

ORDINANCE NO. 34-22

ROLL CALL

VOTING	YES	NO	ABSENT	ABSTAIN
MIKE MENDENHALL <i>Mayor (votes only in case of tie)</i>				
CHAD ARGYLE <i>Councilmember</i>	X			
STACY BECK <i>Councilmember</i>	X			
BRANDON B. GORDON <i>Councilmember</i>	X			
SHANE MARSHALL <i>Councilmember</i>	X			
KEVIN OYLER <i>Councilmember</i>	X			

I MOVE this ordinance be adopted: Councilmember Oyler

I SECOND the foregoing motion: Councilmember Argyle

ORDINANCE No. 34-22

ORDINANCE AMENDING TITLE 15 OF THE SPANISH FORK MUNICIPAL CODE
PERTAINING TO TRAVEL TRAILERS AND ACCESSORY DWELLING UNITS.

WHEREAS Spanish Fork City recognizes the importance of effectively
regulating travel trailers and accessory dwelling units;

WHEREAS a public hearing was held before the Planning Commission on September 7, 2022, after which the Planning Commission made a recommendation on the proposed ordinance to the City Council;

WHEREAS the City Council considered the Planning Commission's recommendation and held a public hearing on September 20, 2022; and

WHEREAS the City Council finds that the proposed ordinance will further the public health, safety, and general welfare of Spanish Fork residents by creating clear and concise language regarding travel trailers, accessory dwelling units and code enforcement;

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

Section 1. Amendment of Municipal Code. The Spanish Fork Municipal Code is hereby amended as shown in Exhibit "A", attached hereto and incorporated herein, to amend Title 15.

Section 2. Effective Date. This ordinance shall be effective twenty days after passage and publication.

DATED: September 20, 2022.

Mike Mendenhall 09 / 26 / 2022

MIKE MENDENHALL, Mayor

ATTEST:

Tara Silver 09 / 27 / 2022

Tara Silver, City Recorder



EXHIBIT "A"

AMENDMENT OF THE MUNICIPAL CODE

15.1.04.020 Definitions

"Accessory Dwelling Unit (ADU)": a habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot.

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"Building": A structure. For floodplain management purposes, a walled and roofed building that is principally above ground, as well as a manufactured home. For insurance purposes, "Building" means:

- A. A structure with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site; or
- B. A manufactured home (a "manufactured home," also known as a mobile home, is a structure built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation); or
- C. A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

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"Dwelling, Multi-Family": A building arranged or designed to include three (3) or more homes, each to be occupied by one (1) family.

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

~~**"Dwelling Unit": a building, structure, or portion thereof used as a residence that includes living or sleeping accommodations that also provides a kitchen and a bathroom.**~~

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~~**"Recreational Vehicle": Means a vehicle, which is:**~~

- ~~**A. Built on a single chassis.**~~
- ~~**B. 400 square feet or less when measured at the largest horizontal projections.**~~
- ~~**C. Designed to be self propelled or be permanently towable by a light duty truck.**~~

~~D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.~~

"Recreational Vehicle": a travel trailer, camping trailer, truck camper, motorhome, or vehicle used for temporary travel, recreation, or vacation that is either self-propelled or is mounted on or pulled by another vehicle.

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15.3.24.090 Supplementary Regulations

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A. Accessory Structures:

1. All accessory structures must meet the following requirements:
 - a. All accessory structures are required to obtain a building permit. Permits for structures that are less than 200 square feet or are otherwise exempt from the adopted Building Code, as set forth in §14.04.010, are free of charge.
 - b. All detached accessory structures must be located behind the front wall plane of the principal structure.
 - c. Where property abuts against Interstate 15 or U.S. Highway 6, accessory structures have no required set back from the Interstate 15 or Highway 6 right-of-ways.
 - d. The combined square footage of all detached accessory structures shall not exceed 15% of the total lot area if the structure is entirely within the setbacks for the principal structure, or 10% of the total lot area if the structure is located elsewhere on the lot.
 - e. If any accessory structure must be removed, relocated, or otherwise modified in any manner in order to access public utilities, the property owner shall bear the full expense of such removal, relocation or modification, together with all costs of restoration.
 - f. Accessory structures located on a corner lot shall meet the same front, rear, and side setbacks as required for accessory structures on an interior lot. Accessory structures located behind the front plane of the house and within 20 feet a public right-of-way shall be architecturally compatible

with the primary structure on the lot. The second clear vision area as addressed in §15.4.16.150 needs to be maintained at all times.

