

**SPANISH FORK CITY
ORDINANCE 14-20**

**MAKING AMENDMENTS TO ALLOW THE TEMPORARY USE OF STRUCTURES
IN THE SHOPPING CENTER ZONE**

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, the City has adopted a S-C Shopping Center zone that allows for a number of retail shopping related uses; 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, adding temporary uses to certain properties within the Shopping Center zone allows for vacant properties to be occupied and maintained temporarily as the building transitions from one business to another; and

WHEREAS, further the conditions placed on the property to operate a temporary use narrows the potential properties to only two current properties in Spanish Fork and continues to protect surrounding properties and helps maintain property values; and

WHEREAS, a public hearing was held before the Planning Commission on Wednesday, the 2nd day of September, 2020, whereat public comment was received; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on Tuesday, the 15th day of September, 2020, whereat additional public comment was received;

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

SECTION 1: **AMENDMENT** “15.3.16.090 S-C Shopping Center” of the Spanish Fork Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.3.16.090 S-C Shopping Center

This district is intended to provide retail uses, service-oriented businesses, offices, and restaurants in an integrated center. Each center shares common architecture, access, parking, signage, and landscape design. Centers will typically be five (5) acres in size and provide neighborhood or community level destination shopping while incorporating a design which enhances pedestrian orientation within the center.

A. Permitted Uses: The following uses are permitted if operated from a permanent, enclosed building with no outside storage of merchandise:

1. Art Galleries and Studios.
2. Car Wash (full service).
3. Child Care Centers.
4. Convenience Store.
5. Entertainment Uses.
6. Instructional Studios.
7. Lube Center.
8. Municipal Facilities required for local service.
9. Office Supply, Copying, and Printing businesses.
10. Personal Service businesses.
11. Restaurants.
12. Retail Uses.
13. Tire Center.

The following uses are permitted if operated from a permanent, enclosed building and may have outside storage or display of merchandise which is customarily part of such business:

B. Uses Subject to Conditions:

1. Seasonal sales and special events (as described in §15.3.24.050 et seq.).
2. Offices. Buildings or portions of buildings occupied by office uses cannot exceed 3,000 square feet. No more than five (5) percent of any development's gross building square footage can be dedicated to office uses.
3. Outdoor display area. Areas are only allowed for the storage of materials and merchandise in conjunction with a permitted use that has a permanent facility in the center. Areas should be sufficiently screened and/or organized so as to maintain an attractive and inviting atmosphere in the center. Areas shall not impede pedestrian or vehicular traffic to, from, or within a center.

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

1. Hotels and Motels.
2. New Automobile, Motorcycle, Boat, Truck, Recreational Vehicle Sales and Rental Facilities, and Repair Services associated with such facilities.
3. Outdoor display or storage of materials or merchandise in conjunction with any permitted use.
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 they are attached; or new stealth facilities which are camouflaged into its surroundings.

D. Accessory Buildings and Temporary Uses (see §15.3.24.090).

1. Self-storage Warehouses and/or Recreational Vehicle Storage.
2. Warehousing.

E. Development Standards (see Table 2).

F.

G.

H. Site Plan/Design Review (see §15.4.08.010 et seq.).

I. Landscaping, Buffering, Walls (see §15.4.16.130).

J. Signs (see §5.36.010 et seq.).

K. Parking (see §15.4.16.120).

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

(Ord. No. 15-15, Amended 09/15/2015)

SECTION 2: AMENDMENT “15.3.24.090 Supplementary Regulations” of the Spanish Fork Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.3.24.090 Supplementary Regulations

Accessory Buildings, Structures, or Satellite Earth Stations.

Swimming Pools

Yard/Garage Sales

Irregular Lots

Accessory (basement, mother-in-law) Apartments

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 Apartments 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.
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 Apartments:

1. This sub-section is established to provide regulations for Accessory Apartments.

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, 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 apartment shall be created on a parcel. The Accessory Apartment may only be located within a single-family dwelling or in an Accessory Structure. Accessory Structures that house Accessory Apartments shall be constructed as permanent structures.

d. Accessory Apartments are only permitted on lots 7,800 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, R-1-15, R-1-20, R-1-30, R-1-40, R-1-60, R-1-80 or R-R 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, R-1-15, R-1-20, R-1-30, R-1-40, R-1-60, R-1-80 or R-R 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.

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 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) parcel, 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.

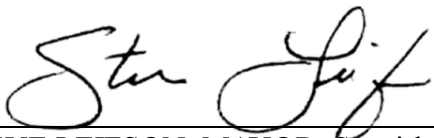
(Ord. No. 08-05, Enacted 06/07/2005)
 (Ord. No. 02-10, Amended 02/16/2010)(Ord. No. 23-10, Amended 11/16/2010)(Ord. No. 06-11, Enacted 04/19/2011)(Ord. No. 05-12, Amended 04/17/2012)(Ord. No. 10-12, Amended 08/21/2012)(Ord. No. 11-13, Amended 07/16/2013)(Ord. No. 04-14, Amended 04/01/2014)(Ord. No. 02-15, 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)

PASSED AND ADOPTED BY THE SPANISH FORK CITY COUNCIL SEPTEMBER 15, 2020.

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

Presiding Officer

Attest



STEVE LEIFSON, MAYOR, Spanish Fork City



KENT R. CLARK, CITY RECORDER Spanish Fork City

