

**SPANISH FORK CITY
ORDINANCE 07-21**

**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 April 7, 2021, wherein public comment was received; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on April 20, 2021, wherein public comment was received;

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

SECTION 1: **AMENDMENT** “15.1.04.040 Notices” of the Spanish Fork Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.1.04.040 Notices

Notices informing of public hearings shall provide a minimum of 10 days’ notice and shall be given as follows: Zoning Map Changes, Zoning Text amendments, and Comprehensive General Plan amendments.

Conditional Use Permits and specific property Zone Changes shall be posted on the subject property and mailed to all property owners located within 300 feet of the subject property.

Land Use Ordinance amendments shall be mailed, sent by facsimile, or e-mailed to affected entities.

In addition to the above notices, all notices shall be posted on the State Notice Website. (Ord. No. 11-09, Amended 09/15/2009) (Ord. No. 04-14, Amended 04/01/2014)

SECTION 2: AMENDMENT “15.1.04.020 Definitions” of the Spanish Fork Municipal Code is hereby *amended* as follows:

AMENDMENT

15.1.04.020 Definitions

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

"**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.

"**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.

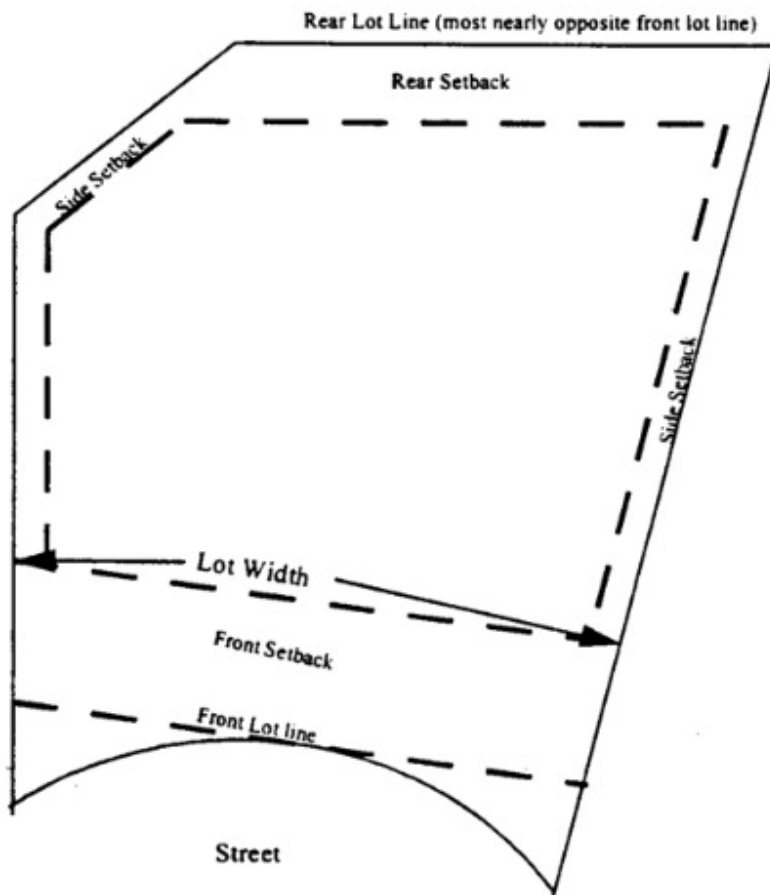
B. Rear: The lot line most nearly opposite the front property line or, if the front property is a curved line, to a line tangent to the front property line at its midpoint.

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.

"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 3: AMENDMENT "15.3.16.010 Agricultural And Rural Residential Districts" of the Spanish Fork Municipal Code is hereby *amended* as follows:

AMENDMENT

15.3.16.010 Agricultural And Rural Residential Districts

A-E. Exclusive Agriculture. The purpose of this district is to promote agricultural production on lands with high quality soil types. The lands will usually not be suited for other urban uses because of location within a floodplain, or distance to other urban services. All agricultural uses are allowed in this zone. A cannabis cultivation facility is permitted with conditions (see SFMC §5.48.030(A) and (B)) **R-R. Rural Residential.** This district is similar in character with the A-E District, but parcel sizes are generally somewhat smaller and the soil types may

be lower quality. Many of these areas within the Growth Management boundary will likely be rezoned and developed with higher density uses as utilities are extended and adequate streets are developed and/or widened. Other lands outside the Growth Management Boundary may eventually be converted to urban uses when a need is shown to expand that boundary.

