

**SPANISH FORK CITY  
ORDINANCE ORD 08-20**

**AMENDING TITLE 15, CHAPTER 4, OF THE SPANISH FORK MUNICIPAL CODE  
RELATED TO CONCEPT REVIEW, REQUIRED SUBMISSIONS FOR ZONING MAP  
AMENDMENTS, WALLS AND LANDSCAPING FOR MULTI-FAMILY AND  
COMMERCIAL LAND USES, AND ACCESSORY APARTMENTS**

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

**WHEREAS**, the City Council desires to amend various sections of the Spanish Fork Municipal Code pertaining to concept review, required submissions for zoning map and text amendments, walls and landscaping required for multi-family and commercial land uses, and accessory apartments;

**WHEREAS**, a public hearing was held before the Planning Commission on June 3, 2020, whereat public comment was received; and

**WHEREAS**, a public hearing was held before the Spanish Fork City Council on June 16, 2020, whereat additional public comment was received;

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

**SECTION 1:**            **AMENDMENT** “15.2.04.030 Amendments To The General Plan - Text And Maps” of the Spanish Fork Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.2.04.030 Amendments To The General Plan - Text And Maps

- A. **General:** Amendments to the General Plan which change property from one land use designation to another or which amend text within the document or maps within the document shall be adopted in accordance with this section.
- B. **Application:** Application is made by following the instructions on the electronic form provided by the Community Development Department and submitting all required materials The application form will require the applicant to provide certain documentation and information about the text change or the site, surrounding area, and proposed use that will help the DRC, Commission, and Council to properly evaluate the request. Applicants may also submit an application for Concept Review to accompany applications for General Plan Amendments. The specific information to be included with the application is described on the application form. The General Plan Text or Map Amendment application expires if it is not approved by the City within 24 months from the time its application is

submitted and accepted. Any interested party may request a change in the text of the General Plan. Only the following may request an amendment to change property from one land use designation to another:

1. The owner or any of the joint owners of the property.
2. The owners of 75% or more of the area covered by the application when the application covers more than one property.
3. The Commission or Council on its own motion at a public meeting.

**C. Amendment Procedures:**

1. Development Review Committee: Completed applications will be reviewed and evaluated by the DRC. The DRC shall forward a recommendation to the Commission for approval, approval with conditions, or denial based upon its evaluation.
2. Planning Commission: The Commission shall hold a public hearing to consider an application. It shall also consider the recommendation of the DRC, together with information provided by the applicant, and any statements made at the public hearing both for and against the application. The Commission may recommend approval, approval with conditions, or denial of the application to the Council.
3. City Council: The Council shall hold a public hearing to consider an application. It shall consider the recommendations of both the DRC and Commission, together with information provided by the applicant, and any statements made at the public hearing both for and against the application. After the public hearing, the Council may approve, approve with conditions, or deny the application.

**SECTION 2: AMENDMENT** “15.3.08.050 Amendments To The Zoning Ordinance - Text And Maps” of the Spanish Fork Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.3.08.050 Amendments To The Zoning Ordinance - Text And Maps

- A. **General:** Amendments to this Zoning Ordinance which change property from one zoning district to another, which modify ordinance text, or which amend or modify stipulations or conditions of approval shall be adopted in accordance with this section. The City may require applicants to submit Site Plan or Preliminary Plat applications to accompany applications for Zoning Map or Text Amendments.
- B. **Application:** Application is made by following the instructions on the electronic form provided by the Community Development Department and submitting all required materials. The application form will require the applicant to provide certain documentation and information about the site, surrounding area, and proposed use that will help the City properly evaluate the request. The specific information to be included with the application is described on the application form. A Zoning Text or Map Amendment application expires if it is not approved by the City within 24 months from the time its application is submitted and accepted.

Any interested party may request a change in the text of the Zoning Ordinance. Only the following may request an amendment to change property from one zoning district to another:

