

**SPANISH FORK CITY  
ORDINANCE 03-21**

**AMENDING TITLE 15 LAND USE, OF THE SPANISH FORK MUNICIPAL CODE,  
RELATED TO VARIOUS TEXT AMENDMENTS**

**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;

**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;

**WHEREAS**, the Planning Commission held a public hearing on February 3, 2021, wherein public comment was received; and

**WHEREAS**, a public hearing was held before the Spanish Fork City Council on February 16, 2021, wherein public comment was received;

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

**SECTION 1:**        **AMENDMENT** “15.1.04.020 Definitions” of the Spanish Fork Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.1.04.020 Definitions

**"Accessory Use or Building"**: A subordinate use or building customarily incidental to and located upon the same lot occupied by the main use or buildings.

**"Accessory Apartment"**: A self-contained dwelling incorporated within an existing owner-occupied structure that is designed as a single-family dwelling and does not substantially alter the structure or appearance of the existing structure.

**"Adult Day Care"**: Continuous care and supervision for three or more adults for at least four but less than 24 hours a day, that meets the needs of functionally impaired adults through a comprehensive program that provides a variety of health, social, recreational, and related support services in a protective setting.

**"Affected Entity"**: A government entity, school district, public utility, interlocal cooperative entity, or a service or similar district, whose facilities are likely to require expansion or significant modification because of an intended use of land, or the entity's facilities or boundaries are within one mile of land which is the subject of the land use ordinance change.

**"Alluvial Fan Flooding"**: means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

**"Apex"**: means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

**"Area of Shallow Flooding"**: means a designated AO, AH, AR/AO, AR/AH or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**"Area of Special Erosion Hazard"**: Is land that is adjacent to or within 200 feet of the centerline of the Spanish Fork River or within 100 feet of any other open channel facility that conveys runoff water located within the corporate limits of City.

**"Area of Special Flood Hazard"**: Is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special food hazard".

**"Assisted Living Facility"**: A residential facility, licensed by the State of Utah, with a home-like setting that provides an array of coordinated supportive personal and health care services, available 24-hours per day, to residents who have been assessed under Utah Department of Health or the Utah Department of Human Services rules to need any of these services. Each resident shall have a service plan based on the assessment, which may include: (1) specified services of intermittent nursing care; (2) administration of medication; and (3) support services promoting the resident's independence and self-sufficiency. Such facility does not include adult day care provided in conjunction with a residential facility for persons with a disability.

**"Attached Structure"**: Any structure that is attached to another structure by a common wall, or by a footing or foundation and roof combination. This does not include an open breeze way.

**"Automotive Repair"**: A facility which services motor vehicles with all types of repair work, including major engine and transmission repairs, body work, painting, and similar activities.

**"Automotive Service Station"**: A facility having pumps and storage tanks from which fuel is dispensed into motor vehicles. Minor automotive repair may also be included as an incidental use.

**"Base Flood"**: means the flood having a 1 percent chance of being equaled or exceeded in any given year.

"**Base Flood Elevation: (BFE)**: Is the water surface elevation of the 1 percent annual chance flood. The height in relation to mean seal level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

"**Basement**": A story of a building, partly or wholly underground. For floodplain management purposes, "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"**Bed and Breakfast**": A dwelling in which five (5) or fewer guest rooms are provided for overnight lodging of travelers.

"**Blade Sweep**": The diameter of the wind turbine blades as determined by the blade rotation.

"**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.

"**Building Height**": The vertical distance from the average finished grade surface of the building to the peak of the roof.

"**Building Setback Line**": The required distance between the property line and closest point of any building.

"**Caretaker Dwelling**": A dwelling which is ancillary to the principal use of a property which is exclusively occupied by an individual or individuals who are in charge of the maintenance of a building or business. Caretaker dwellings shall not have more than one bedroom.

"**Carwash (full service)**": A carwash that is completely mechanized (drive-thru operation) and that is ancillary to another use or an operation where the cleaning services are exclusively performed by employees of the establishment without the aid of the patron or coin operated devices.

"**Carwash (self-serve)**": A business establishment which provides car cleaning services where part or all of the cleaning is performed by the patron with the aid of coin operated cleaning devices.

"**Child Care Center**": Any facility in which child care is provided to 13 or more children, including the provider's own pre-school age children, on the premises at the same time.

**"Church"**: A structure which is intended for conducting organized religious services for organizations with tax-exempt status, with no overnight facilities. Secondary uses such as child care, senior services, professional counseling, rehabilitation services, or similar uses are not included in the definition. A church does not include organizations that violate Federal, State, or City laws or codes.

**"City"**: Spanish Fork City.

**"City Council"**: The governing body of the City, consisting of five elected council persons and the Mayor.

**"Civil Engineer"**: A person licensed with the State of Utah to practice as a professional engineer.

**"Clinics, Emergency Medical Care Facilities"**: A medical facility for the diagnosis and treatment of human patients which may include emergency services, but not overnight housing of patients.

**"Commercial Child Care Center"**: Any facility located in a non-residential or non-industrial zone in which child care is provided on the premises.

**"Commission"**: The Planning Commission of Spanish Fork City, unless indicated otherwise.

**"Completion Date"**: The date the entire subdivision, development, or construction is completed and an approved final inspection statement is given.

**"Comprehensive General Plan" or "General Plan"**: The land use element of the Comprehensive General Plan document as approved by the City Council.

**"Conditional Letter of Map Revision"**: means FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations, or the Special Flood Hazard Area. The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be recognized by FEMA. A CLOMR does not replace a floodplain development permit.

**"Construction Plans and Profiles"**: Plans drawn by a civil engineer or land surveyor showing all required improvements including the location, size, grade and elevations.

**"Convenience Store"**: A building or use which is primarily engaged in the provision of frequently needed, day to day retail goods including gasoline, food and non-food products.

**"Council"**: The City Council.

**"Crawlspace"**: is that area below an elevated building that is typically built on a solid (perimeter) wall foundation and is used to access utilities and/or the building is elevated over unsuitable foundation materials. Height limitations apply.

**"Critical Feature"**: means an integral and readily identifiable part of a flood protection system,

without which the flood protection provided by the entire system would be compromised.

**"Design and Development Standards"**: The standards as referred to in this Title and adopted by the Council.

**"Development"**: Any man-made change in improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**"Developer"**: Person, Partnership, Limited Liability Company, Corporation, or other legal entity developing residential, commercial or industrial property.

