards within the jurisdiction of City.

B. The flood hazard areas for the purposes of this ordinance are those flood hazard areas in City that are identified by the current Federal Emergency Management Agency on Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM and any revisions thereto and any accompanying scientific and engineering Flood Insurance Study Report are hereby adopted by reference and declared to be a part of this ordinance.

C. Preliminary plat approval, site plan approval, or a building permit shall be required to ensure conformance with the provisions of this ordinance.

D. No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

E. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

F. In the interpretation and application of this ordinance, all provisions shall be:

- 1. Considered as minimum requirements;
- 2. Liberally construed in favor of the governing body; and
- 3. Deemed neither to limit nor repeal any other powers granted under State statutes.

**G. All properties adjacent to the Spanish Fork River shall provide a trail and river access easement or dedication extending 50 feet from the top bank of the river 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 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.

#### 15.4.20.030 Administration

A. The Spanish Fork City Engineer or his/her appointee is hereby appointed the Flood Plain Administrator, with the City Surveyor appointed as the Assistant Flood Plain Administrator, to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to flood plain management.

(Ord. No. 23-10, Amended 11/16/2010)

B. The duties and responsibilities of the Flood Plain Administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
2. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding from both surface and groundwater as well as from flood-related erosion.
3. Review, approve or deny all applications for development permits required by adoption of this ordinance.
4. Review permits for proposed development to assure that all necessary City permits have been obtained.
5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
6. Notify, in riverine situations, adjacent communities and the State Engineer's office prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
8. When base flood elevation data has not been provided in accordance with §030(B) the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of §050.
9. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on City's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within City.
  - C. Application for a preliminary plat, site plan, or building permit within a special floodplain hazard area shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, and the construction of fences, and the location of the foregoing in relation to areas of special flood hazard and areas of special erosion hazard. Additionally, the following information is required:
    1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
    2. Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;
    3. A certificate from a licensed professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of §050(B)(2);
    4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
    5. A bank stability/erosion hazard analysis performed by a licensed professional engineer, including site photographs, that evaluates potential flood-related erosion hazards and identifies appropriate erosion hazard mitigation measures

to protect any structural improvements proposed in the area of special erosion hazard.

6. A geotechnical report that includes: at least one measurement of the ambient groundwater surface elevation on the site of proposed development collected between May 1 and May 31 (unless otherwise approved by the Floodplain Administrator); an engineer's estimate of the maximum anticipated groundwater elevation anticipated on the site during periods of flooding on the Spanish Fork River, referencing nearby base flood elevations on the current FIRM and all other available sources; and an engineer's recommendation with regard to the lowest elevation(s) that the lowest floor(s) (including basement) of all new and substantially improved structures should be constructed to be protected from flooding from groundwater and groundwater that could be influenced by surface water during periods of flooding.
7. A grading permit shall be obtained from the Floodplain Administrator before any excavation or fill work that could modify the flood hazards defined on the community's FIRM is completed in the area of special erosion hazard area.
8. Maintain record of all such information in accordance with §040(B)(1).

D. Approval or denial of a preliminary plat, site plan, or any permit required by City shall be based on all of the provisions of this ordinance and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood and/or erosion damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The safety of access to the property in times of flood for ordinary and emergency vehicles;
5. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets

and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

6. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
7. The necessity to the facility of a waterfront location, where applicable;
8. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
9. The relationship of the proposed use to the comprehensive general plan for that area

**15.4.20.040 Provisions For Flood Hazard Reduction**

A. General Standards.

1. In all areas of special flood hazards the following provisions are required for all new construction or substantial improvements:
  - a. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
  - b. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
  - c. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
  - d. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
  - e. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