1. The owner or any of the joint owners of the property.
  2. The owners of 75% or more of the area covered by the application when the application covers more than one property.
  3. The Planning Commission or City Council on its own motion at a public meeting.
- C. **Findings:** Amendments to the Zoning Ordinance and the Zoning Map may be approved only upon making the following findings:
1. The amendment is consistent with the policies of the General Plan, including any policies of the Capital Improvements Plan.
  2. For amendments to the Zoning Map, consideration has been given to include any conditions necessary to mitigate adverse impacts on adjoining or nearby properties.
- D. **Review and Public Hearing Procedures:**
1. Development Review Committee: Completed applications will be reviewed by the DRC and evaluated in accordance with the criteria described in the above “Findings”. The DRC shall forward a recommendation to the Commission for approval, approval with conditions, or denial based upon consideration and evaluation of the “Findings”.
  2. Planning Commission: The Commission shall hold a public hearing on the application. Prior to the hearing, notice shall be provided as set forth in §15.1.04.040. The Commission shall consider the recommendation of the DRC, together with information provided by the applicant, and any statements made at the public hearing both for and against the application. The Commission may recommend approval, approval with conditions, or denial of the application to the Council.
  3. City Council: The Council shall hold a public hearing on the application. Prior to the hearing, notice shall be provided as set forth in §15.1.04.040. After the public hearing, the Council may approve, approve with conditions, or deny the application.

(Ord. No. 14-16, Amended 09/20/2016)

**SECTION 3: AMENDMENT** “15.4.04.060 Filing Of Preliminary Plats” of the Spanish Fork Municipal Code is hereby *amended* as follows:

#### A M E N D M E N T

##### 15.4.04.060 Filing Of Preliminary Plats

- A. Prior to filing a Preliminary Plat, the developer may submit an application for Concept Review ~~should review conceptual plans~~ with the Community Development Department. To apply for a Preliminary Plat approval, applicants must follow instructions on the

electronic form provided by the Community Development Department and submit all required materials. Plans submitted for Preliminary Plat approval shall be provided in this format:

1. A pdf and computer aided design (CAD) file of the plat in a dwg or dxf format. The CAD file of the subdivision must be in the 1927 North American Datum (NAD27) or 1983 North American Datum (NAD83) State Plane.
  2. All fees for the Preliminary Plat are due upon filing the application.
- 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.
- C. All drawings, CAD files, and packets must be updated and re-submitted to the City with any changes made that were required by the DRC, Planning Commission, or City Council after each meeting.
- D. 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.

(Ord. No. 04-14, Amended 04/01/2014) (Ord. No. 14-16, Amended 09/20/2016)

**SECTION 4:**            **AMENDMENT** “15.4.08.030 Application And Review Process” of the Spanish Fork Municipal Code is hereby *amended* as follows:

#### AMENDMENT

##### 15.4.08.030 Application And Review Process

- A. ~~A Site Plan shall go through the following process. Pre-application conference with the Community Development Director and City Engineer, staff review, and then to the DRC.~~
- ~~1. Staff Review:~~
- Application for Site Plan Approval is made by following instructions provided by the Community Development Department. Prior to submitting an application for Site Plan Review an applicant may submit an application for Concept Review. The following materials are required for a complete application: A computer aided design (CAD) file ~~of the plans on a CD, or by an e-mail~~ in a dwg or dxf format and a Portable Document Format (PDF) file of the plat. 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. All fees for the Site Plan application are due upon filing the application. ~~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.~~

~~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.~~

- 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:
1. Proposed name of Site Plan at lower right hand corner.
  2. Name and address of developer on the lower right hand corner.
  3. Name and address of engineer/architect/surveyor at the lower right hand corner.
  4. Date of preparation.
  5. 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”.
  6. Licensed Land Surveyor/Engineer Stamp and Signature.
  7. Title block with name and location.
  8. Vicinity map and north arrow.
  9. Standard engineered scale B 1" = 100' or less.
  10. Description of boundary of development.
  11. Section tie/bearing of section line based on NAD27 or NAD83 State Plane Coordinates. Horizontal datum shall be clearly marked on all plat drawings.
  12. Adjacent property owners names and buildings within 200 feet of proposed development.
  13. Existing and proposed fences.
  14. Existing and proposed streets with names and widths within 200 feet of site.
  15. Existing and proposed water courses, culverts, and irrigation ditches.
  16. Flood zones or wetlands as per NWI wetland map.
  17. Existing and proposed power lines (labeled), gas lines, water mains, fire hydrants and valves with pipe size.
  18. Existing and proposed sewer mains and manholes with pipe sizes.
  19. Existing and proposed storm drains.
  20. Existing and proposed public utility easements.
  21. Minimum of two (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.
  22. Typical street cross section.
  23. Building setbacks dimensioned on the Site Plan.
  24. Parking stalls (9'x18') and calculations identifying the required number of handicapped and non-handicapped parking spaces in the development.
  25. Photometric lighting plan.

26. Dumpster location, height and materials used.
27. Location and screening plan for mechanical equipment.
28. Note on Site Plan if building is to be sprinkled.
  
