

**SPANISH FORK CITY
ORDINANCE 26-19**

**MAKING AMENDMENTS TO THE LAND USE ORDINANCE MAKING TEXT
AMENDMENTS TO THE RESIDENTIAL 4 AND COMMERCIAL 1 ZONES AND ADDING
DEFINITIONS**

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, requests for text amendments to the R-4 and C-1 zones have been made, seeking to increase the allowed densities in the R-4 zone and to eliminate the hours restriction and modify the height requirements in the C-1 zone; and

WHEREAS, adding definitions of a travel center and pending ordinance helps to clarify the land use code and implement the intent of the Council; and

WHEREAS, a public hearing was held before the Planning Commission on Wednesday, the 4th day of December, 2019, whereat public comment was received; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on Tuesday, the 10th day of December, 2019, whereat additional public comment was received;

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

SECTION 1: **AMENDMENT** “15.1.04.020 Definitions” of the Spanish Fork Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.1.04.020 Definitions

"Accessory Use or Building": A subordinate use or building customarily incidental to and located upon the same lot occupied by the main use or buildings.

"Accessory Apartment": A self-contained dwelling incorporated within an existing owner-occupied structure that is designed as a single-family dwelling and does not substantially alter the structure or appearance of the existing structure.

"Adult Day Care": Continuous care and supervision for three or more adults for at least four but less than 24 hours a day, that meets the needs of functionally impaired adults through a comprehensive program that provides a variety of health, social, recreational, and related support services in a protective setting.

"Affected Entity": A government entity, school district, public utility, interlocal cooperative entity, or a service or similar district, whose facilities are likely to require expansion or significant modification because of an intended use of land, or the entity's facilities or boundaries are within one mile of land which is the subject of the land use ordinance change.

"Alluvial Fan Flooding": Flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

"Apex": A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

"Area of Shallow Flooding": A designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one (1) percent chance or greater annual chance of flooding to an average depth of one to three feet as well as a shaded X zone on a community's FIRM with a one (1) percent chance or greater annual chance of flooding to an average depth of less than one foot where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of Special Erosion Hazard": Island that is adjacent to or within 200 feet of the centerline of the Spanish Fork River or within 100 feet of any other open channel facility that conveys runoff water located within the corporate limits of City.

"Area of Special Flood Hazard": Is the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A usually is refined into Zones A, AE, AH, AO, or A1-99.

"Assisted Living Facility": A residential facility, licensed by the State of Utah, with a home-like setting that provides an array of coordinated supportive personal and health care services, available 24-hours per day, to residents who have been assessed under Utah Department of Health or the Utah Department of Human Services rules to need any of these services. Each resident shall have a service plan based on the assessment, which may include: (1) specified services of intermittent nursing care; (2) administration of medication; and (3) support services promoting the resident's independence and self-sufficiency. Such facility does not include adult day care provided in conjunction with a residential facility for persons with a disability.

"Attached Structure": Any structure that is attached to another structure by a common wall, or by a footing or foundation and roof combination. This does not include an open breeze way.

"Automotive Repair": A facility which services motor vehicles with all types of repair work, including major engine and transmission repairs, body work, painting, and similar activities.

"Automotive Service Station": A facility having pumps and storage tanks from which fuel is dispensed into motor vehicles. Minor automotive repair may also be included as an incidental use.

"Base Flood": The flood having a one (1) percent chance of being equaled or exceeded in any given year.

"Basement": A story of a building, partly or wholly underground.

"Bed and Breakfast": A dwelling in which five (5) or fewer guest rooms are provided for overnight lodging of travelers.

"Blade Sweep": The diameter of the wind turbine blades as determined by the blade rotation.

"Building": A structure.

"Building Height": The vertical distance from the average finished grade surface of the building to the peak of the roof.

"Building Setback Line": The required distance between the property line and closest point of any building.

"Caretaker Dwelling": A dwelling which is ancillary to the principal use of a property which is exclusively occupied by an individual or individuals who are in charge of the maintenance of a building or business. Caretaker dwellings shall not have more than one bedroom.

"Carwash (full service)": A carwash that is completely mechanized (drive-thru operation) and that is ancillary to another use or an operation where the cleaning services are exclusively performed by employees of the establishment without the aid of the patron or coin operated devices.