- f. All new construction shall be required to connect to City's sanitary sewer system.
  - g. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
  - h. No solid walls, solid fences, or other structures that could disrupt flowing water in an area of special flood hazard shall be constructed in a position or direction contrary to the direction of flowing water.
2. In all areas of special erosion hazards the following provisions are required for all new construction or substantial improvements:
- a. No new construction or substantial improvements shall be designed or constructed until a licensed professional engineer certifies that no erosion hazard exists on the reach of open channel adjacent to or upstream from the proposed site for a distance of at least 150 feet or until any potential erosion hazard is mitigated by measures designed by a registered professional engineer and accepted by the Floodplain Administrator.
  - b. All permanent structures shall be set back a minimum of 60 feet from the top of bank of the nearest open channel that conveys runoff water.
  - c. No excavation or fill that could modify the flood hazards defined on the FIRM shall be performed without applying for and receiving a grading permit from the Floodplain Administrator.
  - d. No solid walls, solid fences, or other structures that could disrupt flowing water in an area of special erosion hazard shall be constructed in a position or direction contrary to the direction of flowing water.
3. In all areas of special flood hazard, all areas of special erosion hazard, and areas with potentially high groundwater levels, the following provisions are required for all new construction or substantial improvements:
- a. As part of the building or development permit process, a geotechnical report shall be completed that includes a licensed professional engineer's recommendation with regard to the lowest elevation(s) that the lowest floor(s) (including basement) of all new and substantially improved structures should be constructed to be protected from flooding from groundwater and groundwater that could be influenced by surface water during periods of flooding, in accordance with §040(C)(6).
- B. Specific Standards
- In all areas of special flood hazards where base flood elevation data has been provided as set forth in (I) §030(B); (ii) §040(B)(8); or (iii) §050((C)(3), the following provisions are required:
- 1. Residential Construction - new construction or substantial improvement of any residential structure shall have the lowest floor (including basement), elevated a minimum of two feet above the base flood elevation. A licensed professional engineer or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in §040(C)(1), is satisfied.
  - 2. Nonresidential Construction - new construction or substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated a minimum of two feet above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained by the Floodplain Administrator.
  - 3. Enclosures - new construction or substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement, and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or meet or exceed the following minimum criteria:
    - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
    - b. The bottom of all openings shall be no higher than one foot above grade.

- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- 4. Manufactured Homes
  - a. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
  - b. Require that manufactured homes that are placed or substantially improved on a permanent foundation such that the lowest floor of the manufactured home is elevated a minimum of two feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
  - c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:
    - I. The lowest floor of the manufactured home is at least two feet above the base flood elevation, or
    - ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- 5. Recreational vehicles, trailers, or motor homes placed on sites within Zones A1-30, AH, and AE on the community's FIRM must meet one of the following criteria:
  - a. Be on the site for fewer than 30 consecutive days,
  - b. Be fully licensed and ready for highway use, or
  - c. Meet the permit requirements of §040(C)(1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle, trailer, or motor home is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
- C. Standards for Subdivision Proposals.
  - 1. All subdivision proposals shall be consistent with this ordinance.
  - 2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of §030©; §040©; and the provisions of §050 of this ordinance.
  - 3. Base flood elevation data shall be generated for subdivision proposals and other proposed development (including the placement of manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to §030(B), or §040(B)(8) of this ordinance.
  - 4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards form both surface water and groundwater.
  - 5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and

constructed to minimize or eliminate flood damage.

#### D. Standards for Areas of Shallow Flooding

1. Located within the areas of special flood hazard established in §030(B), are areas designated as shallow flooding (AO and AH Zones). These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:
  - a. All new construction or substantial improvements of residential structures shall have the lowest floor (including basement) elevated at least two feet above the base flood level.
  - b. All new construction or substantial improvements of non-residential structures;
    - I. Have the lowest floor (including basement) elevated at least two feet above the base flood level.
    - ii. Together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
  - c. A licensed professional engineer shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in §040(C)(5) and §040(C)(6), are satisfied.
  - d. Require within Zones AH or AO adequate drainage paths around structures on sloping ground, to guide flood waters around and away from proposed structures.
2. City's FIRM may also identify areas of shallow flooding hazards with an average depth less than 1 foot deep (shaded Zone X), as established in §030(B). These areas may be between the flood hazard boundaries defined for the 1- and 0.2-percent-chance-annual-flood or associated with base flood depths less than 1 foot where a clearly defined channel does not exist and where

the path of flooding is unpredictable and where velocity may be evident. Such flooding is generally characterized by sheet flow; therefore the following provisions apply:

- a. All new construction or substantial improvements of residential and non-residential structures;
  - I. All new construction or substantial improvements have the lowest floor (including basement) elevated above the estimated depth of the base flood and above the highest groundwater level that is anticipated to occur during periods of flooding.
  - ii. Require within shaded X Zones positive ground slopes away from structures and adequate drainage paths around structures on sloping ground to guide flood water around and away from proposed structures.
  - iii. A registered professional engineer shall submit certification to the Floodplain Administrator that the standards of this Section, as proposed in §040(C)(5) and §040(C)(6) are satisfied.