A. Permitted Uses:

1. Agriculture, including the production of food and fiber crops, and tree farms, grazing and animal husbandry of livestock.
2. Commercial horse riding, training, and boarding stables. (A-E District only).
3. Living quarters for agricultural employees employed on the premises. (A-E District only).
4. Wholesale plant nurseries.
5. One (1) single residence dwelling per lot.

6. Veterinary offices including outdoor boarding of animals if animals are kept at least 200 feet from any neighboring house.
7. Churches.
8. Veterinary offices for large animals and/or outside boarding of any animals.
9. Municipal facilities required for local service.

B. Uses Subject to Conditions:

1. Accessory Dwelling Units in the R-R zone provided that the conditions of §15.3.24.090 are met.
2. Home Occupations (as described in §5.40.010 et seq.).
3. Manufactured Home (as described in §15.3.24.040 et seq.).
4. Residential facility for persons with a disability (As described in §15.3.24.010(A) et seq.).
5. Residential facility for elderly persons (As described in §15.3.24.010(B) et seq.).
6. Seasonal fruit, vegetable, and hay retail sales in structures of less than 500 square feet when at least some of the products being sold are raised on the premises. Subject to having access, parking, and any utility needs approved by the DRC.

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

1. 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 (see Table 1).

F. Site Plan/Design Review (see §15.4.08.010 et seq.): Design review is required for uses subject to Conditional Use Permit.

G. Landscaping, Buffering, Walls (see §15.4.16.130): Landscaping, buffering, and/or walls may be required for uses subject to a Conditional Use Permit.

H. Signs (see §5.36.010 et seq.).

I. Parking (see §15.4.16.120).

(Ord. No. 12-09, Amended 08/04/2009) (Ord. No. 04-14, Amended 04/01/2014) (Ord. No. 21-18, Amended 12/11/2018)

SECTION 4: **AMENDMENT** “15.3.16.020 Residential Districts” of the Spanish Fork Municipal Code is hereby *amended* as follows:

AMENDMENT

15.3.16.020 Residential Districts

R-1-80, R-1-60, R-1-40, R-1-30: These districts provide a rural residential environment within Spanish Fork that are characterized by large single-family lots conducive to animal rights as defined in §15.3.24.090(H). **R-1-20, R-1-15, R-1-12:** These districts provide low density single-family lots within Spanish Fork City. In the event a Master Planned Development is constructed within any of these zones, townhomes, condominiums, and twin homes are allowed, consistent with the requirements of the Master Planned Development section of Title 15, found in §15.3.24.030. **R-1-9, R-1-8:** These districts are to provide moderate density that is characterized by a variety of single-family housing types and lot sizes. In the event a Master Planned Development is constructed within either of these zones, townhomes, condominiums, and twin homes are allowed, consistent with the requirements of the Master Planned Development section of Title 15, found in §15.3.24.030. **R-1-6:** This district provides a residential environment that is medium density. In the event a Master Planned Development is constructed within this zone, townhomes, condominiums, duplexes, and twin homes are allowed, consistent with the requirements of the Master Planned Development section of Title 15, found in §15.3.24.030. Single-family homes on lots that are less than 6,000 square feet may also be permitted if a project is approved for the Infill Overlay Zone.

A. Permitted Uses:

1. One (1) single residence dwelling per lot.
2. Municipal facilities required for local service.
3. Churches.

B. Uses Subject to Conditions:

1. Accessory Dwelling Units in the R-1-6, R-1-8, R-1-9, R-1-12, R-1-15, R-1-20, R-1-30, R-1-40, R-1-60 or R-1-80 zones provided that the conditions of §15.3.24.090 are met.
2. Home Occupations (as described in §5.40.010 et seq.).
3. Manufactured Homes (as described in §15.3.24.040 et seq.).
4. Master Planned Developments (as described in §15.3.24.030 et seq.).
5. Residential facility for elderly persons (as described in §15.3.24.010(B) et seq.).