"Carwash (self-serve)": A business establishment which provides car cleaning services where part or all of the cleaning is performed by the patron with the aid of coin operated cleaning devices.

"Child Care Center": Any facility in which child care is provided to 13 or more children, including the provider's own pre-school age children, on the premises at the same time.

"Church": A structure which is intended for conducting organized religious services for organizations with tax-exempt status, with no overnight facilities. Secondary uses such as child care, senior services, professional counseling, rehabilitation services, or similar uses are not included in the definition. A church does not include organizations that violate Federal, State, or City laws or codes.

"City": Spanish Fork City.

"City Council": The governing body of the City, consisting of five elected council persons and the Mayor.

"Civil Engineer": A person licensed with the State of Utah to practice as a professional engineer.

"Clinics, Emergency Medical Care Facilities": A medical facility for the diagnosis and treatment of human patients which may include emergency services, but not overnight housing of patients.

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

"Commission": The Planning Commission of Spanish Fork City, unless indicated otherwise.

"Completion Date": The date the entire subdivision, development, or construction is completed and an approved final inspection statement is given.

"Comprehensive General Plan" or "General Plan": The land use element of the Comprehensive General Plan document as approved by the City Council.

"Construction Plans and Profiles": Plans drawn by a civil engineer or land surveyor showing all required improvements including the location, size, grade and elevations.

"Convenience Store": A building or use which is primarily engaged in the provision of frequently needed, day to day retail goods including gasoline, food and non-food products.

"Council": The City Council.

"Critical Feature": An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

"Design and Development Standards": The standards as referred to in this Title and adopted by the Council.

"Development": Any man-made change in improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Developer": Person, Partnership, Limited Liability Company, Corporation, or other legal entity developing residential, commercial or industrial property.

"Development Review Committee" or "DRC": A committee that provides technical review, analysis, and recommendations to the Planning Commission and City Council related to the City's Comprehensive General Plan, Zoning Ordinance, subdivisions, capital facilities plans and site plans.

"Disability": A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment. A "disability" does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802 or successor law.

- A. "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- B. "Has a record of such an impairment" means has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.

"Duplex": A building designed for two (2) family units living independently of each other on the same lot.

"Dwelling, Multiple-Family": A building arranged or designed to include three (3) or more homes, each to be occupied by one (1) family.

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

"Elderly Person": A person who is 60 years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

"Elevated Building": A non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "Elevated Building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

"Engineer": The person appointed by the City to be the City Engineer.

"Event Center": A place with indoor or outdoor facilities that provides for gatherings of individuals assembled for purposes such as a weddings, receptions, meetings or parties.

"Existing Construction": For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM effective before that date. "Existing Construction" may also be referred to as "Existing Structures".

"Fence": A structure serving as an enclosure, a barrier, or a boundary, usually made of posts or stakes joined together by boards, wire, vinyl panels or fiberglass encapsulated foam panels.

"Final Decision": A decision by a land use authority which approves, approves with conditions, or denies a land use application. A final decision is made by motion and majority vote in a public meeting, or by a written decision if no vote is taken in the public meeting. When the land use authority is a staff member, it is their decision, granting or denying a land use application in writing.

"Final Plat": An original map or plat drawn on mylar in a form as approved by the City, showing all lots, streets, utility easements, etc.

"Flag Lot": A lot of irregular configuration in which an access strip (a strip of land of a width less than the required lot width) connects the main body of the lot to the street frontage.

"Flag Pole": A staff or pole that is no greater than 24 inches in diameter that exists for the primary purpose of displaying a flag.

"Flood Insurance Rate Map (FIRM)": Means an official map of the City, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study": The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

"Flood" or "Flooding": A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters; or
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Proofing": Any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Flood Protection System": Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

"Floodplain Management Regulations": Zoning Ordinances, subdivision regulations, Building Codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

"Floodplain Management": The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"Floodplain": That area designated as a floodplain on the most recent Flood Insurance Rate Map, for the City of Spanish Fork, prepared by the Federal Emergency Management Agency.

"Flood-prone Area": Any land area susceptible to being inundated by water from any source (see definition of flood or flooding).