29. Finish floor elevation.
30. Type of building and occupancy per International Building Code.
31. Project phasing (if applicable).
32. 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.
33. Landscaped plan prepared by a licensed landscape architect:
  - a. Planting schedule showing plant material and sizes.
  - b. Planting plan.
  - c. Irrigation plan.
34. Off-street parking plan showing circulation and number and size of spaces.
35. Vehicular and pedestrian circulation ingress, egress, and internal movement.
36. Location and function of any loading and servicing facilities.
37. 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.
38. 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.
39. All existing and proposed signs for the development.
40. 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.
41. Construction plans which conform to the standards found in section 39.20 Improvement and Design Requirements of the Spanish Fork City Construction Standards.
42. 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. The report shall include a minimum groundwater height factor for a peak month in wet year for the lowest buildable floor elevation. The lowest buildable floor elevation shall be a minimum of three (3) feet above the highest groundwater level in a wet

year. Foundation drains shall be required as outlined in §15.4.16.070.

43. Public Utility Easement documents and/or deeds for all utilities or public facilities required by the City.
  44. 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.
  45. Approvals from any agency or company having affected properties or utilities.
  46. 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.
- 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 PDF file of the plat must be submitted to the Community Development Department.

(Ord. No.14-12, Amended 10/18/2012) (Ord. No. 14-16, Amended 09/20/2016) (Ord. No. 16-17; Amended 06/20/2017)

**SECTION 5:            AMENDMENT** “15.4.16.130 Landscaping, Buffering Walls, And Fences” of the Spanish Fork Municipal Code is hereby *amended* as follows:

#### A M E N D M E N T

##### 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. Residential Uses:
  1. Multi-family Uses:
    - a. Minimum of 25% on-site landscaping as a percentage of total site area, except in the R-5 Zone where 20% on-site landscaping is required.
    - b. Parking lots shall include planter areas within the parking lot, with a minimum of 108 square feet of planter area for every 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 Shade Trees, as identified on the City’s approved list of Shade Trees, with a maximum spacing of 30 feet.

- c. Minimum of 15-foot-wide planter area adjacent to all public streets, which shall include trees with a maximum spacing of 30 feet. The planter area may be partially or completely within the street right-of-way area. The specific trees used shall be selected from the City's approved Shade Tree list. On streets included in the Shade Tree Master Plan, the trees selected shall include the mix of trees as prescribed by the Plan. Shade trees must be planted within 30 feet of the public street curb; wherever possible, 50% of the required Shade Trees must be planted in the park strip.
- d. Minimum of 10-foot-wide planter area and six (6) foot ~~high decorative block~~ wall, where any multi-family use abuts another property. An exception to the requirement to construct the six(6) foot wall may be granted if the Development Review Committee finds that the multi-family and adjacent use are designed to create an integrated campus like environment. The planter area shall include Shade Trees with a maximum spacing of 30 feet.
- e. The total number of required trees and shrubs for every 1,000 square feet of required landscaping shall equal two (2) trees and 10 shrubs.
- f. In cases where it is determined that utilizing tree species found in the approved Shade Tree List would adversely impact utility lines, the use of substitute tree species can be approved by the Community Development Director.
- g. No less than 30% of the required landscaping shall be irrigated turf grass.

2. Single-Family and Twin Home Uses:

- a. All single-family residential lots shall have the front yard, side-street yards for corner lots and park strips landscaped within one (1) year of receiving a certificate of occupancy. Interior side and back yards must be landscaped within two (2) years of receiving a certificate of occupancy.
- b. Required landscaping shall be comprised of live turf grass with a sprinkler (irrigation) system, xeriscape improvements, other manicured vegetative groundcover or a combination of them all.
- c. All portions of a lot that are not improved with impervious materials must be landscaped within the above described timelines. Weeds do not qualify as required landscaping.
- d. No more than 70% of a lot shall be surfaces with impervious materials. No more than 60% of the front and side-street setback areas can be improved with impervious surfaces.
- e. In order to ensure landscaping requirements are met, Spanish Fork City shall require applicants to provide a deposit with the construction of new homes. The deposit amount shall be determined in the City budget and will be returned to the property owner when the required front and side-street yard landscaping has been installed. In the event that the required landscaping has not been installed within four (4) years after the certificate of occupancy has been issued, the deposit will be forfeited to the City.