**"Development"**: means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, demolition of buildings or structures, fences, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**"Development Review Committee" or "DRC"**: A committee that provides technical review, analysis, and recommendations to the Planning Commission and City Council related to the City's Comprehensive General Plan, Zoning Ordinance, subdivisions, capital facilities plans and site plans.

**"Disability"**: A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment. A "disability" does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802 or successor law.

- A. "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- B. "Has a record of such an impairment" means has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.

**"Duplex"**: A building designed for two (2) family units living independently of each other on the same lot.

**"Dwelling, Multiple-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.

**"Elderly Person"**: A person who is 60 years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

**"Elevated Building"**: means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "Elevated Building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

**"Enclosed Area"**: is that portion of an elevated building below the lowest elevated floor that is either partially or fully enclosed by rigid walls. For the purposes of the NFIP, enclosed areas can be an enclosure, crawlspace, subgrade crawlspace, or attached garage.

**"Enclosure"**: is the area below an elevated building that is partially or fully enclosed and over 5' in height from enclosure floor to finish floor elevation of the floor immediately above the enclosed area. That portion of an elevated building below the lowest elevated floor that is either partially or fully enclosed by rigid walls.

**"Engineer"**: The person appointed by the City to be the City Engineer.

**"Erosion"**: means the process of the gradual wearing away of land masses. This peril is not per se covered under the Program.

**"Event Center"**: A place with indoor or outdoor facilities that provides for gatherings of individuals assembled for purposes such as a weddings, receptions, meetings or parties.

**"Existing Construction"**: means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing Construction" may also be referred to as "existing structures".

**"Fence"**: A structure serving as an enclosure, a barrier, or a boundary, usually made of posts or stakes joined together by boards, wire, vinyl panels or fiberglass encapsulated foam panels.

**"Final Decision"**: A decision by a land use authority which approves, approves with conditions, or denies a land use application. A final decision is made by motion and majority vote in a public meeting, or by a written decision if no vote is taken in the public meeting. When the land use authority is a staff member, it is their decision, granting or denying a land use application in writing.

**"Final Plat"**: An original map or plat drawn on mylar in a form as approved by the City, showing all lots, streets, utility easements, etc.

**"Flag Lot"**: A lot of irregular configuration in which an access strip (a strip of land of a width less than the required lot width) connects the main body of the lot to the street frontage.

**"Flag Pole"**: A staff or pole that is no greater than 24 inches in diameter that exists for the primary purpose of displaying a flag.

**"Flood Insurance Rate Map (FIRM)"**: Means an official map of the City, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**"Flood Insurance Study"**: The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

**"Flood" or "Flooding"**: means

- A. A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - 1. The overflow of inland or tidal waters; or
  - 2. The unusual and rapid accumulation or runoff of surface waters from any source; or
  - 3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

**"Flood Elevation Determination"**: means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater change of occurrence in any given year.

**"Flood Insurance Rate Map (FIRM)"**: means an official map of the City, on which the Administrator has delineated both the special hazards areas and the risk premium zones applicable to the community.

**"Flood Insurance Study"**: or Flood elevation study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood related erosion hazards.

**"Flood Proofing"**: means any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. Wet floodproofing includes permanent or contingent measures applied to a structure or its contents that prevent or provide resistance to damage from flooding while allowing floodwaters to enter the structure or area and may be applied to residential or non-residential structures. Dry floodproofing is making a structure

watertight below the level that needs flood protection to prevent floodwaters from entering. Making the structure watertight requires sealing the walls with waterproof coatings, impermeable membranes, or a supplemental layer of masonry or concrete and can only be used for non-residential structures.

**"Flood Protection System"**: means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

"Floodplain" or "flood-prone area": means any land area susceptible to being inundated by water from an source (see definition of "flooding").

**"Floodplain Management"**: means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

**"Floodplain Management Regulations"**: means zoning Ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**"Floodway (Regulatory Floodway)"**: means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height

"Floodway Encroachment Lines": means the lines marking the limits of the floodways on Federal, State and local flood plain maps.

**"Formally Initiated"**: An act taken to change or modify a land use ordinance by application or by motion of the Planning Commission or City Council, made in a public meeting.

"Freeboard": means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

"Functionally Dependent Use": means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**"Funeral Home"**: The provision of services including storing and preparing human remains for burial, cremation, and arranging, managing, and conducting funerals.

**"Garage"**: A building or indoor area with four walls, a roof and at least one door, of which the primary purpose is to provide an enclosed space for parking or storing motor vehicles. Required garages must have an unobstructed area that is at least nine (9) feet wide by 18 feet deep.

**"General Plan"**: The Comprehensive General Plan of Spanish Fork City.

**"Highest Adjacent Grade"**: means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**"Historic Structure"**: means any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  1. By an approved state program as determined by the Secretary of the Interior.
  2. Directly by the Secretary of the Interior in states without approved programs.

**"Home Child Care Center"**: Any single home in which child care is provided for seven (7) to 12 children, including the provider's own pre-school age children, on the premises at the same time.

**"Home Occupation"**: An occupation, profession, activity, or use that is clearly incidental and secondary to the use of a residential home.

**"Hospital"**: A facility used for inpatient or outpatient medical and healthcare-related uses or services (one of which provides emergency medical services) or any incidental, ancillary or related uses or services including but not limited to medical office, research and/or development, information technology, warehouse and distribution, hospitality, food service and lodging.

**"Hotel/Motel"**: A building which provides guest rooms for the overnight lodging of travelers. It may include customarily incidental uses such as meeting rooms, restaurants, and gift shops.

**"Impound Yard"**: A facility that provides for the secured storage of automobiles with or without the permission of the owners by a person who is licensed to hold the automobiles.

**"Improved Lot"**: A lot which has all the improvements required in Part 4 of this Title.

**"Improvements"**: Includes roads, streets, curbs, gutters, sidewalks, grading, landscaping, water systems, sewer systems, irrigation systems, drainage systems, power systems, fences, public facilities, trees, and/or other items required by this Title.

**"Instructional Studio"**: A facility in which instruction is offered for piano, gymnastics, voice, art, or similar activities.

**"Institution of Higher Education"**: An institution offering academic or technical curriculum which is accredited to grant a degree, certificate or other indication of successful completion of an instructional program. The definition includes colleges, universities, trade schools or other operations offering vocational training. This primarily includes post high school educational facilities or educational facilities which include residential facilities for its students.

**"Jail"**: A place of incarceration owned and operated by the County or State.

**"Juvenile Detention Facility"**: A place of temporary detention for delinquent juveniles, which either is owned and operated by the State of Utah or is under contract with the State of Utah.

