

ORDINANCE No. 20-18

ROLL CALL

VOTING	YES	NO
STEVE LEIFSON <i>Mayor (votes only in case of tie)</i>		
CHAD ARGYLE <i>Council member</i>	X	
STACY BECK <i>Council member</i>	X	
BRANDON B. GORDON <i>Council member</i>	ABSENT	
MIKE MENDENHALL <i>Council member</i>	X	
KEIR A. SCUBES <i>Council member</i>	X	

I MOVE this ordinance be adopted: Council member Mendenhall

I SECOND the foregoing motion: Council member Argyle

ORDINANCE No. 20-18

AN ORDINANCE MAKING ASSORTED AMENDMENTS TO TITLE 15

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

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

WHEREAS, adding definitions of municipal utility easement and porches helps to clarify the municipal code and avoid confusion with the State Code; and

WHEREAS, amending the setbacks for porches allows for better designs and use of lot space without affecting the goal of setbacks; and

WHEREAS, the City provides method for a developer, or the City, to be reimbursed for installing infrastructure which benefits other properties, when those other properties develop; and

WHEREAS, the City desires to designate the City Engineer as the person authorized to sign the notices to be recorded to place prospective developers on notice of development obligations related to the benefitted properties; and

WHEREAS, charging a fee to cover the City's expenses in preparing the contracts for reimbursement is fair and equitable; and

WHEREAS, requests for reimbursements have conflicting timing requirements that should be resolved; and

WHEREAS, the Utah legislature enacted S.B. 96 in the 2018 general session, mandating how water conveyance facilities are to be dealt with when development affects those facilities; and

WHEREAS, the City has had difficulties getting some developers to repair and/or replace infrastructure that is damaged during the warranty period; and

WHEREAS, when landscaping is required, it should survive the one-year warranty period, as well as the required infrastructure; and

WHEREAS, the Construction Standards were modified to require a sixty (60) foot clear vision area at intersections for safety purposes and the ordinance needs to be changed to match;

WHEREAS, a public hearing was held before the Planning Commission on Wednesday, the 7th day of November, 2018, whereat public comment was received; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on Tuesday, the 20th day of November, 2018, whereat additional public comment was received;

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

I.

Spanish Fork Municipal Code §15.1.04.020, "Definitions," is hereby amended to delete the definition of public utility easement and add definitions for municipal utility easement and porch as follows:

15.1.04.020 Definitions

Municipal Utility Easement: an easement which:

- a. is not a public utility easement pursuant to Utah Code Ann. §54-3-27;
- b. is entirely owned by Spanish Fork City; and
- c. is either:
 - i. not being used or occupied; or
 - ii. is being exclusively used and occupied by Spanish Fork City or its approved franchisees to provide utility services, such as sanitary sewer, culinary water, pressurized irrigation water, storm water, broadband, telecommunications, etc.

Porch: a covered approach on a platform to a pedestrian entrance to a building which is open on at least two sides. The purpose of a porch is to shelter persons, not to shelter cars, material, or other equipment.

II.

Spanish Fork Municipal Code §15.4.04.080(D)(1), and (E), "Approval or Disapproval - Procedures," is amended by changing the time to request reimbursement to 120 days and changing current subsection E to F, and creating a new subsection E as follows:

15.4.04.080. Approval or Disapproval - Procedures

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

1. Allowing the developer to voluntarily construct those public facilities which are necessary to service the proposed development and provide adequate facilities as determined by the City Engineer and by entering into an appropriate form of connector's or development agreement, which may include, as deemed appropriate by the City Engineer, provisions for recoupment of any expenses incurred above and beyond those reasonably necessary for or related to the need created by or the benefit conferred upon the proposed development, and the method and conditions upon which recoupment is to be obtained. Any connector's agreement authorized by this paragraph must be requested within 120 days of the completion and acceptance by City of the improvements. The City Public Works Director may extend the deadline for up to an additional term upon good cause shown. A request for a connector's agreement shall be made on forms provided by the City. An application fee in an amount to cover the City's expenses in preparing the connector's agreement shall be included. The amount of the fee shall be established by the City Council in the annual budget or by resolution.