"Floodway (Regulatory Floodway)": The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Formally Initiated": An act taken to change or modify a land use ordinance by application or by motion of the Planning Commission or City Council, made in a public meeting.

"Funeral Home": The provision of services including storing and preparing human remains for burial, cremation, and arranging, managing, and conducting funerals.

"Garage": A building or indoor area with four walls, a roof and at least one door, of which the primary purpose is to provide an enclosed space for parking or storing motor vehicles. Required garages must have an unobstructed area that is at least nine (9) feet wide by 18 feet deep.

"General Plan": The Comprehensive General Plan of Spanish Fork City.

"Highest Adjacent Grade": The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic Structure": Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior.
- D. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - 1. By an approved state program as determined by the Secretary of the Interior.
 - 2. Directly by the Secretary of the Interior in states without approved programs.

"Home Child Care Center": Any single home in which child care is provided for seven (7) to 12 children, including the provider's own pre-school age children, on the premises at the same time.

"Home Occupation": An occupation, profession, activity, or use that is clearly incidental and secondary to the use of a residential home.

"Hospital": A facility used for inpatient or outpatient medical and healthcare-related uses or services (one of which provides emergency medical services) or any incidental, ancillary or related uses or services including but not limited to medical office, research and/or development, information technology, warehouse and distribution, hospitality, food service and lodging.

"Hotel/Motel": A building which provides guest rooms for the overnight lodging of travelers. It may include customarily incidental uses such as meeting rooms, restaurants, and gift shops.

"Impound Yard": A facility that provides for the secured storage of automobiles with or without the permission of the owners by a person who is licensed to hold the automobiles.

"Improved Lot": A lot which has all the improvements required in Part 4 of this Title.

"Improvements": Includes roads, streets, curbs, gutters, sidewalks, grading, landscaping, water systems, sewer systems, irrigation systems, drainage systems, power systems, fences, public facilities, trees, and/or other items required by this Title.

"Instructional Studio": A facility in which instruction is offered for piano, gymnastics, voice, art, or similar activities.

"Jail": A place of incarceration owned and operated by the County or State.

"Juvenile Detention Facility": A place of temporary detention for delinquent juveniles, which either is owned and operated by the State of Utah or is under contract with the State of Utah.

"Juvenile Secure Facility": A place of incarceration for delinquent juveniles, which either is owned and operated by the State of Utah or is under contract with the State of Utah.

"Land Surveyor": A person licensed by the State of Utah to practice as a land surveyor.

"Land Use Authority": A person, board, commission, agency, or other body designated by ordinance to act upon a land use application.

"Land Use Ordinance": A planning, zoning, development, or subdivision ordinance of the City, but does not include the Comprehensive General Plan.

"Large Wind Energy System": Wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of more than 100 kW.

"Levee": A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

"Levee System": A flood protection system, which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lot": A parcel of land with frontage or other approved access to a public street, occupied or designed to be occupied by a building and its accessory uses, and which has been subdivided or otherwise lawfully permitted.

"Lot, Corner": A lot located at the intersection of two or more streets.

"Lot, Depth": The shortest distance between the midpoint of the front lot line and the midpoint of the rear lot line.

"Lot, Interior": A lot other than a corner lot.

"Lot, Irregular": A building lot whose rear property line is not generally parallel to the front property line such as a pie-shaped lot on a cul-de-sac, or where the side property lines are not parallel to each other.

"Lot, Through" or "Double Frontage": A lot which abuts upon two parallel or approximately parallel streets.

"Lot Line":

A. Front: The lot line adjacent to a street, except as follows:

1. Corner Lot. The front property line is determined by which direction the required setbacks for the front and rear can both be met. If all applicable setbacks can be met either way, the front setback shall be located on the same side as the front door of the structure and the other frontage shall be the side-street side.

