

ORDINANCE No. 14-16

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 Beck

ORDINANCE No. 14-16

AN ORDINANCE MAKING AMENDMENTS TO SETBACKS, LANDSCAPING, WALLS, AND IMPACT FEE REIMBURSEMENTS, AS WELL AS GENERAL CLARIFICATION

WHEREAS, Spanish Fork City has enacted a land use ordinance to regulate the development of land within the City, establish zoning to protect property values, and establish administrative rules concerning land use; 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, landscaping requirements are necessary in order to protect property values of neighboring parcels; and

WHEREAS, reducing total landscaping requirements for professional office and non-residential and non-commercial uses makes better use of available land; and

WHEREAS, the current definitions define Automotive Repair, but the text refers to both major and minor automotive repair; and

WHEREAS, defining major and minor automotive repair will avoid confusion and create clarity; and

WHEREAS, clarifying when development related projects can be reimbursed from impact fees avoids confusion and allows for equal treatment of developers and easier administration; and

WHEREAS, establishing a front setback for the C-2 General Commercial Zone at twenty feet rather than twenty-five will allow more of the types of businesses desired in the C-2 zone to locate and operate without creating any loss of aesthetics from a slightly smaller front setback; and

WHEREAS, general cleanup of the ordinance needs to take place over time, to assure amendments don't create conflicts with differing sections, to clarify intent, and to avoid confusion; and

WHEREAS, a public hearing was held before the Planning Commission on Wednesday, the 6th day of July, 2016, whereat public comment was received; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on Tuesday, the 12th day of July, 2016, 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 §15.1.04.020, Definitions, is hereby amended by adding the following definitions:

15.1.04.020 Definitions

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

Lot Line:

- A. Front: The lot line adjacent to a street, except as follows:
1. Corner Lot. The front shall be the direction in which the front door on the principal building faces and the other shall be the corner side lot line.
 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

- 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.

II.

Spanish Fork Municipal Code, §15.1.04.030(A), Compliance and Enforcement is hereby amended to designate the Community Development Director as the Land Use Authority, as follows:

15.1.04.030 Compliance and Enforcement

A. Designation.

The Community Development Director is hereby designated and authorized as the land use authority and the officer charged with the administration and enforcement of Parts 2 and 3 of this Title, unless specifically indicated otherwise.

The City Engineer is hereby designated and authorized as the land use authority and the officer charged with the administration and enforcement of Part 4 of this Title, unless specifically indicated otherwise.

III.

Spanish Fork Municipal Code, Table 2, Commercial and Industrial Development Standards, is hereby amended to allow a twenty foot front setback in the C-2 General Commercial Zone, and increasing the height from 30 to 35 feet in the commercial zones as follows:

| Table 2 - Commercial and Industrial Development Standards | | | | | | | |
|---|-----------------------|------------------------------|-------|-------|--------------|---------------------|---------------------------------|
| District | Minimum District Size | Minimum Setback ¹ | | | | Max Building Height | |
| | | Front | Rear | Side | Corner | Principal Building | Accessory Building ¹ |
| C-O | N/A | 20 ⁴ -25' | 0-25' | 0-10' | 15' | 30' | 15' |
| C-UV | 5 acres | 25' | 0-25' | 0-20' | 15' | 35-48 ¹ | 15' |
| C-D | N/A | 0' (10' max) | 0-25' | 0' | 0' (10' max) | 48' | 15' |
| C-1 | 1 acres (5 acres max) | 25' | 0-25' | 0-20' | 15' | 30' | 15' |
| C-2 | N/A | 20 ⁴ -25' | 0-25' | 0-20' | 15' | 35-48 ² | 15-25 ² |
| S-C | 5 acres | 25' | 0-25' | 0-20' | 15' | 35-48 ² | 15' |
| B-P | 10 acres | 25' | 0-25' | 0-25' | 15' | 120' | 15' |
| I-1 | 10 acres | 25' | 0-25' | 0-25' | 15' | None | None |
| I-2 | 20 acres | 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 with a minimum width of 24 feet, with proper base material. 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 units in the I-2 Industrial Zone may be reduced by the Planning Commission as noted in 15.3.16.130(E)(1).
4 - Twenty feet, provided there is 30 feet from the building to the back of curb, otherwise 25 feet.

IV.