**"Juvenile Secure Facility"**: A place of incarceration for delinquent juveniles, which either is owned and operated by the State of Utah or is under contract with the State of Utah.

**"Land Surveyor"**: A person licensed by the State of Utah to practice as a land surveyor.

**"Land Use Authority"**: A person, board, commission, agency, or other body designated by ordinance to act upon a land use application.

**"Land Use Ordinance"**: A planning, zoning, development, or subdivision ordinance of the City, but does not include the Comprehensive General Plan.

**"Large Wind Energy System"**: Wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of more than 100 kW.

**"Letter of Map Amendment"**: means an official amendment, by letter, to an effective map. A LOMA establishes a property's location in relation to the Special Flood Hazard Area and are usually issued because a property has been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation.

**"Letter of Map Revision"**: means FEMA's modification to an effective Flood Insurance Rate Map, or Flood Boundary and Floodway Map, or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations, or the Special Flood Hazard Area.

**"Letter of Map Revision Based on Fill"**: means FEMA's modification of the Special Flood Hazard Area shown on the Flood Insurance Rate Map based on the placement of fill outside the existing regulatory floodway.

**"Levee"**: means a man-made structure, usually an earthen embankment, designed and constructed

in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. Only levees that are recognized by FEMA will be shown on the FIRMs as providing protection from the 1% annual chance flood.

**"Levee System"**: means a flood protection system, which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**"Lowest Floor"**: means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Sec. 60.3.

**"Lot"**: A parcel of land with frontage or other approved access to a public street, occupied or designed to be occupied by a building and its accessory uses, and which has been subdivided or otherwise lawfully permitted.

**"Lot, Corner"**: A lot located at the intersection of two or more streets.

**"Lot, Depth"**: The shortest distance between the midpoint of the front lot line and the midpoint of the rear lot line.

**"Lot, Interior"**: A lot other than a corner lot.

**"Lot, Irregular"**: A building lot whose rear property line is not generally parallel to the front property line such as a pie-shaped lot on a cul-de-sac, or where the side property lines are not parallel to each other.

**"Lot, Through" or "Double Frontage"**: A lot which abuts upon two parallel or approximately parallel streets.

**"Lot Line"**:

A. Front: The lot line adjacent to a street, except as follows:

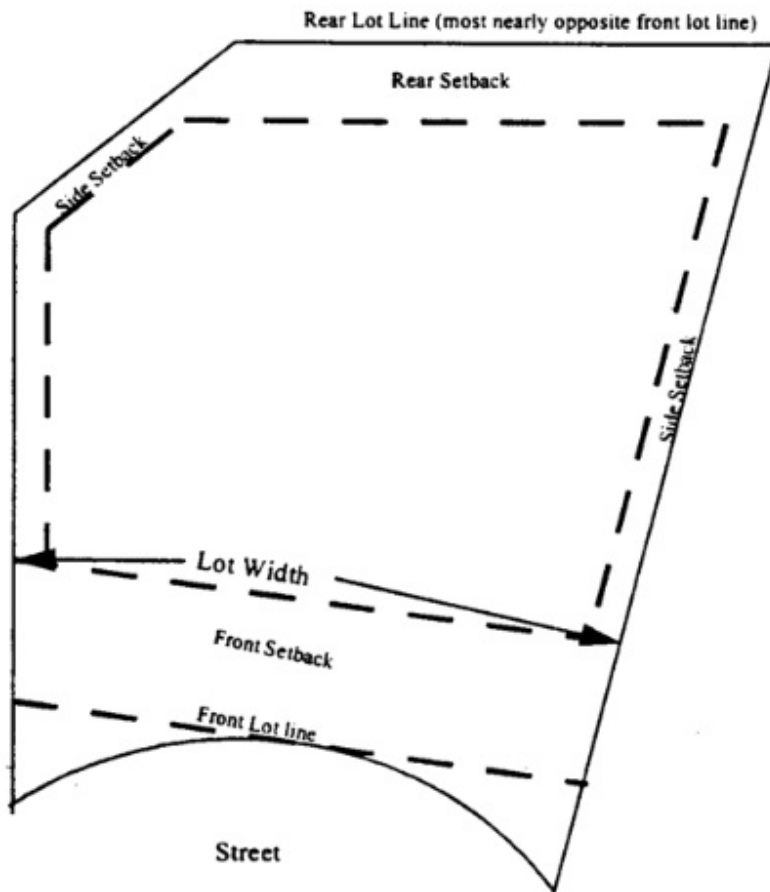
1. Corner Lot. The front property line is determined by which direction the required setbacks for the front and rear can both be met. If all applicable setbacks can be met either way, the front setback shall be located on the same side as the front door of the structure and the other frontage shall be the side-street side.
2. Through or Double Frontage Lot. The lot line which is obviously the front by reason of the prevailing custom of the other buildings on the block. The other street frontage shall be a rear lot line. Where such property line is not obviously evident, the Community Development Director shall determine the front property line.

B. Rear: The lot line most nearly opposite the front property line or, if the front property is a

- curved line, to a line tangent to the front property line at its midpoint.
- C. Side: Those other lot lines not defined as a front or rear lot line.

**"Lot Width"**: If the side lot lines are parallel, the shortest distance between these side lines. If the side property lines are not parallel, the width shall be the distance between the side lines at the front setback line, as in the following illustration: **"Lube Center"**: A facility which primarily provides oil change and similar servicing or performs minor mechanical repair of motor vehicles. The outdoor overnight storage of vehicles is not permitted in association with the Lube Center use.

**"Manufactured Home"**: A transportable factory-built housing unit constructed on or after June 15, 1976, according to the National Manufactured Housing Construction and Safety Standards Act of 1974. For floodplain management purposes "Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a recreation vehicle.



“Manufactured Home Park or Subdivision”: means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Map”: For floodplain management purposes, “Map” means the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

**"Master Planned Development (MPD or Planned Unit Development)":** A residential development which typically contains common design elements, some variation in dwelling types, and common open space or parks.

“Mean Sea Level”: means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**"Mother-in-law Apartment":** See Accessory Apartment.

**"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:
  1. Not being used or occupied; or
  2. 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.

**"Museum":** A building or place where works of art, scientific specimens, historic artifacts or other objects of permanent value are kept and displayed.

**"New Construction":** means for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**"Non-complying Structure":** A structure that (1) legally existed before its current land use designation; and (2) because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulation excluding those regulations, which govern the use of land.

**"Non-conforming Use":** A use of land that:

- A. Legally existed before its current land use designation; and
- B. Has been maintained continuously since the time a land use ordinance governed the land;

and

- C. Because of one or more subsequent land use ordinance changes, does not conform to regulations that now govern the use of the land.