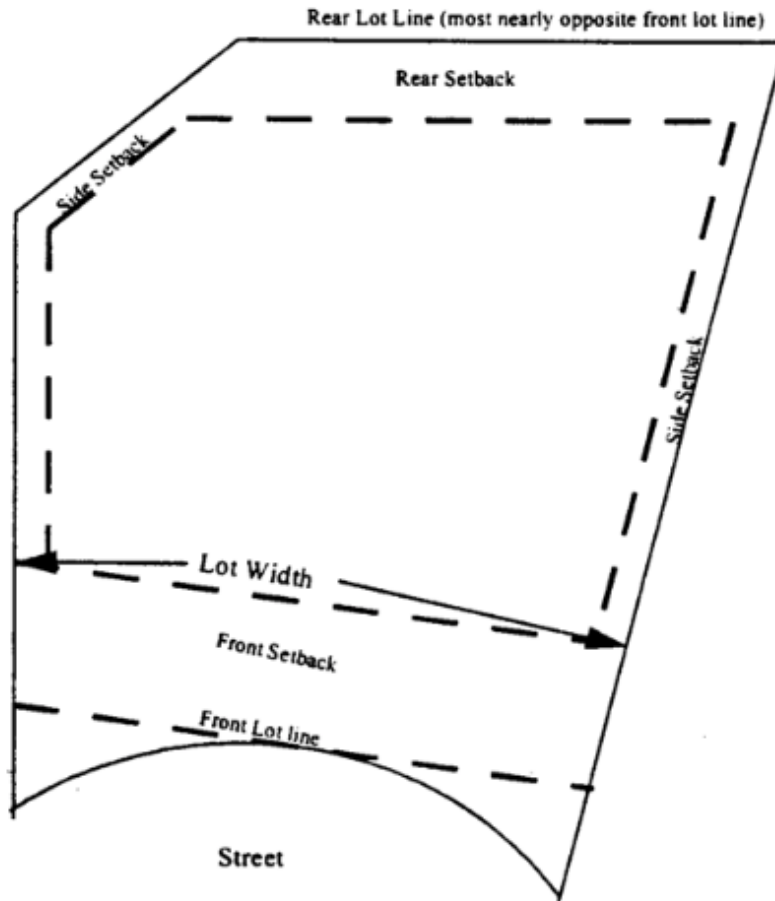
2. Through or Double Frontage Lot. The lot line which is obviously the front by reason of the prevailing custom of the other buildings on the block. The other street frontage shall be a rear lot line. Where such property line is not obviously evident, the Community Development Director shall determine the front property line.

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.

"Lot Width": If the side lot lines are parallel, the shortest distance between these side lines. If the side property lines are not parallel, the width shall be the distance between the side lines at the front setback line, as in the following illustration: **"Lube Center":** A facility which primarily provides oil change and similar servicing or performs minor mechanical repair of motor vehicles. The outdoor overnight storage of vehicles is not permitted in association with the Lube Center use.

"Manufactured Home": A transportable factory-built housing unit constructed on or after June 15, 1976, according to the National Manufactured Housing Construction and Safety Standards Act



of 1974.

"Master Planned Development (MPD or Planned Unit Development)": A residential development which typically contains common design elements, some variation in dwelling types, and common open space or parks.

"Mother-in-law Apartment": See Accessory Apartment.

"Municipal Utility Easement": an easement which:

- A. Is not a public utility easement pursuant to Utah Code Ann. §54-3-27;
- B. Is entirely owned by Spanish Fork City; and
- C. Is either:
 - 1. Not being used or occupied; or
 - 2. Is being exclusively used and occupied by Spanish Fork City or its approved franchisees to provide utility services, such as sanitary sewer, culinary water, pressurized irrigation water, storm water, broadband, telecommunications, etc.

"Museum": A building or place where works of art, scientific specimens, historic artifacts or other objects of permanent value are kept and displayed.

"New Construction": For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

"Non-complying Structure": A structure that (1) legally existed before its current land use designation; and (2) because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulation excluding those regulations, which govern the use of land.

"Non-conforming Use": A use of land that:

- A. Legally existed before its current land use designation; and
- B. Has been maintained continuously since the time a land use ordinance governed the land; and
- C. Because of one or more subsequent land use ordinance changes, does not conform to regulations that now govern the use of the land.