6. Residential facility for persons with a disability (as described in §15.3.24.070(A) et seq.).
 7. Subdivision Model Home Complexes (as described in §15.3.24.060 et seq.).
 8. Temporary office or construction trailers (as described in §15.3.24.040 et seq.).
- C. Uses Subject to Conditional Use Permit (see §15.3.08.060):
1. Assisted living facility must meet the minimum conditions of §15.3.24.010.
 2. Private schools (when located on a collector or arterial street).
 3. Residential treatment centers must meet the conditions of §15.3.24.010.
 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 (see Table 1).
- F. Site Plan/Design Review (see §15.4.08.010 et seq.).
- G. Landscaping, Buffering, Walls (see §15.4.16.130).
- H. Signs (see §5.36.010 et seq.).
- I. Parking (see §15.4.16.120).

(Ord. No. 12-09, Amended 08/04/2009) (Ord. No. 10-12, Amended 08/22/2012) (Ord. No. 17-15, Amended 12/15/2015)
 (Ord. No. 03-18, Amended 02/20/2018) (Ord. No. 21-18, Amended 12/11/2018)(Ord. No. 12-19, Amended 06/18/2019)

SECTION 5: AMENDMENT “15.3.16.030 R-3 Residential District” of the Spanish Fork Municipal Code is hereby *amended* as follows:

AMENDMENT

15.3.16.030 R-3 Residential District

This district is intended to promote high density residential uses. There will be a mix of dwelling types, with a larger proportion of twin homes, duplexes, and multi-family dwellings than single residence dwellings. Only individual lots for single-family homes will be approved as standard subdivisions. For a project to include twin homes, duplexes, and multi-family dwellings, a project must be approved as a Master Planned Development or with the Infill Overlay Zone.

- A. Permitted Uses:
1. One (1) single residence dwelling per lot.

2. Municipal facilities required for local service.
 3. Churches.
- B. Uses Subject to Conditions:
1. Accessory Dwelling Units in the R-3 zone provided that the conditions of §15.3.24.090 are met.
 2. Home Occupations (as described in §5.40.010 et seq.).
 3. Manufactured Homes (as described in §15.3.24.010 et seq.).
 4. Master Planned Developments (as described in §15.3.24.030 et seq.).
 5. Residential facility for elderly persons (as described in §15.3.24.010(B) et seq.).
 6. Residential facility for persons with a disability (as described in §15.3.24.070(A) et seq.).
 7. Subdivision Model Home Complexes (as described in §15.3.24.060 et seq.).
 8. Temporary office or construction trailers (as described in §15.3.24.040 et seq.).
- C. Uses Subject to Conditional Use Permit (see §15.3.08.060):
1. Assisted living facility must meet minimum conditions of §15.3.24.090.
 2. Residential Treatment Center must meet minimum conditions of §15.3.24.090.
 3. Wireless communication facilities on existing structures, with the intent to make them “stealth” facilities, which are not noticeable to a degree greater than the structure to which it is attached; or new stealth facilities which are camouflaged into its surroundings.
- D. Accessory Buildings and Uses (see §15.3.24.090).
- E. Development Standards (see Table 1).
- F. [Repealed]
- G. (Ord. No. 13-08, Repealed 12/02/2008)
- H. Landscaping, Buffering, Walls (see §15.4.16.130).
- I. Signs (see §5.36.010 et seq.).
- J. Parking (see §15.4.16.120).