**"Nursing" or "Retirement Homes"**: A long term residential facility for elderly, or otherwise ill persons which may include some or all of the following: individual homes, living and sleeping rooms, a common dining room, skilled nursing care, recreational facilities, and transportation for social and medical purposes. Such facility does not include an adult day care facility or adult day care provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

**"Office"**: A building or portion of a building where services are performed involving predominately administrative, professional, or clerical operations.

**"Offsite Facilities"**: Facilities outside of the boundaries of the subdivision or development site which are designated and located to serve the needs of the subdivision or development or adjacent property, usually lying between a development and existing facilities.

**"Onsite Facilities"**: Facilities installed within or on the perimeter of the subdivision or development site.

**"Outdoor Commercial Recreation Facility"**: Enterprises which include such uses as miniature golf courses, batting cages, waterslides, swimming pools or other similar activities that do not involve motorized vehicles.

**"Outdoor Display Area"**: An area that is designated on a Site Plan for the outdoor display of the following items that are available for retail sale or rent: new or used automobiles, trailers, boats, recreational vehicles, construction equipment, or other finished products.

**"Outdoor Storage Area"**: An area that is designated on a Site Plan for the storage of raw materials, finished products, vehicles, trailers or other equipment.

**"Parcel of Land"**: A contiguous area of land in the possession or ownership of one entity with one tax identification number.

**"Pending Ordinance"**: A land use ordinance that has been placed on a DRC agenda for discussion or action. A pending ordinance is enforceable until it is enacted, declined, or modified by action of the Council, or six months, whichever time period is shorter.

**"Personal Service Business"**: A business involved in a service that does not usually produce a commodity. Typical uses include beauty and barber shops, tanning salons, massage therapists, laundry and dry-cleaning establishments, shoe repair, tailors, insurance agents, lawyers,

accountants, and medical providers.

**"Planning Commission"**: The Planning Commission of Spanish Fork City.

**"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.

**"Preliminary Plat"**: A map or plat of a proposed subdivision or development with accompanying supplementary documents.

**"Principal Building"**: A primary building located upon a lot, or a building that provides services in direct support of a property's primary use. Properties that are developed in a campus fashion may have more than one principal building located on an individual parcel.

**"Private School, Academic"**: A parochial or private institution offering academic or religious curriculum which is accredited to grant a degree or other indication of successful completion of an instructional program. The definition includes elementary, middle, junior, and high schools. This does not include post high school educational facilities or educational facilities which include residential facilities for its students.

**"Public School, Academic"**: A publicly-owned and operated institution offering academic curriculum which is accredited to grant a degree or other indication of successful completion of an instructional program. The definition includes elementary, middle, junior, and high schools. This does not include post high school educational facilities or educational facilities which include residential facilities for its students.

**"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.

**"Rehabilitation/Treatment Facility"**: A facility owned and operated by a government entity to provide temporary occupancy and supervision of individuals (adults/juveniles) in order to provide rehabilitation, treatment, or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse, or mental health. Associated education services may also be provided to juvenile occupants.

**"Residential Treatment Center"**: A 24-hour group living environment for four or more individuals unrelated to the owner or provider that offers room or board and specialized treatment, rehabilitation, or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. In residential treatment, individuals are assisted in acquiring the social and behavioral skills necessary for living independently in the community. This does not include individuals who have been charged with

the commission of any felony or who are sex offenders.

**"Residential Facility for Persons with a Disability"**: A residence in which eight (8) or fewer persons with disability reside and which is:

- A. Licensed or certified by the Department of Human Services under Title 62A, Chapter 2, of the Utah Code, Licensure of Programs and Facilities.
- B. Licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

**"Residential Facility for Elderly Persons"**: A facility that houses and provides at least some services that contribute towards the care of elderly residents.

**"Retail Use"**: A business involved in the sale of commodities to ultimate consumers for personal or household consumption.

**"Sensitive Lands"**: Lands having any of the following characteristics: slopes in excess of 30%, wetlands, 100-year floodplain, natural drainages, fault zones, streams, and lakes.

**"Shelter Care Facility (Protective Housing Facility)"**: A facility either (1) operated, licensed or contracted by a governmental entity, or (2) operated by a charitable, non-profit organization, which, for no compensation provides temporary lodging, meals, and counseling to individuals and groups such as the homeless, pregnant teenagers, victims of domestic violence, neglected children, and runaways. Short-term care is typically less than 30 days.

**"Sign"**: Any device used for visual communication which is intended to attract the attention of the public and is visible from the public rights-of-way or other properties. The term "sign" shall not include any flag, badge or insignia of any governmental unit nor shall it include any item of merchandise normally displayed within a show window of a business.

**"Sign, Awning"**: Signs which are placed on or integrated into a fabric or other material canopies which are mounted on the exterior of a building.

**"Sign, Billboard"**: A sign which is intended to advertise a business, commodity, service, entertainment, product, or attraction sold, offered, or existing elsewhere than on the property where the sign is located.

**"Sign, Construction and Development"**: A temporary sign providing information about future development or current construction on a site, and the parties involved in the project.

**"Sign, Directional"**: An on-premise sign that includes information assisting in the flow of pedestrian or vehicular traffic such as enter, exit, and one-way.

**"Sign, Directory"**: A sign, other than an identification sign, listing the names, uses, or locations of the various businesses or activities conducted within a building or group of buildings, which is centrally located and intended to provide on-site directions.

**"Sign, Fascia"**: A sign which is mounted against the horizontal piece covering the joint between the top of a wall and the projecting eaves of the roof.

**"Sign, Freestanding"**: A sign which is erected on its own self-supporting permanent structure, detached from any supporting elements of a building.

**"Sign, Identification"**: A sign that is designed and intended to identify only the business, place, organization, building, street address, or person on the property on which it is located.

**"Sign, Mansard"**: A sign permanently affixed to a wall or surface designed to protect the edge of a roof, such surface being no more than 30 degrees from vertical.

**"Sign, Menu Board"**: A permanently mounted sign displaying the menu and prices for a drive thru restaurant.

**"Sign, Monument"**: A freestanding sign whose sign face extends to the ground or to a base.

**"Sign, Noncommercial"**: A sign which does not contain information or advertising for any business, commodity, service, entertainment, product, or attraction.

**"Sign, Nonconforming"**: A sign lawfully erected and maintained prior to the adoption of this ordinance which does not conform with the requirements of this ordinance.

