

ORDINANCE No. 12-19

ROLL CALL

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

I MOVE this ordinance be adopted: Council member Mendenhall

I SECOND the foregoing motion: Council member Argyle

ORDINANCE No. 12-19

AN ORDINANCE MAKING EXPANDING PERMITTED USES OF ACCESSORY DWELLING UNITS

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

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

WHEREAS, there is currently a shortage of affordable housing in the State of Utah and in the City; and

WHEREAS, allowing more widespread use of accessory dwelling units will help alleviate that housing shortage, plus provide added benefits for residents who may need live-in care and/or additional income; and

WHEREAS, additional burdens on neighborhoods need to be addressed, particularly assuring that adequate off-street parking exists; and

WHEREAS, assuring safe habitations is also important for City residents, both current and future; and

WHEREAS, a public hearing was held before the Planning Commission on Wednesday, the 5th day of June, 2019, whereat public comment was received; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on Tuesday, the 18th day of June, 2019, whereat additional public comment was received;

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

I.

Spanish Fork Municipal Code §15.1.04.010, "Definitions" is hereby amended as follows:

15.1.04.020 Definitions

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

II.

Spanish Fork Municipal Code §15.3.16.020(B)(1), "Residential Districts" is hereby amended as follows:

15.3.16.020 Residential districts

B. Uses Subject to Conditions:

1. Accessory Apartments in the R-3, R-1-6, R-1-8, R-1-9, R-1-12, or R-1-15 zones provided that the conditions of §15.3.24.090 are met.

III.

Spanish Fork Municipal Code §15.3.24.090(A)(1)(m) and E, "Accessory Apartments," is hereby amended as follows:

15.3.24.090 Supplementary Regulations

E. Accessory Apartments:

1. This sub-section is established to provide regulations for Accessory Apartments within single-family dwellings.
2. Requirements for Approval. A building permit may only be issued for Accessory Apartments provided that the following requirements are met:
 - a. The property must be located in the R-3, R-1-6, R-1-8, R-1-9, R-1-12 or R-1-15 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:
 - i. 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).
 - ii. The owner is placed in a hospital, nursing home, assisted living facility or other similar facility.
 - c. Only one apartment shall be created on a parcel. The Accessory Apartment may only be located within a single-family dwelling.
 - d. Accessory Apartments are only permitted in dwellings on lots 8,000 square feet or larger.
 - e. In the R-3 and R-1-6 zones, the property must have a total of four (4) parking spaces which meet the criteria provided in section 15.4.16.120. In the R-1-8, R-1-9, R-1-12 or R-1-15 zones properties must have a total of four (4) parking spaces which meet the criteria provided in section 15.4.16.120 unless those spaces are provided in tandem. If spaces are provided in a tandem arrangement in the R-1-8, R-1-9, R-1-12 or R-1-15 zones, then an additional parking space that meets the criteria provided in section 15.4.16.120 must be provided for a total of five (5) spaces.
 - f. The Accessory Apartment must be registered with the City Community Development Department. Any fees required for registration shall be defined in the City's Annual Budget.

- g. The Accessory Apartment shall meet all applicable building and fire codes.

IV.

Spanish Fork Municipal Code §15.4.16.120(B)(3), "Off Street Parking" is hereby amended as follows:

15.4.16.120 Off Street Parking

B. General Requirements:

3. Tandem parking (front to rear) is permitted.

V.

Spanish Fork Municipal Code §15.4.16.130(B)(2)(d), "Landscaping, Buffering, Walls, and Fences" is hereby amended as follows:

15.4.16.130 Landscaping, Buffering, Walls, and Fences

B. Residential Uses:

2. Single-family and Twin Home Uses:

- d. No more than 70% of a lot shall be surfaces with impervious materials. No more than 60% of the front and side-street setback areas can be improved with impervious surfaces.

VI.

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

Table 1 - Residential Development Standards

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

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

VII.

This ordinance becomes effective twenty days after passage and publication.

DATED this 18th day of June, 2019



STEVE LEIFSON, Mayor

Attest:



Kent R. Clark, City Recorder