C. Professional Office and Non-residential or Non-commercial Uses:

- 1. Minimum of 20% 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 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 Shade Trees, as identified on the City's approved list of Shade Trees, with a maximum spacing of 30 feet.
3. Minimum of 15-foot-wide planter area adjacent to all public streets, which shall include trees with a maximum spacing of 30 feet. The planter area may be partially or completely within the street right-of-way area. The specific trees used shall be selected from the City's approved Shade Tree list. On streets included in the Shade Tree Master Plan, the trees selected shall include the mix of trees as prescribed by the Plan. Shade Trees must be planted within 30 feet of the public street curb; wherever possible, 50% of the required Shade Trees must be planted in the park strip.
4. Minimum of 10-foot-wide planter area where the site abuts a residential use or district. The planter area shall include trees with a maximum spacing of 30 feet. A six (6) foot Wall shall be constructed where the site abuts a residential district. Where the use of the adjacent property is residential but zoned Commercial Office, Commercial 1, Commercial 2, Commercial Downtown, Urban Village Commercial, Business Park or Shopping Center, a solid Fence (not chain link with slats or similar) may be constructed in place of the wall. Also, in situations where adjacent sites are designed to function as an integrated campus, the Development Review Committee may consider alternatives to the six (6) foot wall.
5. The total number of required trees and shrubs for every 1,000 square feet of required landscaping shall equal two (2) trees and 10 shrubs.
6. In cases where it is determined that utilizing tree species found in the approved Shade Tree List would adversely impact utility lines, the use of substitute tree species can be approved by the Community Development Director.
7. In order to ensure landscaping requirements are met and City utilities are not damaged, Spanish Fork City shall require applicants to provide a deposit with the construction of each non-residential project valued at \$50,000 or more. The deposit amount shall be determined in the City budget and will be refunded to whomever paid the application fees containing that line item. If the required landscaping cannot be installed prior to the issuance of the Certificate of Occupancy, a landscaping bond will be required for the estimated cost of installing the required landscaping. Once the landscaping is complete and approved, the landscaping bond will be refunded to whomever paid it.
8. No less than 30% of the required landscaping shall be irrigated turf grass.
- 9.

D. Commercial Uses:

1. Minimum of 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 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 Shade Trees, as identified on the City's approved list of Shade Trees, with a maximum spacing of 30 feet.
3. Minimum of 15-foot-wide planter area adjacent to all public streets, which shall

include one Shade Tree for each 30 feet of frontage along all public streets. The specific trees used shall be selected from the City's approved Shade Tree list. On streets included in the Shade Tree Master Plan, the trees selected shall include the mix of trees as prescribed by the Plan. Shade Trees must be planted within 30 feet of the public street curb; wherever possible, 50% of the required Shade Trees must be planted in the park strip.

4. Minimum of 10-foot-wide planter area where the site abuts a residential use or district. The planter area shall include trees with a maximum spacing of 30 feet. A six (6) foot high Wall shall be constructed where the site abuts a residential district. Where the use of the adjacent property is residential but zoned Commercial Office, Commercial 1, Commercial 2, Commercial Downtown, Urban Village Commercial, Business Park or Shopping Center, a solid Fence (not chain link with slats or similar) may be constructed in place of the Wall. Also, in situations where adjacent sites are designed to function as an integrated campus, the Development Review Committee may consider alternatives to the six (6) foot wall.
5. The total number of required trees and shrubs for every 1,000 square feet of required landscaping shall equal three (3) trees and 20 shrubs.
6. In cases where it is determined that utilizing tree species found in the approved Shade Tree List would adversely impact utility lines, the use of substitute tree species can be approved by the Community Development Director.
7. In order to ensure landscaping requirements are met and City utilities are not damaged, Spanish Fork City shall require applicants to provide a deposit with the construction of each non-residential project valued at \$50,000 or more. The deposit amount shall be determined in the City budget and will be refunded to whomever paid the application fees containing that line item. If the required landscaping cannot be installed prior to the issuance of the Certificate of Occupancy, a landscaping bond will be required for the estimated cost of installing the required landscaping. Once the landscaping is complete and approved, the landscaping bond will be refunded to whomever paid it.
8. No less than 30% of the required landscaping shall be irrigated turf grass.
- 9.