Spanish Fork Municipal Code §15.3.08.010(A) "Administrative Bodies and Officers" is hereby amended to designate the Community Development Director as the person to review applications, as follows:

15.3.08.010 Administrative Bodies and Officers

- A. Community Development Director: The Community Development Director shall be responsible for preparing, receiving, and reviewing applications under this Title. The Community Development Director is the land use authority in those instances when he/she makes a final decision with regard to a land use decision.

V.

Spanish Fork Municipal Code §15.3.08.020 "Interpretations and Administrative Review" is hereby amended to designate the Community Development Director as the land use authority, as follows:

15.3.08.020 Interpretations and Administrative Review

- A. Interpretations: The Community Development Director shall be responsible for interpretation of the Zoning Ordinance and shall act as the land use authority unless specifically designated otherwise. Interpretations may be considered if there is a question of clarity of any development standard or permitted use as described in this ordinance.

VI.

Spanish Fork Municipal Code §15.3.08.030(A) "Annexations" is hereby amended as follows:

15.3.08.030 Annexations

- A. Application: A party seeking Annexation to the City shall submit an Annexation petition. Petition is made by following the instructions on the electronic form provided by the Community Development Department, which meets the criteria established by state law. The petition will be placed on the Council agenda for rejection or acceptance for further review pursuant to the provisions of Utah Code Ann. §10-2-405. If accepted for further review, the City Recorder shall publish the notices, and provide the written notices as required by state law and follow the requirements of state law. During the publication period, the petition will be forwarded to the Community Development Director for presentation to the DRC and Commission, for their recommendations.

The City may also initiate an Annexation as outlined in Utah Code Ann. §10-2-418 where islands or peninsulas exist within its boundaries.

VII.

Spanish Fork Municipal Code §15.3.08.040 "Variance and Appeals" is hereby amended as follows:

15.3.08.040 Variance and Appeals

- A. General: Variances from the terms of this ordinance and appeals from decisions made by the Community Development Director in administering or interpreting this ordinance shall be processed and reviewed in accordance with this section.

B. Application: Only the owner of record, the equitable interest owner, or a person owning a specific power of attorney with respect to the property may request a variance.

Application is made by following the instructions on the electronic form provided by the Community Development Department and submitting all required materials. The application form will require the applicant to provide certain documentation and information about the site, surrounding area, and proposed use that will help the Appeal Authority properly evaluate the request. The specific information to be included with the application is described on the application form.

C. Findings: Variances to the terms of the Zoning Ordinance can only be granted by the Appeal Authority, upon making the following findings:

1. Literal enforcement of the Zoning Ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Zoning Ordinance.
2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.
3. Granting the variance is essential to the enjoyment of a substantial right possessed by other property in the same district.
4. The variance will not substantially affect the General Plan and will not be contrary to the public interest.
5. The spirit of the Zoning Ordinance is observed and substantial justice done.

D. Review Procedures: The Appeal Authority shall hold a public meeting on the application. Prior to the meeting, notice shall be provided as follows:

1. Notice shall be provided as set forth in §15.1.04.040.
2. All property owners, as shown on the last tax assessment role, adjacent to or across the street from the exterior boundaries of the property subject to the application shall be deemed interested parties and shall be sent notice by first class mail, postmarked at least ten (10) days prior to the date of the scheduled public meeting.

Notwithstanding the notice requirements set forth above, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the action for which the notice was given.

The applicant and interested parties shall be permitted to address the Appeal Authority and express any concerns. The Appeal Authority shall consider the recommendation of the Community Development Director, together with information provided by the applicant and interested parties at the public meeting both for and against the application. The Appeal Authority may approve, approve with conditions, or deny the application.

VIII.

Spanish Fork Municipal Code §15.3.08.050(B) "Amendments to the Zoning Ordinance – Text and Maps" is hereby amended as follows:

15.3.08.050 Amendments to the Zoning Ordinance - Text and Maps

B. Application: Application is made by following the instructions on the electronic form provided by the Community Development Department and submitting all required materials. The application form will require the applicant to provide certain documentation and information about the site,

surrounding area, and proposed use that will help the City properly evaluate the request. The specific information to be included with the application is described on the application form.

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

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

IX.

Spanish Fork Municipal Code §15.3.12.020(D) "District Boundaries" is hereby amended as follows:

15.3.12.020 District Boundaries

When there is uncertainty with respect to the boundaries of any zoning district on the Official Zoning Map, the following rules shall apply:

D. Where the application of the above rules does not clarify the zoning district boundary, the Community Development Director shall interpret the map and determine the boundary location.