E. The applicant shall follow the procedures set forth in Utah Code Ann. §73-1-15.5, as it may be amended from time to time, in contacting any applicable irrigation company whose facilities will be affected by the development. The applicant is to follow the requirements of said section in piping, improving, or relocating any irrigation facilities. Construction plans, in compliance with said section, shall be submitted with the application. The applicant is to provide a certificate of compliance that satisfies the City Engineer that it is compliant with the law.

III.

Spanish Fork Municipal Code §15.4.04.110(A)(7), "Form and Contents of Final Plats," is hereby amended as follows:

15.4.04.110(A)(7) Form and Contents of Final Plats.

7. A statement that "All municipal utility easements platted hereon are in perpetuity for installation, maintenance, repair, and replacement of public utilities, public walls, fences, sidewalks, trails, 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."

IV.

Spanish Fork Municipal Code §15.4.04.140, "Commencement/Completion Time Frame," is hereby amended as follows:

15.4.04.140 Commencement/Completion Time Frame

A. Prior to the construction of any improvements required by this Title, the subdivider shall furnish to the City Engineer the following:

1. Approved sets of construction plans.
2. full security deposit (bond) required by this Title (§15.4.16.110).
3. Inspection fee deposit.
4. Subdivision Bond Agreement for Improvements.
5. Hold a preconstruction meeting.
6. Meet all conditions for approval as established by the Council.

B. All improvements within subdivisions must be completed within one year from the date of recording of the final plat. If improvements are not completed within the time limitation imposed herein, the City may forfeit any bond or surety, which has been posted by the owner or subdivider.

C. The one-year warranty period begins when all of the infrastructure and landscaping required by this Title or the Development Standards is inspected and accepted by the City, including all punch list items. Additional punch list items may be added if further inspections reveal that the approval requirements have not been met.

V.

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

15.4.16.020 Unavailability of Adequate Public Facilities

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

1. Allowing the developer to voluntarily construct those public facilities which are necessary to service the proposed development and provide adequate facilities as determined by the City Engineer and by entering into an appropriate form of connector's, or developers agreement, which may include, as deemed appropriate by the City Engineer, provisions for recoupment of any expenses incurred above and

beyond those reasonably necessary for or related to the need created by or the benefit conferred upon the proposed development, and the method and conditions upon which recoupment is to be obtained. Any connector's agreement authorized by this paragraph must be requested within 120 days of the completion and acceptance by the City of the improvements. The City Public Works Director may extend the deadline for up to one additional term upon good cause shown.

C. When a connector's agreement is granted, or the City installs infrastructure for which it will be reimbursed, the City will record a notice against the benefitted properties so that a future owner/developer will be on notice of development costs associated with that parcel. The notice is not a lien on the property. The City Engineer is designated to sign, on behalf of the City, the Notice of Development Obligations.

VI.

Spanish Fork Municipal Code §15.4.16.080, "Water Transfer," is hereby amended as follows:

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. Water is accepted when it is delivered to the City accompanied with a change application signed by all necessary parties, except for Strawberry Water, which requires a water dedication agreement executed by the owner rather than a change application. The amount of acre feet of water available per share is based on an 80% precipitation year.

VII.

Spanish Fork Municipal Code §15.4.16.220, "Security for Improvements Required," is hereby amended as follows:

15.4.16.110 Security for Improvements Required

The owners and/or developers of property shall deposit security with the City to guarantee proper installation of all required improvements in accordance with the plans, specifications, time limitations, and conditions relating thereto as meets with the approval of the Council or such personnel as the Council shall designate. A "Subdivision Bond Agreement for Improvements" shall be executed by the parties in a standard form provided by the City. The City Public Works Director is authorized to sign the agreement

on behalf of the City. The amount of the security shall be 110% of the City's estimated costs of the improvements. Security shall be in form of cash in the minimum amount of ten percent (10%) of the City's bond amount. The balance of the security shall be in the form of cash, an irrevocable letter of credit, or an escrow bond.