E. Industrial Uses:

1. Minimum of 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 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 Shade Trees, as identified on the City's approved list of Shade Trees, with a maximum spacing of 30 feet. The planter area may be partially or completely within the street right-of-way area.
3. Minimum of 15-foot-wide planter area adjacent to all public streets, which shall include trees with a maximum spacing of 30 feet. The specific trees used shall be selected from the City's approved Shade Tree list. On streets included in the Shade Tree Master Plan, the trees selected shall include the mix of trees as prescribed by the Plan. Shade Trees must be planted within 30 feet of the public street curb; wherever possible, 50% of the required Shade Trees must be planted in the park

- strip.
4. Minimum of 10-foot-wide planter area and six (6) foot high Wall where the site abuts a residential use or district. The planter area shall include trees with a maximum spacing of 30 feet.
  5. All other landscaped areas shall include at least one (1) Shade Tree and 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. The total number of required trees and shrubs for each 1,000 square feet of required landscaping shall equal one (1) Shade Tree and 1) shrubs; and
  6. In cases where it is determined that utilizing tree species found in the approved Shade Tree List would adversely impact utility lines, the use of substitute tree species can be approved by the Community Development Director.
  7. In order to ensure landscaping requirements are met and City utilities are not damaged, Spanish Fork City shall require applicants to provide a deposit with the construction of each non-residential project valued at \$50,000 or more. The deposit amount shall be determined in the City budget and will be refunded to whomever paid the application fees containing that line item. If the required landscaping cannot be installed prior to the issuance of the Certificate of Occupancy, a landscaping bond will be required for the estimated cost of installing the required landscaping. Once the landscaping is complete and approved, the landscaping bond will be refunded to whomever paid it.
  8. No less than 30% of the required landscaping shall be irrigated turf grass.

Spanish Fork City Shade Tree List	
Common Name	Botanical Name
Hedge Maple	<i>Acer campestre</i>
Hedge Maple	<i>Acer campestre</i> 'Metro Gold'
Hedge Maple	<i>Acer campestre</i> 'Queen Elizabeth'
State Street Maple	<i>Acer miyabei</i> 'State Street'
Norway Maple	<i>Acer platanoides</i> 'Crimson King'
Norway Maple	<i>Acer platanoides</i> 'Crimson Sentry'
Norway Maple	<i>Acer platanoides</i> 'Emerald Queen'
Horsechestnut	<i>Aescules hippocastanum</i>
Ohio Buckeye	<i>Aesculeus glabra</i>
Hornbeam	<i>Carpinus betulus</i> 'Emerald Avenue'
Hornbeam	<i>Carpinus betulus</i> 'Fastigiata'
Hornbeam	<i>Carpinus betulus</i> 'Frans Fontaine'

Catalpa	<i>Catalpa speciosa</i>
Common Hackberry	<i>Celtis occidentalis</i>
Eastern Redbud	<i>Cercis canadensis</i>
Yellow Wood	<i>Cladrastis kentukea</i> (lutea)
Washington Hawthorn	<i>Crataegus phaenopyrum</i>
European Beach	<i>Fagus sylvatica</i>
Tricolor Beech	<i>Fagus sylvatica</i> 'Tricolor'
Ginko or Maidenhair Tree	<i>Ginko biloba</i>
Skyline Honeylocust	<i>Gleditsia triacanthos</i> var. <i>inermis</i> 'Skyline'
Imperial Honeylocust	<i>Gleditsia triacanthos</i> var. <i>inermis</i> 'Imperial'
Shademaster Honeylocust	<i>Gleditsia triacanthos</i> var. <i>inermis</i> 'Shademaster'
Kentucky Coffeetree	<i>Gymnocladus dioicus</i>
Sweetgum	<i>Liquidambar styraciflua</i>
Tuliptree	<i>Liriodendron tulipifera</i>
Sycamore	<i>Platanus occidentalis</i>
London Planetree	<i>Platanus x acerfolia</i> 'Bloodgood'
Chokecherry	<i>Prunus virginiana</i> 'Canada Red'
Chanticleer Pear	<i>Pyrus calleryana</i> 'Chanticleer' 'Select', 'Cleveland Select'
Swamp White Oak	<i>Quercus bicolor</i>
Bur Oak	<i>Quercus macrocarpa</i>
Oak, Chinkapin	<i>Quercus muehlenbergii</i>
English Oak	<i>Quercus robur</i> 'Fastigiata'
Bald Cypress	<i>Taxodium distichum</i>
American Linden	<i>Tilia americana</i>
Linden	<i>Tilia americana</i> 'Redmond'
Little Leaf Linden Corinthian	<i>Tilia cordata</i> 'Corinthian'
Little Leaf Linden	<i>Tilia cordata</i> 'Greenspire'