"Nursing" or "Retirement Homes": A long term residential facility for elderly, or otherwise ill persons which may include some or all of the following: individual homes, living and sleeping rooms, a common dining room, skilled nursing care, recreational facilities, and transportation for social and medical purposes. Such facility does not include an adult day care facility or adult day care provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

"Office": A building or portion of a building where services are performed involving predominately administrative, professional, or clerical operations.

"Offsite Facilities": Facilities outside of the boundaries of the subdivision or development site which are designated and located to serve the needs of the subdivision or development or adjacent property, usually lying between a development and existing facilities.

"Onsite Facilities": Facilities installed within or on the perimeter of the subdivision or development site.

"Outdoor Commercial Recreation Facility": Enterprises which include such uses as miniature golf courses, batting cages, waterslides, swimming pools or other similar activities that do not involve motorized vehicles.

"Outdoor Display Area": An area that is designated on a Site Plan for the outdoor display of the following items that are available for retail sale or rent: new or used automobiles, trailers, boats, recreational vehicles, construction equipment, or other finished products.

"Outdoor Storage Area": An area that is designated on a Site Plan for the storage of raw materials, finished products, vehicles, trailers or other equipment.

"Parcel of Land": A contiguous area of land in the possession or ownership of one entity with one tax identification number.

"Pending Ordinance": A land use ordinance that has been placed on a DRC agenda for discussion or action. A pending ordinance is enforceable until it is enacted, declined, or modified by action of the Council, or six months, whichever time period is shorter.

"Personal Service Business": A business involved in a service that does not usually produce a commodity. Typical uses include beauty and barber shops, tanning salons, massage therapists, laundry and dry-cleaning establishments, shoe repair, tailors, insurance agents, lawyers, accountants, and medical providers.

"Planning Commission": The Planning Commission of Spanish Fork City.

"Porch": a covered approach on a platform to a pedestrian entrance to a building which is open on at least two sides. The purpose of a porch is to shelter persons, not to shelter cars, material, or other equipment.

"Preliminary Plat": A map or plat of a proposed subdivision or development with accompanying supplementary documents.

"Principal Building": A primary building located upon a lot, or a building that provides services in direct support of a property's primary use. Properties that are developed in a campus fashion may have more than one principal building located on an individual parcel.

"Private School, Academic": A parochial or private institution offering academic or religious curriculum which is accredited to grant a degree or other indication of successful completion of an instructional program. The definition includes elementary, middle, junior, and high schools, colleges and universities. This does not include post high school educational facilities or educational facilities which include residential facilities for its students.

"Recreational Vehicle, Trailer," or "Motorhome": Means a vehicle, which is:

- A. Built on a single chassis.
- B. 400 square feet or less when measured at the largest horizontal projections.
- C. Designed to be self-propelled or be permanently towable by a light duty truck.
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Rehabilitation/Treatment Facility": A facility owned and operated by a government entity to provide temporary occupancy and supervision of individuals (adults/juveniles) in order to provide rehabilitation, treatment, or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse, or mental health. Associated education services may also be provided to juvenile occupants.

"Residential Treatment Center": A 24-hour group living environment for four or more individuals unrelated to the owner or provider that offers room or board and specialized treatment, rehabilitation, or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. In residential treatment, individuals are assisted in acquiring the social and behavioral skills necessary for living independently in the community. This does not include individuals who have been charged with the commission of any felony or who are sex offenders.

"Residential Facility for Persons with a Disability": A residence in which eight (8) or fewer persons with disability reside and which is:

- A. Licensed or certified by the Department of Human Services under Title 62A, Chapter 2, of the Utah Code, Licensure of Programs and Facilities.
- B. Licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

"Residential Facility for Elderly Persons": A facility that houses and provides at least some services that contribute towards the care of elderly residents.

"Retail Use": A business involved in the sale of commodities to ultimate consumers for personal or household consumption.

"Sensitive Lands": Lands having any of the following characteristics: slopes in excess of 30%, wetlands, 100-year floodplain, natural drainages, fault zones, streams, and lakes.

"Shelter Care Facility (Protective Housing Facility)": A facility either (1) operated, licensed or contracted by a governmental entity, or (2) operated by a charitable, non-profit organization, which, for no compensation provides temporary lodging, meals, and counseling to individuals and groups such as the homeless, pregnant teenagers, victims of domestic violence, neglected children, and runaways. Short-term care is typically less than 30 days.