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

The ten percent (10%) retained for the warranty period shall be in cash. The cash amount may be released one year after installation, final inspection, and acceptance by City, including any punch list items, if no repairs or replacement are required to the infrastructure installed. If any repairs or replacements are required, the entire ten percent (10%) amount retained for the warranty shall continue to be retained until all items have been replaced and repaired and a one-year item on the replaced or repaired items has elapsed.

VIII.

Spanish Fork Municipal Code, Title 15, Part 3, Table 1 – Residential Development Standards is hereby amended as follows:

[table on next page]

Table 1 - Residential Development Standards

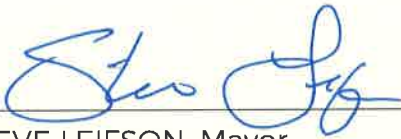
District	Base Density Per Acre	Minimum lot dimensions			Minimum Setback				Max Building Height ⁵	
		Lot Area	Width	Depth	Front ⁶	Rear ⁷	Side	Corner	Principal Building	Accessory Building ¹
A-E	N/A	40 acres	400'	400'	50'	50'	50'	50'	35'	35'
R-R	N/A	5 acres	200'	200'	50'	50'	25'	50'	35'	35'
R-1-80	.4 units (base)	80,000 sf	180'	200'	40'	80'	20'	30'	35'	20'
R-1-60	.54 units (base)	60,000 sf	160'	200'	40'	60'	20'	30'	35'	20'
R-1-40	.81 units (base)	40,000 sf	140'	200'	30'	40'	20'	30'	35'	20'
R-1-30	1.07 units (base)	30,000 sf	130'	150'	40'	40'	15'	25'	35'	20'
R-1-20	1.61 units (base)	20,000 sf	125'	150'	30'	30'	15'	25'	35'	15'
R-1-15	2.15 units (base)	15,000 sf	100'	125'	20-25 ²	25'	10'	15-25 ⁴	35'	15'
R-1-12	2.69 units (base)	12,000 sf	100'	100'	20-25 ²	25'	10'	15-25 ⁴	35'	15'
R-1-9	3.58 units (base)	9,000 sf	85'	90'	15-25 ²	25'	10'	15-25 ⁴	35'	15'
R-1-8	4.03 units (base)	8,000 sf	75'	90'	15-25 ²	25'	10'	15-25 ⁴	35'	15'
R-1-6	5.37 units (base)	6,000 sf	50'	90'	15-25 ²	25'	5-10 ³	15-25 ⁴	35'	15'
R-3	8 units (maximum)	6,000 sf	50'	90'	15-25 ²	25'	5-10 ³	15-25 ⁴	35'	15'
R-4	18 units (maximum)	6,000 sf	50'	90'	15-25 ²	25'	5-10 ³	15-25 ⁴	45'	15'
R-5	18 units (maximum)	6,000 sf	50'	90'	10-20 ⁸	15'	15'	15'	40'	15'
R-O	N/A	6,000 sf	50'	90'	15-25 ²	25'	5-10 ³	15-25 ⁴	35'	15'

- 1 - Refer to 15.3.24.090(A) for accessory buildings.
- 2 - 15 feet to porches, 20 feet to living areas, 25 feet to garages or carports, and 20 feet to the front of a side entry garage.
- 3 - 5 feet on one side, 10 feet on the other side for single-family dwellings except for lots with 50 feet of lot width or less. When the lot width is 50 feet or less the minimum setback is five (5) feet on each side. The setback is 10 feet for non-residential uses.
- 4 - 15 feet to living area, 25 feet to garages or carports, and 20 feet to the front of a side entry garage.
- 5 - Flagpoles are limited to the height of principal buildings in a residential zone.
- 6 - Maximum setback is 250 feet, with an all-weather driveway, capable of supporting a fire truck, and with adequate turn around space for a fire truck at the end of the drive. Greater distances may be allowed if a fire hydrant is installed within 250 feet of the principal building.
- 7 - On corner lots, the setback is reduced by five (5) feet.
- 8 - 10 feet minimum front setback, 20-foot maximum front setback.

IX.

This ordinance becomes effective twenty days after passage and publication.

DATED this 20th day of November, 2018


 STEVE LEIFSON, Mayor

Attest:


 Kent R. Clark, City Recorder