- g. The minimum front setback for detached accessory structures shall conform to the minimum front setback for the existing principal structure and shall be set at least five (5) feet, measured from eave to eave, from all structures on the property.
 - h. Accessory structures that meet the setback requirement for the principal building may be allowed to meet the maximum height allowed in that zone.
 - i. The maximum height for detached accessory structures shall be 20 feet to the peak of the roof measured from the finish grade (measured 5-feet from the proposed structure). Any structures taller than 15 feet shall have a roof pitch of no less than 2/12.
 - j. Properties over one-half acre in size can increase the maximum height to 24 feet by having the rear and side setbacks the same as the building height.
 - k. The structure must be constructed so all water runoff from the accessory structure does not flow onto adjoining properties.
 - l. Accessory Structures that house Accessory Dwelling Units shall be architecturally compatible with the Primary Structure on the lot, **shall be permanently connected to utilities via laterals from the Primary Structure or laterals from the public right-of-way**, and shall maintain setbacks of no less than five (5) feet from all property lines and other structures.
 - m. External or detached ADUs shall not have more than 1,000 square feet of habitable living space.
 - n. **A Recreational Vehicle is not considered an accessory structure and may not be used as a dwelling unit within any zone. It shall be unlawful for any person to reside in a Recreational Vehicle as a dwelling unit.**
2. Structures that are 200 square feet and less in area and are less than five (5) feet from the property line must meet the following additional requirements:
 - a. Structures with a wall height of eight (8) feet or less and a maximum peak height of 12 feet may be constructed with no side or rear setback from property lines. In no case may any portion of a structure extend beyond the property line.
 3. Structures larger than 200 square feet in area must meet the following additional requirements:

- a. Meet all adopted Building Code regulations as set forth in §14.04.010.
- b. Must maintain a minimum setback of five (5) feet to the side or rear property line.
- c. Be anchored to concrete footings as outlined in the adopted Building Code as set forth in §14.04.010.
- d. Accessory structures over 200 square feet in size that are located between the front and back planes of the house must be architecturally compatible with the principal structure.

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E. Accessory Dwelling Units (ADUs):

1. This sub-section is established to provide regulations for ADUs.
2. Requirements for Approval. A building permit may only be issued for ADUs provided that the following requirements are met:
 - a) The property must be located in the R-3, R-1-6, R-1-8, R-1-9, R-1-12 or R-1-15, R-1-20, R-1-30, R-1-40, R-1-60, R-1-80 or R-R zones.
 - b) The owner of the property must reside on the property. Exceptions shall be permitted if the property owner applies to have the occupancy requirement suspended, if the owner has resided on the property for at least one (1) year and if any of the following situations exist:
 1. The owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this suspension).
 2. The owner is placed in a hospital, nursing home, assisted living facility or other similar facility.
- c. Only one ADU shall be created on a parcel. The ADU may only be located within a single-family dwelling or in an Accessory Structure. Accessory Structures that house ADUs shall be constructed as permanent structures. **A Recreational Vehicle is not considered an accessory structure and may not be used as an ADU.**
- d. ADUs are only permitted on lots 6,000 square feet or larger.
- e. The property must have a total of three (3) parking spaces for the primary single-family dwelling with an internal ADU and four (4) parking spaces for a primary single-family dwelling with an external or detached ADU, which meet the criteria provided in section §15.4.16.120. I.e., two (2) parking spaces are required for the primary single-family dwelling and one (1) parking space for the internal ADU. The parking spaces for the ADU may not be provided in a tandem arrangement.

f. The ADU must be registered with the City Community Development Department. Any fees required for registration shall be defined in the City's Annual Budget.

g. The ADU shall meet all applicable building and fire codes.

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