**"Sign, Pole or Pylon"**: A freestanding sign, other than a monument sign, erected and maintained on a mast(s) or pole(s) and not attached to any building.

**"Sign, Political"**: A sign which supports any candidate for public office or urges action for or against any other matter on the ballot of primary, general, or special elections.

**"Sign, Portable"**: Any sign not affixed to a structure or ground mounted on a site.

**"Sign, Projecting"**: A sign attached to a building or other structure and extending in whole or in part more than 14 inches beyond the building.

**"Sign, Reader Panel"**: A sign designed to permit immediate change of copy either manually or electronically.

**"Sign, Roof"**: A sign erected on a roof, or signs that project above the highest point of the roof line, parapet, or fascia of the building.

**"Sign, Shingle"**: A sign suspended from, and located entirely under a covered porch, covered walkway, or awning.

**"Sign, Temporary"**: A sign not intended or designed for permanent display.

**"Sign, Wall"**: A sign mounted flat against and projecting less than 14 inches from, or painted on the wall of a building with the exposed face of the sign parallel to the face of the wall.

**"Sign, Window"**: A sign affixed to the interior or exterior of a window, or placed immediately

behind a window pane so as to attract the attention of persons outside the building.

**"Solid Waste Transfer Facility"**: A publicly owned facility for the drop off and temporary holding of refuse, green waste, compost, recyclables, and similar materials.

**"Stacked Flat"**: One home attached to one or more homes by common horizontal and vertical walls.

**"Start of Construction"**: (for other than new construction or substantial improvements under the Coastal Barrier Resources Act. (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**"Streets"**: A thoroughfare which has been dedicated and accepted by the City Council, which the City has acquired by prescriptive right or which the City owns, or is offered for dedication on an approved recorded

**"Final Plat"**: For further explanation see the streets section of the Construction and Development Standards.

**"Structure"**: Anything built, placed or constructed on a parcel of land including, but not limited to, portable buildings or storage containers. For floodplain management purposes, "Structure" means a designed and/or constructed system including but not limited to a building (walled and roofed building that is principally above ground), as well as a manufactured home, a gas or liquid storage tank, levee, road, culvert, or bridge.

**"Subdivision"**: Any parcel of land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes:

- A. The division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument; and

- B. Divisions of land for all land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

**"Substantial Damage"**: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

**"Substantial Improvement"**: means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before "Start of Construction" of the improvement. This term includes structures, which have incurred "Substantial Damage", regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;  
or  
B. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**"Supervisory Care Facility"**: A facility with characteristics of a residential facility for persons with a disability or residential facility for elderly persons which has nine (9) or more individuals.

**"Tire Care Center"**: A facility which primarily sells and services automotive tires, provides oil change and similar servicing, and performs minor mechanical repair of motor vehicles. The outdoor overnight storage of vehicles is not permitted in association with the Tire Care Center use.

**"Tower Height"**: The height of a wind turbine measured from the grade level to the hub.

**"Townhome"**: One single home constructed in a group of three or more attached homes in which each home extends from the foundation to roof and with open space on at least two (2) sides.

**"Transfer Facility"**: A publicly owned facility for the drop-off and temporary holding of refuge. The facility is to be self-enclosed and completely fenced.

**"Travel Center"**: A facility primarily engaged in the sale of fuel, accessories or equipment for over-the-road trucks and similar commercial vehicles, commonly referred to as a truck stop. A Travel Center may also include overnight accommodations, showers, vehicle scales, restaurant facilities, game rooms, and/or other services and diversions intended mainly for use by interregional travelers.

**"Twin Home"**: One (1) single residence home attached to one (1) other single residence home by a common vertical wall, with each home located on a separate lot.

**"Utilities"**: Includes culinary water lines; irrigation lines; sanitary and storm sewer lines; gas lines; electric power lines; telecommunication lines; underground conduits; and junction boxes and all appurtenances to the above.

**"Wall"**: Barrier structure constructed of concrete, either precast or poured in place, or of individual concrete units that are adjoined with mortar. For purposes of this ordinance, fencing built with a polystyrene foam or other non-concrete/masonry core does not meet the definition of a Wall.

**"Water Surface Elevation"**: means the height, in relation to the National Geodetic Vertical Datum of 1929 (NGVD) (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**"Zoning Text Amendment"**: Change(s) to the wording of the comprehensive Zoning Ordinance, new zones, and changes to the zone map.

**"Xeriscape"**: Landscaping that utilizes climate appropriate or native vegetation, rocks, minerals and other organic or non-organic materials to beautify property without creating a significant demand for water to maintain plant life in the landscape. (Ord. No. 07-09, Amended 02/10/2009) (Ord. No. 12-09, Amended 08/04/2009) (Ord. No. 02-10, Amended 02/16/2010) (Ord. No. 15-13, Amended 09/03/2013) (Ord. No. 04-14, Amended 04/01/2014) (Ord. No. 13-14, Amended 08/19/2014) (Ord. No. 15-14, Amended 10/07/2014) (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. 05-16, Amended 04/05/2016) (Ord. No. 14-16, Amended 09/20/2016) (Ord. No. 04-17, Amended 02/07/2017) (Ord. No. 20-18, Amended 11/20/2018)(Ord. No. 14-19, Amended 07/09/2019)

**SECTION 2: AMENDMENT "15.3.16.160 Public Facilities (P-F)"** of the Spanish Fork Municipal Code is hereby *amended* as follows:

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

##### 15.3.16.160 Public Facilities (P-F)

This district is intended to provide for structures and uses that are owned, leased, or operated by a governmental entity for the purpose of providing governmental services to the community. Allowed uses will be necessary for the efficient function of the local community or may be desired services which contribute to the community's cultural or educational enrichment. Other allowed uses will be ancillary to a larger use that provides a direct governmental service to the community.

##### A. Permitted Uses:

1. Automotive Repair.
2. Campgrounds.
3. Caretaker's Residence
4. Car Wash (self or full service).
5. Cemeteries.
6. Child Care Centers.
7. Court Buildings and Related Facilities.