Silver Linden	Tilia tomentosa
Silver Linden	Tilia tomentosa 'Sterling Silver'
Crimean Linden	Tilia x euchlora
Frontier Elm	Ulmus 'Frontier'
Lacebark or Chinese Elm	Ulmus parvifolia
Prospector Elm	Ulmus wilsoniana 'Prospector'
Accolade Elm	Ulmus x 'Accolade'
Triumph Elm	Ulmus x 'Triumph'
Green Vase Zelkova	Zelkova serrata 'Green Vase'
Musashino Zelkova	Zelkova serrata 'Musashino'
Village Green Zelkova	Zelkova serrata 'Village Green'

F. Standards and Maintenance:

1. All deciduous trees shall have a minimum of two (2) inch caliper trunk. All evergreen trees shall be a minimum of five (5) feet in height. Newly planted trees shall be tagged for species identification. The tags must remain on the trees until the site has been inspected and the improvements approved by the City.
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.
6. The Community Development Director may waive, at their discretion, the size requirements for required landscaping provided that the developer provides financial assurance that the landscaping will survive or be replaced after the first two growing seasons. Trees and bushes shall be replaced after the first two (2) growing seasons if they die or fail to reach the minimum required size by October 15 of the second year after the landscaping was installed and inspected by the City.

G. General Fencing Requirements:

1. 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 Building Code.
2. The maximum height of a fence is six (6) feet in all zoning districts; fence pillars are not to exceed six and one-half (6 1/2) feet in height. The Council may waive the height requirement at its sole discretion.
3. 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.

a. A residential lot with over two hundred (200) feet of frontage and that is a minimum of twenty thousand (20,000) square feet in areas, may obtain permission from the Community Development Director to locate a solid six (6) foot tall fence within a front yard. The fence must maintain a minimum setback of ten (10) feet from the front property line.

(1) A fence located within the front yard setback shall not be located in front of the residence, but must be to the sides of the residence. Clear vision requirements shall still apply.

(2) No more than fifty (50) percent of the lot frontage shall have said fencing within the front yard setback.

(3) The area between said fencing and the property line shall be landscaped within one (1) year of installing said fencing.

4. Barbed wire fencing is allowed in A-E, R-R, I-1 and I-2 districts.

5. Razor wire and other similar type fencing are allowed in C-2, I-1 and I-2 districts when located above a height of six (6) feet, subject to DRC approval. Additional screening of any such fence with plant materials may be required.

6. 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.

7. A clear vision area is required at each driveway as set forth in §15.4.16.150.

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) (Ord. No. 10-14, Amended 05/20/2014) (Ord. No. 15-15, Amended 09/15/2015) (Ord. No. 05-16, Amended 04/05/2016) (Ord. No. 14-16, Amended 09/20/2016) (Ord. No. 04-17, Amended 02/07/2017) (Ord. No. 01-17, Amended 01/03/2017) (Ord. No. 25-17, Amended 10/17/2017) (Ord. No. 03-18, Amended 02/20/2018) (Ord. No. 06-19, Amended 04/16/2019)  
(Ord. No. 12-19, Amended 06/18/2019)

**SECTION 6: AMENDMENT “15.3.24.090 Supplementary Regulations” of the Spanish Fork Municipal Code is hereby *amended* as follows:**

#### AMENDMENT

##### 15.3.24.090 Supplementary Regulations

Accessory Buildings, Structures, or Satellite Earth Stations. Swimming Pools Yard/Garage Sales Irregular Lots Accessory (basement, mother-in-law) Apartments Awnings, Carports or Covered Decks Animals Wind Turbines (WT) Outdoor Storage Areas Public Rights-of-Way

##### 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 Apartments shall be architecturally compatible with the Primary Structure on the lot and shall maintain setbacks of no less than five (5) feet from all property lines and other structures.
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.

B. Swimming Pools:

1. Swimming Pools and Jacuzzis shall comply with the following setbacks:
  - a. Minimum setback to a front property line is thirty (30) feet; however, they shall also be located behind the front wall plane of the principal structure.
  - b. Minimum setbacks to interior side or rear property lines are five (5) feet.
  - c. Minimum setback to a corner property line is ten (10) feet.
2. Enclosures or coverings shall comply with accessory structure regulations.
3. Swimming Pools shall not be located in municipal or public utility easements. Setback requirements from property lines must still be met.
4. Swimming Pools shall comply with applicable Building Code safety regulations.

