

**SPANISH FORK CITY
ORDINANCE 01-20**

AMENDMENTS TO THE DEVELOPMENT ENHANCEMENT OVERLAY ZONE

WHEREAS, Spanish Fork City has created a development enhancement overlay zone in order to allow slight variation to development standards in those situations that benefit the City and assist desirable development; and

WHEREAS, a request has been made to add the R-O Residential Office Zone to the Development Enhancement Overlay Zone; and

WHEREAS, in reviewing the Development Enhancement Overlay Zone, clarification that the the Zone is limited to the specific use approved should be added; and

WHEREAS, a public hearing was held before the Planning Commission on Wednesday, the 15th day of January, 2020 where public comment was received; and

WHEREAS, a public hearing was held before the City Council on Tuesday, the 21st day of January, 2020, where additional public comment was received; and

WHEREAS, adding the R-O Residential Office Zone the the Development Enhancement Overlay Zone with the use clarification is in the best interests of the City, will allow appropriate development while also protecting adjoining properties;

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

SECTION 1: AMENDMENT “15.3.20.060 Development Enhancement Overlay” of the Spanish Fork Municipal Code is hereby *amended* as follows:

AMENDMENT

15.3.20.060 Development Enhancement Overlay

This district is intended to provide an ability to develop properties within R-O Residential Office Zone, the C-O Commercial Office Zone, the C-2 General Commercial Zone, the C-UV Urban Village Commercial Zone, Industrial 1 Zone, and the B-P Business Park Zone which otherwise have a difficult time meeting the standards for those zones for any number of reasons, including, but not limited to, parking standards, landscaping standards, etc.

- A. Permitted Uses: Uses permitted in the underlying zone are allowed with the Development Enhancement Overlay Zone.
- B. Limitations: The Development Enhancement Overlay Zone is limited to the specific use approved. When the specific use ceases to operate at the approved location, the property reverts to the underlying zone.
- C. Performance Standards: In those situations, when it has been found that a development cannot meet the requirements of development in the allowed zones, the Development Enhancement Overlay Zone may be requested and approved. The application will be analyzed on a case by case basis, paying particular attention to the provisions of the underlying zone which the Developer cannot meet.

The City Council has the discretion to impose conditions with the Development Enhancement Overlay Zone to mitigate negative impacts incurred by not meeting the standard requirements, which may include architectural requirements, color requirements, more intense landscaping, shared parking with adjacent uses, height requirements, signage requirements, lighting requirements, or others deemed appropriate in the specific circumstances to compensate for any deficiencies in the standard requirements. If the City Community Development Director deems it helpful, an appropriate study may be required of the Developer addressing the deficiency in the standards, why a more lenient standard works for the specific intended use, and how to compensate for the deficiency.

- D. Application: In order to have the Development Enhancement Overlay Zone approved, a developer must submit an application, on a form provided by the City, spelling out the requirements which cannot be met in the particular zone, why the requirements cannot be met, why the developer believes the requirements do not need to be met in this specific instance, how the deficiency will not adversely impact neighboring properties, and proposing conditions which will provide a solution.
- E. City Findings: The City Council may approve an application for the Development Enhancement Overlay Zone, with conditions as outlined in subparagraph B, upon making the following findings:
 - 1. That the proposed use is an appropriate use on the specific parcel as compared with other possible uses;
 - 2. That granting the Development Enhancement Overlay Zone with modified restrictions will not cause a detriment to prospective patrons, to adjacent property owners, nor to traffic flows on the adjacent public streets;
 - 3. That adequate conditions have been incorporated into the Zone which will offset the easing of usual requirements;
 - 4. If a study has been submitted by the Developer, the Council accepts the study as accurate as far as addressing the more lenient standards and the impact it will have on adjacent property owners and the City.

(Ord. No. 08-17, Enacted 03/07/2017) (Ord. No. 24-17, Amend 10/17/2017)

PASSED AND ADOPTED BY THE SPANISH FORK CITY COUNCIL FEBRUARY 04, 2020.

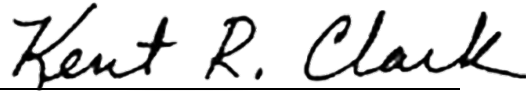
	AYE	NAY	ABSENT	ABSTAIN
Council member Chad Argyle	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Council member Stacy Beck	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Council member Brandon Gordon	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Council member Mike Mendenhall	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Council member Keir Scoubes	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer

Attest



STEVE LEIFSON, MAYOR, Spanish Fork City



KENT R. CLARK, CITY RECORDER Spanish Fork City