8. Golf Courses and Related Facilities.
  9. Government Maintenance Shops and Related Facilities.
  10. Government Owned Nurseries and Tree Farms.
  11. Government Storage Buildings.
  12. Government Storage Yards.
  13. Gun Clubs and Firing Ranges.
  14. Institutions of Higher Education.
  15. Libraries.
  16. Lube Centers.
  17. Municipal Facilities required for local service.
  18. Museums.
  19. Offices.
  20. Parking structures.
  21. Public Art Galleries.
  22. Public Parks and Recreational Facilities.
  23. Public Safety Facilities.
  24. Public Schools, Academic
  25. Publicly Owned Stadiums and Arenas.
  26. Publicly Owned Zoos.
  27. Temporary Office and Construction Trailers.
  28. Theaters.
  29. Transit Centers and Related Facilities.
  30. Wireless Communication Facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities so long as the structure height does not exceed 20 feet above the existing structure and is a monopole.
- B. Uses Subject to Conditions:
1. Outdoor Storage Areas (see §15.3.24.090(I)).
- C. Uses Subject to Conditional Use Permit (see §15.3.08.060):
1. Hospitals.
  2. Restaurants.
  3. Solid Waste Transfer Facilities, provided all operating aspects of the facility are fully enclosed within a building and the grounds are completely fenced.
  4. 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.
- D. Accessory Buildings and Uses (see §15.3.24.090).
- E. Development Standards.
1. The maximum height of any building or structure shall be limited to 65 feet.
  2. Setbacks shall be as follows for all main buildings:
    - a. Front Yard, 20 feet.
    - b. Corner side yard, 20 feet.
    - c. Interior Side Yard, 10 feet.
    - d. Rear yard, 20 feet.
- F. Site Plan/Design Review (see §15.4.08.010 et seq.).
- G. Landscaping, Buffering, Walls (see §15.4.16.130).

H. Signs.

1. Signage shall be permitted in accordance with §5.36.010. Substitute or additional signage shall be permitted if it is deemed essential to providing a government service.

I. Parking (see §15.4.16.120).

(Ord. No. 12-09, Amended 08/04/2009) (Ord. No. 02-10, Amended 02/16/2010) (Ord. No. 13-14, Amended 08/19/2014) (Ord. No. 21-18, Amended 12/11/2018)

**SECTION 3: AMENDMENT** “15.3.16.040 R-O Residential Office” of the Spanish Fork Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.3.16.040 R-O Residential Office

This district is intended to allow low intensity professional office uses on a scale consistent with residential areas. Strict architectural and Site Plan review will be required to ensure compatibility with adjoining residential areas. This district serves as a transition between more intense commercial areas and residential land uses, or is located along busier streets where limited office use is being introduced. Residential and office use of the same structure is allowed. Some limited commercial use may also be allowed in selective locations.

A. Permitted Uses:

1. Bed and Breakfast Inns.
2. Child Care Centers.
3. Churches.
4. Duplexes. The minimum lot size is 9,700 square feet; the minimum lot width is 60 feet and the side setback 10 feet.
5. Funeral Homes.
6. Home Occupations.
7. Instructional Studio.
8. Municipal Facilities required for local service.
9. Museums.
10. Offices.
11. Single Residence Dwellings.

The following uses will only be allowed on properties between 100 West and 100 East:

1. Art Galleries and Studios.
2. Financial Institutions with no drive-thru service.
3. Personal Service businesses.
4. Restaurants (no drive-thru or drive-in service).
5. Specialty retail uses including, but not limited to, Gift Shops, Bookstores, Florists, Antiques, Crafts, Collectibles, Food and Beverages, Apparel, and other similar items.

B. Uses subject to Conditions (as described in §15.3.24.010 et seq.):

1. Manufactured Homes (as described in §15.3.24.040 et seq.).

2. Residential facility for elderly persons (as described in §15.3.24.010(B) et seq.).
  3. Residential facility for persons with a disability (as described in §15.3.24.010(A) et seq.).
- C. Accessory Buildings and Uses (see §15.3.24.090).
  - D. Development Standards (see Table 1).
  - E. Site Plan/Design Review (see §15.4.08.010 et seq.)
  - F. Landscaping, Buffering, Walls (see §15.4.16.130).
  - G. Signs (see §5.36.010 et seq.).
  - H. Parking (see §15.4.16.120): No parking will be allowed in front of the principal structure for non-residential uses.
  - I. Uses subject to Conditional Use Permit (see §15.3.08.060):
    1. Assisted Living Facilities.
    2. Financial Institutions not located between 100 West and 100 East.
    3. Museums.
    4. Nursing or Retirement Homes.
    5. Residential Treatment Centers.
    6. Shelter Care Facilities.
    7. Supervisory Care Facilities.
    8. 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.

(Ord. No. 12-09, Amended 08/04/2009)

Table 1 - Residential Development Standards										
District	Base Density Per Acre	Minimum lot dimensions			Minimum Setback				Max Building Height <sup>5</sup>	
		Lot Area	Width	Depth	Front <sup>6</sup>	Rear <sup>7</sup>	Side	Corner	Principal Building	Accessory Building <sup>1</sup>
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	.39 units (base)	80,000 sf	180'	200'	40'	80'	20'	30'	35'	20'
R-1-60	.52 units (base)	60,000 sf	160'	200'	40'	60'	20'	30'	35'	20'

R-1-40	.78 units (base)	40,000 sf	140'	200'	30'	40'	20'	30'	35'	20'
R-1-30	1.05 units (base)	30,000 sf	130'	150'	40'	40'	15'	25'	35'	20'
R-1-20	1.57 units (base)	20,000 sf	125'	150'	30'	30'	15'	25'	35'	20'
R-1-15	2.09 units (base)	15,000 sf	100'	125'	20-25' <sup>2</sup>	25'	10'	15-25' <sup>4</sup>	35'	20'
R-1-12	2.61 units (base)	12,000 sf	100'	100'	20-25' <sup>2</sup>	25'	10'	15-25' <sup>4</sup>	35'	20'
R-1-9	3.48 units (base)	9,000 sf	85'	90'	15-25' <sup>2</sup>	25'	10'	15-25' <sup>4</sup>	35'	20'
R-1-8	3.92 units (base)	8,000 sf	75'	90'	15-25' <sup>2</sup>	25'	10'	15-25' <sup>4</sup>	35'	20'
R-1-6	5.23 units (base) <sup>9</sup>	6,000 sf	50'	90'	15-25' <sup>2</sup>	25'	5-10' <sup>3</sup>	15-25' <sup>4</sup>	35'	20'
R-3	12 units (maximum) <sup>9</sup>	6,000 sf	50'	90'	15-25' <sup>2</sup>	25'	5-10' <sup>3</sup>	15-25' <sup>4</sup>	35'	20'
R-4	20 units (maximum)	6,000 sf	50'	90'	15-25' <sup>2</sup>	25'	5'-10' <sup>3</sup>	15-25' <sup>4</sup>	45'	20'
R-5	18 units (maximum)	6,000 sf	50'	90'	10-20' <sup>8</sup>	15'	15'	15'	40'	20'
R-O	N/A	6,000 sf	50'	90'	15-25' <sup>2</sup>	25'	5-10' <sup>3</sup>	15-25' <sup>4</sup>	35'	20'

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. Flag poles 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.
9. Except as defined with the Infill Overlay Zone.

