

**SPANISH FORK CITY  
ORDINANCE 18-21**

**AN ORDINANCE MAKING MODIFICATIONS TO THE GENERAL UTILITY  
REGULATIONS OF THE CITY**

**WHEREAS**, the City provides a number of utilities and has adopted General Utility Regulations to provide those utility services to its residents; and

**WHEREAS**, the regulations need to be updated from time to time in order to become more efficient, to clarify the regulations, and to provide better service to the residents of the City; and

**NOW THEREFORE**, be it ordained and enacted by the Spanish Fork City Council, in the State of Utah, as follows:

**SECTION 1:**        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.

<b>Animal</b>	<b>Maximum # Per 1/2 Acre</b>
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. For outdoor storage areas located in the Industrial 2 or 3 zones, stackable concrete blocks may be used as the required screen for outdoor storage areas. When stackable concrete blocks are used to provide a required screen for outdoor storage areas, they shall include a wall cap and be painted or stained in the same manner as other walls as described in the City's construction standards.
4. 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.
5. 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)

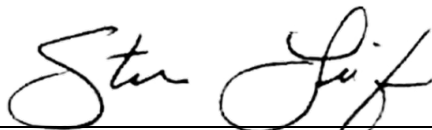
**SECTION 2:**        **EFFECTIVE DATE** This Ordinance shall be in full force and effective twenty days after passage and publication.

PASSED AND ADOPTED BY THE SPANISH FORK CITY COUNCIL SEPTEMBER 21, 2021.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
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 Shane Marshall	<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