X.

Spanish Fork Municipal Code §15.3.12.030 "Districts Established" is hereby amended to add the self-service storage zone as follows:

- SS Self Storage Overlay

XI.

Spanish Fork Municipal Code §15.3.24.020(A)(3) "Billboards" is hereby amended to name the current zones, as follows:

15.3.24.020 Billboards

A. Billboards are permitted in the following locations and subject to the following restrictions:

3. Must be at least 400 feet from any residential zoning district.

XII.

Spanish Fork Municipal Code §15.3.24.060(A)(2) "Subdivision Model Homes" is amended as follows:

15.3.24.060 Subdivision Model Home

A. A model home may be provided in conjunction with residential subdivisions subject to the following:

2. A model home plan is required, which shows the lot(s) to be used, parking areas, fencing, lighting, and signage. The Community Development Director shall review and approve the plan prior to the issuance of building permits for models.

XIII.

Spanish Fork Municipal Code §15.3.24.070(A)(2) "Temporary Office or Construction Trailers" is hereby amended as follows:

15.3.24.070 Temporary Office or Construction Trailers

- A. Temporary office trailers are allowed in conjunction with new development projects subject to the following:
 - 2. May be authorized for use exclusively as a temporary office or construction shed incidental to a construction project for a period of twelve (12) months. The Community Development Director may authorize extensions of additional six (6) month increments where construction within the project site is proceeding in a timely manner.

XIV.

Spanish Fork Municipal Code §15.4.04.060(A)(B)(C) "Filing of Preliminary Plats" is hereby amended as follows:

15.4.04.060 Filing of Preliminary Plats

- A. Prior to filing a Preliminary Plat, the developer should review conceptual plans with the Community Development Department. To apply for a Preliminary Plat approval, applicants must follow instructions on the electronic form provided by the Community Development Department and submit all required materials. Plans submitted for Preliminary Plat approval shall be provided in this format:
 - 1. A pdf and computer aided design (CAD) file of the plat in a dwg or dxf format. The CAD file of the subdivision must be in the 1927 North American Datum (NAD27) or 1983 North American Datum (NAD83) State Plane.
 - 2. All fees for the Preliminary Plat are due upon filing the application.
- B. The City will review the submission and notify the developer of any changes that must be made. The developer shall have a written response to all redlines corrected. Once these changes are made, a Portable Document Format (PDF) file of the plat must be uploaded to the electronic application.
- C. All drawings, CAD files, and packets must be updated and re-submitted through the electronic application with any changes made that were required by the DRC, Planning Commission, or City Council after each meeting.

XV.

Spanish Fork Municipal Code §15.4.04.100 "Filing of Final Plats - When" is hereby amended as follows:

15.4.04.100 Filing of Final Plats - When

Within one (1) year after approval of the Preliminary Plat or within the time for which an extension to make such filing has been granted, the applicant must follow instructions on the electronic form provided by the Community Development Department and submit all required materials with the following:

- A. A Computer Aided Design (CAD) file in a dwg or dxf format and a Portable Document Format (PDF) file of the plat. The CAD file of the subdivision must be in the 1927 North American Datum (NAD27) or 1983 North American Datum (NAD83) State Plane Coordinate System, Utah Central Zone, US Foot, with a tie to a section corner.
- B. All fees for the Preliminary Plat are due upon filing the application.

The City will review the submission and notify the developer of any changes that must be made. The developer shall have a written response to all redlines corrected. Once these changes are made, a PDF file of the plat must be uploaded to the electronic application.

Each Final Plat shall be accompanied by a filing fee established by the City Council in its annual budget, together with any impact, inspection, testing, connection, or other fees which are due at the time of application.

XVI.

Spanish Fork Municipal Code §15.4.04.120 "Review and Approval of Final Plats" is hereby amended as follows:

15.4.04.120 Review and Approval Procedure of Final Plats

Final plat and construction drawings shall be submitted to the City for review to insure conformity to the present ordinances and standards and for the adequacy and availability of public facilities. If the Final Plat or construction drawings are not in conformity, the City shall refer it back to the subdivider or developer with a list of items necessary to bring the Final Plat or construction drawings into compliance. If the Final Plat and construction drawings are in conformity, the plat or complete drawings will be submitted to the DRC with suggestions and comments noted thereon. The DRC shall act as the land use authority for Final Plat approval.