(Ord. No. 12-09, Amended 08/04/2009) (Ord. No. 17-15, Amended 12/15/2015) (Ord. No. 03-18, Amended 02/20/2018) (Ord. No. 21-18, Amended 12/11/2018)

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 Dwelling Units (ADUs)
Awnings, Carports or Covered Decks
Animals
Wind Turbines (WT)
Outdoor Storage Areas
Public Rights-of-Way
Temporary Uses

A. Accessory Structures:

1. All accessory structures must meet the following requirements:
 - a. All accessory structures are required to obtain a building permit. Permits for structures that are less than 200 square feet or are otherwise exempt from the adopted Building Code, as set forth in §14.04.010, are free of charge.
 - b. All detached accessory structures must be located behind the front wall plane of the principal structure.
 - c. Where property abuts against Interstate 15 or U.S. Highway 6, accessory structures have no required set back from the Interstate 15 or Highway 6 right-of-ways.
 - d. The combined square footage of all detached accessory structures shall not exceed 15% of the total lot area if the structure is entirely within the setbacks for the principal structure, or 10% of the total lot area if the structure is located elsewhere on the lot.
 - e. If any accessory structure must be removed, relocated, or otherwise modified in any manner in order to access public utilities, the property owner shall bear the full expense of such removal, relocation or modification, together with all costs of restoration.
 - f. Accessory structures located on a corner lot shall meet the same front, rear, and side setbacks as required for accessory structures on an interior lot. Accessory structures located behind the front plane of the house and within 20 feet a public right-of-way shall be architecturally compatible with the primary structure on the lot. The second clear vision area as addressed in §15.4.16.150 needs to be maintained at all times.
 - g. The minimum front setback for detached accessory structures shall conform to the minimum front setback for the existing principal structure and shall be set at least five (5) feet, measured from eave to eave, from all structures on the property.
 - h. Accessory structures that meet the setback requirement for the principal building may be allowed to meet the maximum height allowed in that zone.

- i. The maximum height for detached accessory structures shall be 20 feet to the peak of the roof measured from the finish grade (measured 5-feet from the proposed structure). Any structures taller than 15 feet shall have a roof pitch of no less than 2/12.
 - j. Properties over one-half acre in size can increase the maximum height to 24 feet by having the rear and side setbacks the same as the building height.
 - k. The structure must be constructed so all water runoff from the accessory structure does not flow onto adjoining properties.
 - l. Accessory Structures that house Accessory Dwelling Units shall be architecturally compatible with the Primary Structure on the lot and shall maintain setbacks of no less than five (5) feet from all property lines and other structures.
 - m. External or detached ADUs shall not have more than 1,000 square feet of habitable living space.
 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 Dwelling Units (ADUs):

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

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

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 only types of animals that may be kept and 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) 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.

Animal	Maximum # Per 1/2 Acre
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.

K. Temporary Uses:

- 1. Certain uses may be permitted on a temporary basis in Zoning Districts where they otherwise are not allowed. Express written approval must be provided by the Community Development Director prior to the commencement of a

Temporary Use. Temporary Uses will be limited to those identified in a particular Zoning District and will be subject to conditions. The specific conditions associated with each Temporary Use will address the approved duration of the use, the precise nature of the use, the scope of the use and any others deemed appropriate for a particular situation. Business operating approved Temporary Uses must maintain a valid Spanish Fork City Business License.

(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: **AMENDMENT** “15.4.16.120 Off Street Parking” of the Spanish Fork Municipal Code is hereby *amended* as follows:

AMENDMENT

15.4.16.120 Off Street Parking

- A. Purpose: To provide adequate, but not excessive, parking to meet the needs of residents, employees, and business patrons, in a manner this is functional, safe, and aesthetically pleasing.
- B. General Requirements:
 1. Off-street parking is not required for permitted uses in the Downtown Commercial (C-D) district, except for residential uses, which must meet the requirements that are otherwise prescribed in subparagraph C.
 2. Each parking space shall be at least nine (9) feet wide and 18 feet deep (See parking design standards in the Construction and Development Standards for details on aisle widths, maneuvering areas, and fire lanes).
 3. Tandem parking (front to rear) is permitted except as required parking for ADUs.
 4. All parking spaces and driveway areas serving such parking spaces shall be surfaced with concrete, asphalt, or paving blocks except that portions of driveway areas located farther than 200 feet from a public road and which service a single residence home in the R-R or A-E zoning districts may be constructed and surfaced to an all-weather standard as approved by the City Engineer. Such surfacing may include gravel, slag, or similar materials.
 5. Required parking shall be provided on-site or on contiguous lots.
 6. Backing and maneuvering areas shall be provided on-site for all uses other

than single-family, twin homes, and duplexes.