(Ord. No. 15-13, Amended 09/03/2013)

(Ord. No. 13-14, Amended 08/19/2014)(Ord. No. 05-16, Amended 04/05/2016)(Ord. No. 11-17, Amended 04/18/2017)(Ord. No. 25-17, Amended 10/17/2017)(Ord. No. 20-18, Amended 11/20/2018)(Ord. No. 21-18, Amended 12/11/2018)(Ord. No. 03-19, Amended 01/22/2019)(Ord. No. 12-19, Amended 06/18/2019)

Table 2 - Commercial and Industrial Development Standards

District	Minimum Setback <sup>1</sup>				Max Building Height	
	Front	Rear	Side	Corner	Principal Building	Accessory Building <sup>1</sup>
C-O	15' <sup>4</sup> -25'	0-25'	0-10'	10' <sup>5</sup> -15'	30'	20'
C-UV	25'	0-25'	0-20'	15'	35'-48' <sup>1</sup>	20'
C-D	0' (10' max)	0-25'	0'	0' (10' max)	48'	20'
C-1	25'	0-25'	0-20'	0-15'	30'	20'
C-2	15' <sup>4</sup> -25'	0-25'	0-20'	10' <sup>5</sup> -15'	35-48' <sup>2</sup>	20-25' <sup>2</sup>
S-C	25'	0-25'	0-20'	15'	35-60' <sup>2</sup>	20'
B-P	25'	0-25'	0-25'	15'	120'	20'
I-1	25'	0-25'	0-25'	15'	None	None
I-2	50'	50'	50'	50'	None	None

1. Where range is indicated, side or rear setbacks are when the adjacent parcel is a residential use or district.

2. Lower heights shown are for buildings and structures within 50 feet of a residential district or use.

Note: There is no minimum lot size, width, or lot frontage requirements. However, any new building or development must have permanent access on a paved road or driveway. Other improvements, such as curb and gutter, sidewalk, and additional pavement width or thickness may be required depending upon the nature of the business. (Ord. No. 07-04. Amended Industrial Zones Height Restrictions, 05/04/2004)

3. The setback for self-storage buildings in the I-2 Industrial Zone may be reduced by the Planning Commission as noted in §15.3.16.130(E)(1).
4. 15 feet, provided there is 30 feet from the building to the back of curb, otherwise 25 feet.
5. 10 feet, provided there is 20 feet from the building to the back of curb, otherwise 15 feet.

(Ord. No. 10-09, Amended 06/17/2009) (Ord. No. 15-15, Amended 09/15/2015) (Ord. No. 14-16, Amended 09/20/2016) (Ord. No. 03-17, Amended 02/07/2017) (Ord. No. 26-17, Amended 11/07/2017) (Ord. No. 03-18, Amended 02/20/2018)

**SECTION 4: AMENDMENT** “15.3.24.030 Master Planned Development (PUD)” of the Spanish Fork Municipal Code is hereby *amended* as follows:

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

##### 15.3.24.030 Master Planned Development (PUD)

A. Purpose: The purpose of the Master Planned Development concept is to:

1. Allow for designs that provide for more efficient utilization of public infrastructure than what is achieved in a standard subdivision.
2. Allow for deviations from typical zoning standards in order to permit uniquely configured or situated properties to be developed in a functional manner that enhances the City.
3. Allow developments to include a total number of units that matches the base density found in the underlying zone as identified in Table 1 - Residential Development Standards of Title 15.
4. Establish residential neighborhoods with a distinct character and convey a sense of unity.

B. Permitted Uses:

1. All uses listed in R 1 and R-3 Districts, subject to the same restrictions or limitations of the use.
2. Multi-family homes with more than four (4) attached units.

C. Subdivision Design:

1. For purposes of calculating base density, sensitive lands shall be excluded from the calculation.
2. The minimum size of a Master Planned Development is five (5) contiguous acres, except in R-1-6 and R-3 zones, where two (2) contiguous acres are required. School and church sites are to be excluded from the acreage calculation.
3. Density Calculations and Lot Size - Church sites, school sites, for other non-residential uses and land that is unbuildable because of easements or other restrictions may not be counted in the density calculations. The average lot size for any development must meet or exceed the minimum lot size required for a standard subdivision in that zone. For projects that include land with multiple zoning districts, the total allowed density will be the sum of the allowed density for each of the distinctly zoned areas. This density may be dispersed throughout the project provided that average lot sizes in the project are commensurate with the distinctly zoned areas. Where projects include features that serve as amenities for the development, plazas, entrance features, private park..., the land area of those features may be included in the lot area for purposes of calculating average lot size. Where projects include uniquely large lots, the area of the uniquely large lots that is included for purposes of calculating project density and average lot size shall be limited to twice the minimum lot size of the Zoning District.
4. Street Design - Local streets shall not exceed 600 feet in length without an intersecting street.

D. Architecture:

1. Minimum House Sizes; finished area (square feet). For the purposes of calculating required finished area, square footage in basements shall not qualify. For split level homes, finished area on floors that are at least 50% below the finished grade of the lot shall not count towards the required finished area.

Minimum House Sizes - Finished Area		
Minimum Lot Size and Multi-family	One Story	Multi-Level
80,000 sq. ft.	1,600 sq. ft.	2,400 sq. ft.
60,000 sq. ft.	1,600 sq. ft.	2,400 sq. ft.
40,000 sq. ft.	1,600 sq. ft.	2,400 sq. ft.
30,000 sq. ft.	1,500 sq. ft.	2,200 sq. ft.
20,000 sq. ft.	1,500 sq. ft.	2,200 sq. ft.
15,000 sq. ft.	1,500 sq. ft.	2,200 sq. ft.
12,000 sq. ft.	1,400 sq. ft.	2,000 sq. ft.
9,000 sq. ft.	1,300 sq. ft.	1,600 sq. ft.
8,000 sq. ft.	1,200 sq. ft.	1,500 sq. ft.
6,000 sq. ft.	1,100 sq. ft.	1,400 sq. ft.