"Sign": Any device used for visual communication which is intended to attract the attention of the public and is visible from the public rights-of-way or other properties. The term "sign" shall not include any flag, badge or insignia of any governmental unit nor shall it include any item of merchandise normally displayed within a show window of a business.

"Sign, Awning": Signs which are placed on or integrated into a fabric or other material canopies which are mounted on the exterior of a building.

"Sign, Billboard": A sign which is intended to advertise a business, commodity, service, entertainment, product, or attraction sold, offered, or existing elsewhere than on the property where the sign is located.

"Sign, Construction and Development": A temporary sign providing information about future development or current construction on a site, and the parties involved in the project.

"Sign, Directional": An on-premise sign that includes information assisting in the flow of pedestrian or vehicular traffic such as enter, exit, and one-way.

"Sign, Directory": A sign, other than an identification sign, listing the names, uses, or locations of the various businesses or activities conducted within a building or group of buildings, which is centrally located and intended to provide on-site directions.

"Sign, Fascia": A sign which is mounted against the horizontal piece covering the joint between the top of a wall and the projecting eaves of the roof.

"Sign, Freestanding": A sign which is erected on its own self-supporting permanent structure, detached from any supporting elements of a building.

"Sign, Identification": A sign that is designed and intended to identify only the business, place, organization, building, street address, or person on the property on which it is located.

"Sign, Mansard": A sign permanently affixed to a wall or surface designed to protect the edge of a roof, such surface being no more than 30 degrees from vertical.

"Sign, Menu Board": A permanently mounted sign displaying the menu and prices for a drive thru restaurant.

"Sign, Monument": A freestanding sign whose sign face extends to the ground or to a base.

"Sign, Noncommercial": A sign which does not contain information or advertising for any business, commodity, service, entertainment, product, or attraction.

"Sign, Nonconforming": A sign lawfully erected and maintained prior to the adoption of this ordinance which does not conform with the requirements of this ordinance.

"Sign, Pole or Pylon": A freestanding sign, other than a monument sign, erected and maintained on a mast(s) or pole(s) and not attached to any building.

"Sign, Political": A sign which supports any candidate for public office or urges action for or against any other matter on the ballot of primary, general, or special elections.

"Sign, Portable": Any sign not affixed to a structure or ground mounted on a site.

"Sign, Projecting": A sign attached to a building or other structure and extending in whole or in part more than 14 inches beyond the building.

"Sign, Reader Panel": A sign designed to permit immediate change of copy either manually or electronically.

"Sign, Roof": A sign erected on a roof, or signs that project above the highest point of the roof line, parapet, or fascia of the building.

"Sign, Shingle": A sign suspended from, and located entirely under a covered porch, covered walkway, or awning.

"Sign, Temporary": A sign not intended or designed for permanent display.

"Sign, Wall": A sign mounted flat against and projecting less than 14 inches from, or painted on the wall of a building with the exposed face of the sign parallel to the face of the wall.

"Sign, Window": A sign affixed to the interior or exterior of a window, or placed immediately behind a window pane so as to attract the attention of persons outside the building.

"Solid Waste Transfer Facility": A publicly owned facility for the drop off and temporary holding of refuse, green waste, compost, recyclables, and similar materials.

"Stacked Flat": One home attached to one or more homes by common horizontal and vertical walls.

"Start of Construction": Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as homes or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Streets": A thoroughfare which has been dedicated and accepted by the City Council, which the City has acquired by prescriptive right or which the City owns, or is offered for dedication on an approved recorded

"Final Plat": For further explanation see the streets section of the Construction and Development Standards.

"Structure": Anything built, placed or constructed on a parcel of land including, but not limited to, portable buildings or storage containers.

"Subdivision": Any parcel of land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes:

- A. The division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument; and
- B. Divisions of land for all land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

"Substantial Damage": Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

"Substantial Improvement": Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before "Start of Construction" of the improvement. This includes structures, which have incurred "Substantial Damage", regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the City Building Official and which are the minimum necessary conditions; or
- B. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

"Supervisory Care Facility": A facility with characteristics of a residential facility for persons with a disability or residential facility for elderly persons which has nine (9) or more individuals.