C. Yard/Garage Sales:

1. Yard sales are permitted for no more than three (3) events of 48 hours or less within a 12-month period at the same residence or street address. No signage related to such events shall be placed in the public right-of-way (e.g. no placement of signs on telephone and light poles).

D. Irregular Lots:

1. All dwelling structures and other main buildings located on an irregular lot shall be set back an average of 25 feet from the rear property line provided that no portion of the building is closer than 15 feet to the property line.

E. Accessory Apartments:

1. This sub-section is established to provide regulations for Accessory Apartments ~~within single-family dwellings~~.
2. Requirements for Approval. A building permit may only be issued for Accessory Apartments 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 ~~z~~, R-1-20, R-1-30, R-1-40, R-1-60, or R-1-80 or RR 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 apartment shall be created on a parcel. The Accessory Apartment may only be located within a single-family dwelling or in an Accessory Structure. Accessory Structures that house Accessory Apartments shall be constructed as permanent structures.
- d. Accessory Apartments are only permitted ~~in dwellings~~ on lots 8,000 square feet or larger.
- e. In the R-3 and R-1-6 zones, the property must have a total of four (4) parking spaces which meet the criteria provided in section 15.4.16.120. In the R-1-8, R-1-9, R-1-12 or R-1-15 zones properties must have a total of four (4) parking spaces which meet the criteria provided in section 15.4.16.120 unless those spaces are provided in tandem. If spaces are provided in a tandem arrangement in the 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 or R-1-80 or RR zones, then an additional parking space that meets the criteria provided in section 15.4.16.120 must be provided for a total of five (5) spaces.
- f. The Accessory Apartment 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 Accessory Apartment shall meet all applicable building and fire codes.

F. Awnings, Carports or Covered Decks:

- 1. Awnings or structures that are open on three (3) sides on the rear portion of a home may extend within 15 feet of the rear property line.
- 2. Awnings or other structures that are open on three (3) sides must be setback at least five (5) feet from the side property line.
- 3. A building permit must be obtained for all awnings.

G. Animals:

- 1. Animals are allowed in the A-E, R-R, I-1, and I-2 zoning districts with no restrictions on the maximum number. Animals are allowed in all other zoning districts subject to the following regulations:
  - a. The portion of the property on which the animals, except for household pets, are kept must be at least one-half (1/2) acre in size. The chart following this section sets forth the maximum number of animals which may be kept per each half acre of property. The numbers are not cumulative. A maximum of one species precludes any other species. For example, on a half-acre (1/2) parcel, two (2) horses may be kept, or four (4) sheep, or one (1) horse and two (2) sheep, but two (2) horses and four (4) sheep are not allowed.
  - b. All requirements set forth in Title 6, Animals, must be met. The keeping of chickens and potbellied pigs in any zone other than the A-E, R-R, I-1, or I-2 is governed by Title 6.
  - c. No animal shall be kept in a residential zone for purpose of commercial

production.

<b>Animal</b>	<b>Maximum # Per 1/2 Acre</b>
Cattle	2
Horses	2
Sheep, Goats, Llamas, Ostriches	4
Rabbits	10
Pigeons	12
Ducks, Geese	8
Game Birds *	8
*with appropriate permits	

H. Wind Turbines (WT):

1. It is the purpose of this section to promote the safe, effective, and efficient use of large wind energy systems installed to provide electricity to utilities and to promote the adoption of renewable energy resources to reduce dependence on fossil fuel power generation.
  - a. Requirements:
    - (1) Minimum parcel size: A large wind energy system consisting of one (1) tower must be located on a parcel that is a minimum of five (5) acres in size. An additional acre of property is required for each additional tower.
    - (2) Onsite structures may be located up to the foundation of the tower.
    - (3) Setback from a residential zone or use: The tower base must be setback a minimum of 500 feet from residential zoning districts.
    - (4) Distance from rights-of-way and property lines: None; but all tower bases must be located on leased or owned property. The

blade sweep cannot encroach upon adjoining properties or rights-of-way without easements providing for their encroachment. The easement must be a recorded document.