Multi-family	1,000 sq. ft. (one level)	1,200 sq. ft. (multi-level)
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2. Distinct Designs - Master Planned Developments shall provide a variety of home styles to ensure a diverse and interesting streetscape. Neighborhoods that have repetitive homes constructed along the same street are not allowed. In order to ensure that the neighborhood is non-repetitive, the same street facing elevation shall not be built on adjacent lots on the same street or on lots directly or diagonally across the street from one another. Different elevations shall be characterized by elements such as, but not limited to, distinct footprints, rooflines, cladding materials or architectural features which contribute to home designs that are easily distinguishable from other home designs along the same street. The City Council may waive this requirement for developments which include multi-family housing that present specific architectural designs for the multi-family portion of the development at the time of project approval.
  3. Parking - Master Planned Developments shall provide at least a two (2) car garage for each single-family residence. Townhomes and multi-family units must have one (1) attached or detached garage (minimum 12 feet x 20 feet) per unit. Developments shall include no less than zero-point five (0.5) guest parking spaces per home. Developments that include, with each home, a two (2) car garage and driveway space for two (2) vehicles shall not be required to provide additional guest parking. When required, at least one (1) space for guest parking shall be located within 200 feet of each home
  4. Roofing - Homes in the development shall have at least a 6/12 pitched roof on the main portion of the roof unless it is determined by the Community Development Department that a lesser pitch roof is essential to maintain the integrity of a particular architectural style and that the style is a substantial improvement to what would be built in a standard subdivision.
  5. Exterior Materials - Homes in Master Planned Developments shall be clad in masonry, or masonry-based materials or a chemically-treated, wood-based, nail-on, lap siding that has at least a 50-year warranty. The City Council may grant a waiver of this requirement based upon superior architectural design plans which involve other materials.
- E. (Ord. No. 01-17, Repealed 01/03/2017)
- F. Application. Applications to establish a Master Planned Development shall be processed as a subdivision if any new lots are to be created. If no new lots are proposed, such as for an apartment project, an application will be processed according to the Site Plan procedures. All applications must include the following information in addition to normal filing requirements for a subdivision or Site Plan project:
1. Complete description of the intended nature and character of the development.
  2. Description of all proposed private or public open space areas, including improvements, ownership, and maintenance provisions.
  3. Proposed project phasing.
  4. Plans representing proposed landscaping, fences, walls, entry treatments, signage and lighting.
  5. Preliminary conditions, covenants, and restrictions (CC&R's).

6. Any variations from the non-Master Planned Development standards.
  7. Any proposed amended development standards, including such things as variations in setbacks, heights, and lot sizes.
  8. Proposed street cross sections, and proposed ownership and maintenance provisions, if the streets are proposed to be private.
  9. A data table which includes total acreage, acreage of sensitive lands, total number of homes and units by type, dwelling units per acre, acreage of open space, percent of acreage in open space.
- G. Phases. All residential subdivisions shall include a phasing plan that specifies the timing of public improvements and residential construction. This plan must be submitted at the submission of the Preliminary Plat. If the sequence of construction of various portions of the development is to occur in stages then the bonus density amenities shall be developed, or committed thereto, in proportion to the number of homes intended to be developed during any given stage of construction.
- H. Findings. Prior to granting approval of a Master Planned Development, the applicable reviewing body shall make findings identifying why the applicant's proposal justifies approval. Those findings should include the following:
1. The proposed development will provide a more pleasant and attractive living environment than a conventional residential development established under the strict application of the provisions of the underlying zone.
  2. The proposed development will not be materially detrimental to the health, safety, or general welfare of persons residing or working within the neighborhood.
  3. Any variation allowed from the development standards of the underlying district will not create increased hazards to the health, safety, or general welfare of the residents of the development of adjacent areas.

(Ord. No. 07-06, Amended 07/18/2006) (Ord. No. 08-09, Enacted 05/19/2009) (Ord. No. 11-13, Amended 07/16/2013) (Ord. No. 15-13, Repealed; Re-enacted 09/03/2013) (Ord. No. 04-14, Amended 04/01/2013) (Ord. No. 15-15, Amended 09/15/2015) (Ord. No. 01-17, Repealed 01/03/2017) (Ord. No. 03-19, Amended 01/22/2019)

**SECTION 5:            AMENDMENT** “15.4.04.080 Approval Or Disapproval - Procedure” of the Spanish Fork Municipal Code is hereby *amended* as follows:

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

##### 15.4.04.080 Approval Or Disapproval - Procedure

- A. 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.
- B. 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.

- C. 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.
- 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 pioneering 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 pioneering 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 show. A request for a pioneering 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 pioneering agreement shall be included. The amount of the fee shall be established by the City Council in the annual budget or by resolution.
  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.
  4. Denying plat approval and allowing the applicant to reapply when adequate public facilities are available.
- 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.

Existing irrigation ditches located on the site or adjacent to a property boundary, within ten feet, shall be treated in accordance with this section. Ditches shall be piped with a sufficient size pipe to handle the irrigation need or, if approved by the Development Review Committee, an opaque fence or wall shall be constructed to screen the ditch from lots within the plat. Fences and walls shall be placed on a lot line or parcel line, which shall be two feet from the tow of the ditch embankment. Any land between the fence or wall and the ditch may not be included within lots. Such land shall be maintained by the owner or may be dedicated to the City. Piping shall be coordinated with the City Engineer and the irrigation company or ditch owner by following the provisions of Utah Code Ann. §73-1-15.5, unless otherwise approved by the City Engineer. If the ditch carries greater than 50 cubic feet per second average flow, the Development Review Committee has the discretion to require piping, fencing, and/or landscaping.

Development Review Committee may waive this requirement for areas zoned commercial or industrial.

Developers are responsible for the protection of irrigation ditches and facilities from damage resulting from the development work.

- F. If the plat is not in conformity with the Design and Development Standards of 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 Planning Commission with suggestions and comments noted thereon. The Commission may continue the matter to further study the issues presented. The Commission may approve, deny or approve with conditions the proposed Preliminary Plat. If any conditions are attached, the Preliminary Plat shall be corrected 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. 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.

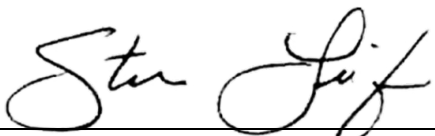
(Ord. No. 11-13, Amended 07/13/2013) (Ord. No. 15-14, Amended 10/07/2014) (Ord. No. 03-18, Amended 02/20/2018) (Ord. No. 20-18, Amended 11/20/2018) (Ord. No. 03-18, Amended 02/20/2018)

PASSED AND ADOPTED BY THE SPANISH FORK CITY COUNCIL FEBRUARY 16, 2021.

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

Presiding Officer

Attest

  
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STEVE LEIFSON, MAYOR, Spanish  
Fork City

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