After considering the recommendation of the City Engineer, the DRC may table the matter, approve, or grant approval upon conditions stated. If approved, the City Manager, Community Development Director, City Attorney, and City Engineer shall sign the Final Plat. If any conditions are attached, the Final Plat or construction drawings shall be amended to reflect such changes and an accurate Final Plat shall be submitted to the City, prior to signing.

Original and 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.

XVII.

Spanish Fork Municipal Code §15.4.08.030(A),(D) and (E) "Application and Review Process" is hereby amended as follows:

15.4.08.030 Application and Review Process

- A. A Site Plan shall go through the following process. Pre-application conference with the Community Development Director and City Engineer, staff review, and then to the DRC.
 - 1. Pre-application conference for Site Plan Review. Persons intending to undertake development need to arrange with the Community Development Director for a pre-application meeting. The purpose of this meeting is to acquaint the applicant with the requirements of the code; to provide for an exchange of information regarding to applicable elements of the General Plan and development requirements, to arrange such technical and design assistance as will aid the applicant, and to otherwise identify policies and regulations that create opportunities or pose significant constraints for the proposed development.

2. Staff Review.
 - a. An application can be made by completing the instructions on the electronic form provided by the Community Development Department and submit all required materials:
 - i. A CAD file in a dwg or dxf format and a PDF file of the plat. The CAD file of the subdivision must be in the 1927 North American Datum (NAD27) or 1983 North American Datum (NAD83) State Plane Coordinate System, Utah Central Zone, US Foot, with a tie to a section corner.

D. The City will review the submission and notify the developer of any changes that must be made. The developer shall have a written response to all redlines corrected. Once these changes are made, a PDF and CAD file of the plat must be uploaded to the electronic application.

E. Once accepted by the DRC, the developer must insure that a copy of the signed and approved construction plans are on site at all times during construction.

XVIII.

Spanish Fork Municipal Code §14.4.08.060 "Amendments to Site Plan" is hereby amended as follows:

15.4.08.060 Amendments to Site Plan

The Community Development Director may approve minor amendments that do not jeopardize the interest of the City or adjoining property owners. The types of minor amendments contemplated by this section may include, but not be limited to, legal description mistakes, minor boundary changes, and items that should have been included on the original Site Plan. Major amendments to the final Site Plan shall go back through the approval process.

IXX.

Spanish Fork Municipal Code §15.4.12.040 "Method of Assessing" is hereby amended as follows:

15.4.12.040 Method of Assessing

The Council may establish and assess impact fees by an impact fee enactment and by complying with the notice and hearing provisions of State law.

XX.

Spanish Fork Municipal Code §15.4.12.070, "Reimbursable Projects" is hereby created as follows:

15.4.12.070 Reimbursable Projects

Growth related infrastructure that does not have local connections shall be eligible for 100% reimbursement through impact fees. If there are local connections, the difference between the regional and local infrastructure cost shall be eligible for reimbursement from impact fees. 600 amp and larger electric lines are fully reimbursable from impact fees. Street lights are included in the cost of the street cross-section.

XXI.

Spanish Fork Municipal Code §15.4.16.120(C), "Off-Street Parking" table concerning parking for medical offices and automotive repair uses is hereby amended as follows:

15.4.16.120 Off-Street Parking

C. Parking Requirements by Use:

| USE | MINIMUM # OF SPACES |
|-----------------------|---------------------|
| Auto Repair | 1:100 sq. ft. |
| Lube and Tire Centers | 1:300 sq. ft. |
| Office: | |
| General/Professional | 1:300 sq. ft. |
| Medical/Dental | 1:200 sq. ft. |

XXII.

Spanish Fork Municipal Code §15.4.16.130(C)(1), "Landscaping, Buffering, Walls, and Fences" is hereby amended as follows:

15.4.16.130 Landscaping, Buffering, Walls and Fences

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

1. Minimum of twenty-five (25%) percent on-site landscaping as a percentage of total site area.

XXIII.

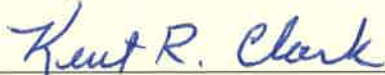
This ordinance shall be effective twenty days after passage and publication.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 20th day of September, 2016.



 STEVE LEIFSON, Mayor

Attest:



 Kent R. Clark, City Recorder