- (5) Height: Tower height is not to exceed 270 feet. Provided that, in all cases, the system shall comply with all applicable Federal Aviation Administration (FAA) requirements.
  - (6) Height of Blade (tip at low point of blade sweep from ground): No closer than 50 feet.
  - (7) Braking Device: All WT devices shall have braking systems when winds reach speeds in excess of 65 miles per hour.
  - (8) Sign: One project identification warning sign is permitted containing a telephone number for emergency calls, no larger than 16 square feet in size.
  - (9) Color/Finish: white or other non-reflective color.
  - (10) Interference with Broadcast Signals: The system shall not create electromagnetic interference and shall be filtered and/or shielded to prevent interference with broadcast signals.
  - (11) Compliance with International Building Code (IBC): Building Permit applications for large wind energy systems shall be accompanied by standard drawings of the WT structure, including the tower, base, and footings. An engineering analysis of the tower and WT showing compliance with the Building Code and certified by a professional engineer licensed in the state of Utah shall also be submitted.
  - (12) Compliance with FAA Regulations: Large wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
  - (13) Utility Notification: A letter shall be provided from any interconnecting utility companies confirming approval for any interconnection.
  - (14) Zoning Districts: Large wind energy systems are permitted only in the I-3 Heavy Industrial zoning district.
  - (15) Wind Study: A wind or feasibility study must be conducted and recommend a specific location for the WT. The study must also recommend an optimal height for the WT and if the location is feasible for a WT.
  - (16) The tower shall not be climbable from the exterior.
- I. Outdoor Storage Areas. The following conditions must be met:
1. The storage area must be paved with asphalt or concrete or be covered with gravel. In situations where gravel is utilized, no less than four inches of: inch untreated base course shall be installed. Additional improvements may be required by the City Engineer in accordance with the findings of a site-specific geotechnical report. Where a paving material other than asphalt or concrete is utilized, a drive apron shall be installed at all points of vehicular access. The drive apron shall be 26 feet wide and no less than 60 feet long.

2. The outdoor storage area must be screened from surrounding properties with a six (6) foot tall Wall except where the adjoining property is a railroad right-of-way, Interstate 15 or SR-6. adjacent to industrial zones. Where the outdoor storage area abuts a public street, a 10-foot-wide landscaped planter shall be installed between the Wall and the sidewalk or right-of-way. Landscaping shall be installed and maintained in accordance to the requirements found in §15.4.16.130.
3. Lighting shall be provided in outdoor storage areas. A photometric lighting plan shall be submitted with the Site Plan application. The lighting plan shall demonstrate the capacity of the proposed lighting to uniformly illuminate the storage area without creating undue spillover onto surrounding properties.
4. Material kept in an outdoor storage area cannot be stacked or piled to a height that exceeds 12 feet.

J. Public Rights-of-Way:

1. It is not permitted to store or display merchandise or any other material, excepting those signs permitted in §5.36.050(9), within any public right-of-way. In certain locations designated by Spanish Fork City, outdoor seating may be permitted in accordance with restrictions provided in the City's Development Standards.

(Ord. No. 08-05, Enacted 06/07/2005) (Ord. No. 02-10, Amended 02/16/2010) (Ord. No. 23-10, Amended 11/16/2010) (Ord. No. 06-11, Enacted 04/19/2011) (Ord. No. 05-12, Amended 04/17/2012) (Ord. No. 10-12, Amended 08/21/2012) (Ord. No. 11-13, Amended 07/16/2013) (Ord. No. 04-14, Amended 04/01/2014) (Ord. No. 02-15, Amended 02/03/2015) (Ord. No. 11-15, Amended 06/16/2015) (Ord. No. 15-15, Amended 09/15/2015) (Ord. No. 17-15, Amended 12/15/2015) (Ord. No. 04-17, Amended 02/07/2017) (Ord. No. 04-17, Amended 02/07/2017) (Ord. No. 06-19, Amended 04/16/2019) (Ord. No. 12-19, Amended 06/18/2019)


**SECTION 7:**            **EFFECTIVE DATE** This ordinance shall be effective twenty days after passage and publication.

PASSED AND ADOPTED BY THE SPANISH FORK CITY COUNCIL JUNE 16, 2020.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
COUNCILMAN MIKE MENDENHALL	_____	_____	<u>    X    </u>	_____
COUNCILMAN BRANDON GORDON	<u>    X    </u>	_____	_____	_____
COUNCILMAN KEIR SCOUBES	<u>    X    </u>	_____	_____	_____
COUNCILMAN CHAD ARGYLE	<u>    X    </u>	_____	_____	_____
COUNCIWOMAN STACY BECK	<u>    X    </u>	_____	_____	_____

Presiding Officer

Attest

  
\_\_\_\_\_  
STEVE LEIFSON, MAYOR, Spanish  
Fork City

  
\_\_\_\_\_  
KENT R. CLARK, CITY  
RECORDER Spanish Fork City