#### E. Floodways

Floodways (located within areas of special flood hazard established in §030(B)) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. If §050(A)(7) above is satisfied, all new construction or substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.

#### F. Standards for Areas of Special Erosion Hazard

In order to prevent damage to structures in areas subject to special erosion hazards, the following provisions shall apply:

1. No structural development will be allowed to be constructed in an area of special erosion hazard unless the potential erosion hazards have been evaluated and mitigated and buildings meet

minimum setback requirements in accordance with §050(A)(2).

2. No excavation or fill that could modify flood hazard boundaries defined on the FIRM shall be performed in areas of special erosion hazard without a grading permit, in accordance with §050(C)(7).
3. No solid walls, solid fences, or other structures that could disrupt flowing water in an area of special flood hazard or special erosion hazard shall be constructed in a position or direction contrary to the direction of flowing water to create additional flooding and erosion hazards.

**15.4.20.050. Penalties for Violation.**

A. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations.

B. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a class B misdemeanor. In addition to any fine, a violator shall pay all costs and expenses involved in the case.

C. Nothing herein contained shall prevent City from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord 07-09, Creating 02/20/2009)



# MAP AMENDMENT

## REPORT TO THE PLANNING COMMISSION EFREN BEDOLLA ZONE CHANGE APPROVAL REQUEST

- Agenda Date:** September 5, 2012.
- Staff Contacts:** Dave Anderson, Community Development Director.
- Reviewed By:** Development Review Committee.
- Request:** Efren Bedolla has requested that the zoning of an individual parcel be changed from Shopping Center to Commercial 2.
- Zoning:** SC existing, C-2 proposed.
- General Plan:** General Commercial.
- Project Size:** 1 acre.
- Location:** 978 East Expressway Lane.

### Background Discussion

Efren Bedolla has proposed to change the zoning of a one-acre lot from Shopping Center to Commercial 2. Staff understands Mr. Bedolla would like to use the subject property as a church. Churches are permitted in the Commercial 2 zone but are not permitted in the Shopping Center Zone.

Some of the same concerns arise with this proposal as what has been discussed in recent weeks relative to proposed changes to the Commercial Downtown Zone. However, in staff's view, this proposal is distinct in that the proposal only involves one site and not an entire zoning district.

As for the suitability of this site to function as a church, staff believes the property is well suited for that use. It seems as though this property has been underutilized in recent years and staff sees prospective benefits in having the property occupied and maintained.

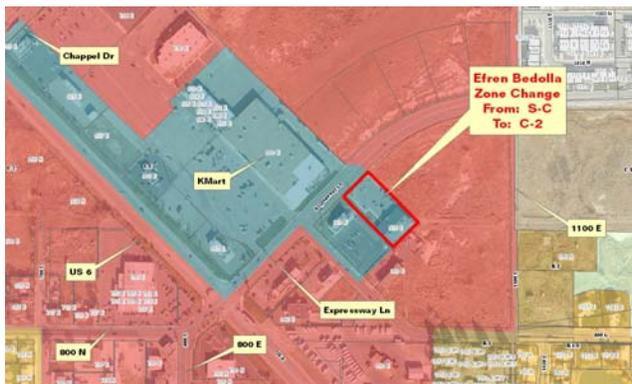
In any event, the essence of the proposal does not involve questions about a church but rather questions relative to the Zoning Map. In this case, the subject property is already bounded on two sides by properties that are zoned C-2 and there seems as though modifying the map as proposed would not create a situation where problems with incompatible uses would arise.

### Development Review Committee

The Development Review Committee reviewed this request in their August 29, 2012 meeting and recommended that it be approved. Minutes from that meeting read as follows:

#### Efren Bedolla

Applicant: Efren Bedolla  
 General Plan: General Commercial  
 Zoning: Shopping Center existing, Commercial 2 proposed  
 Location: approximately 900 North Expressway Lane



Mr. Anderson explained that the proposal was to take the property, which used to be the Primrose Retreat, from the Shopping Center zone to the C-2 zone. The purpose for the change is to accommodate the building to be used as a church.

Mr. Baker **moved** to recommend that the Planning Commission **approve** the Efren Bedolla Zone Change. Mr. Oylar **seconded** and the motion **passed** all in favor.

### **Budgetary Impact**

Staff does not anticipate any significant budgetary impact with either approving or not approving the proposed amendment.

### **Recommendation**

Staff recommends that the proposed Zone Change be approved.