7. For the purpose of identifying required parking, square feet shall mean the gross floor area of the building.
8. No part of any vehicle may overhang onto a public sidewalk or within five (5) feet of a street curb where no sidewalk exists.
9. All parked vehicles must comply with the City's clear vision area requirements.
10. Parking of commercial vehicles in residential districts is limited to one (1) commercial vehicle with a one-ton chassis, having a capacity of not more than 10,000 pounds' gross vehicle weight rating (GVWR).
11. Landscaping and screening of parking lots shall be in accordance with the requirements of §15.4.16.130, Landscaping, Buffering, Walls, and Fences.

C. Parking Requirements by Use:

USE	MINIMUM # OF SPACES
Auditorium, Stadium, Event Center, Private Clubs, Health Clubs, Theaters	1:100 sq. feet or 1:5 seats
Auto Repair	1:100 sq. feet
Automobile Service Station	1:200 sq. feet
Banks, Financial Institutions	1:250 sq. feet
Barber Shop or Beauty Shop	1:100 sq. feet
Churches	1:5 seats or 90 linear inches per pew
Child Care Center	1:employee, plus 1:10 children
Home Furnishings, Major Appliances	1:500 sq. feet
Hospitals	1:bed
Lube and Tire Centers	1:300 sq. feet
Manufacturing/Assembly/ Wholesale/Warehouse	1:employee on the highest shift
Mixed Uses or Unlisted Uses	To be determined by Community Development Director
Motels/Hotels Restaurants Banquet/Meeting Rooms	1:room 1:200 sq. feet 1:200 sq. feet
Office: General/Professional Medical/Dental	1:300 sq. feet 1:200 sq. feet
Instructional Studio	1:400 square feet
Indoor Recreation Facility: Amusement Center/Arcades Bowling Alley	1:100 sq. feet4:lane

Outdoor Recreation Facility: Golf Course Miniature Golf Course Batting Cages Water Park, Theme Parks	6:hole 2:hole 1:cage To be determined by the Community Development Director
Residential Single-family	A garage with space for at least one vehicle and additional space so that a minimum of two parking spaces per home are provided.
Residential Multi-family	A garage with space for at least one vehicle and additional space so that a minimum of two parking spaces per homes are provided. In addition, one guest parking space is required for every three homes
Restaurant – freestanding Restaurant – associated with another use (Motel/Hotel, School, Recreation Facility or similar)	1:100 sq. feet 1:200 sq. feet
Retail/Shopping Center (including up to 10% restaurant, health club, beauty shops; additional percentages calculated at rate for each use)	1:250 sq. feet
Retirement/Senior Housing/Nursing Home	1:employee on highest shift plus 0.4:unit
Schools: Elementary Middle or Junior High High School College Vocational/Technical	2:classroom 3:classroom 7:classroom 10:classroom 1:2 students
Storage Building/Space	0.5 per 1,000 sq. feet of storage space

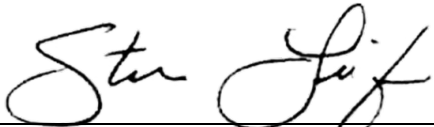
(Ord. No. 04-14, Amended 04/01/2014) (Ord. No. 11-15, Amended 06/16/2015) (Ord. No. 14-16, Amended 09/20/2016) (Ord. No. 16-17; Amended 06/20/2017)
(Ord. No. 12-19, Amended 06/18/2019)(Ord. No. 14-19, Amended 07/09/2019)

PASSED AND ADOPTED BY THE SPANISH FORK CITY COUNCIL MAY 18, 2021.

	AYE	NAY	ABSENT	ABSTAIN
COUNCILMAN MIKE MENDENHALL	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
COUNCILMAN BRANDON GORDON	<u> </u>	<u> </u>	<u> X </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



STEVE LEIFSON, MAYOR, Spanish
Fork City



Tara Silver, CITY RECORDER
Spanish Fork City