"Tire Care Center": A facility which primarily sells and services automotive tires, provides oil change and similar servicing, and performs minor mechanical repair of motor vehicles. The outdoor overnight storage of vehicles is not permitted in association with the Tire Care Center use.

"Tower Height": The height of a wind turbine measured from the grade level to the hub.

"Townhome": One single home constructed in a group of three or more attached homes in which each home extends from the foundation to roof and with open space on at least two (2) sides.

"Transfer Facility": A publicly owned facility for the drop-off and temporary holding of refuge. The facility is to be self-enclosed and completely fenced.

"Travel Center": A facility primarily engaged in the sale of fuel, accessories or equipment for over-the-road trucks and similar commercial vehicles, commonly referred to as a truck stop. A Travel Center may also include overnight accommodations, showers, vehicle scales, restaurant facilities, game rooms, and/or other services and diversions intended mainly for use by interregional travelers.

"Twin Home": One (1) single residence home attached to one (1) other single residence home by a common vertical wall, with each home located on a separate lot.

"Utilities": Includes culinary water lines; irrigation lines; sanitary and storm sewer lines; gas lines; electric power lines; telecommunication lines; underground conduits; and junction boxes and all appurtenances to the above.

"Wall": Barrier structure constructed of concrete, either precast or poured in place, or of individual concrete units that are adjoined with mortar.

"Water Surface Elevation": The height, in relation to the North American Vertical Datum of 1988 (NAVD 88) (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of riverine areas.

"Zoning Text Amendment": Change(s) to the wording of the comprehensive Zoning Ordinance, new zones, and changes to the zone map.

"Xeriscape": Landscaping that utilizes climate appropriate or native vegetation, rocks, minerals and other organic or non-organic materials to beautify property without creating a significant demand for water to maintain plant life in the landscape. (Ord. No. 07-09, Amended 02/10/2009) (Ord. No. 12-09, Amended 08/04/2009) (Ord. No. 02-10, Amended 02/16/2010) (Ord. No. 15-13, Amended 09/03/2013) (Ord. No. 04-14, Amended 04/01/2014) (Ord. No. 13-14, Amended 08/19/2014) (Ord. No. 15-14, Amended 10/07/2014) (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. 05-16, Amended 04/05/2016) (Ord. No. 14-16, Amended 09/20/2016) (Ord. No. 04-17, Amended 02/07/2017) (Ord. No. 20-18, Amended 11/20/2018)(Ord. No. 14-19, Amended 07/09/2019)

SECTION 2: AMENDMENT "15.3.16.070 C-1 Neighborhood Commercial" of the Spanish Fork Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.3.16.070 C-1 Neighborhood Commercial

This district is intended to provide small scale retail, personal and business services, and office uses to serve the immediate residential area. Individual businesses may not exceed 7,500 square feet and buildings may not exceed 10,000 square feet. Buildings and sites shall be designed to limit the size of parking fields and to have similar characteristics of surrounding neighborhoods. Particular focus and attention shall be given to building design to encourage compatibility with the surrounding homes.

- A. Permitted Uses: The following uses are permitted if operated from a permanent, enclosed building with no outside storage or display of merchandise.
 - 1. Child Care Centers.
 - 2. Convenience Store.
 - 3. Financial Institutions.
 - 4. Instructional Studio.
 - 5. Municipal Facilities required for local service.
 - 6. Office Supply, Copying, Printing businesses.
 - 7. Offices.
 - 8. Personal Service businesses.
 - 9. Restaurants.
 - 10. Retail Uses.
- B. Uses Subject to Conditions:
 - 1. Seasonal Sales and Special Events (as described in §15.3.24.050 et seq.).
- C. Uses Subject to Conditional Use Permit (see §15.3.08.060):
 - 1. Car wash (self or full service).

2. 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 it is attached; or new stealth facilities which are camouflaged into its surroundings.
- D. Drive-thru facilities.
- E.
- F. Accessory Buildings and Uses (see §15.3.24.090).
- G. Development Standards (see Table 2).
- 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)

SECTION 3: AMENDMENT “15.3.16.032 R-4 Residential District” of the Spanish Fork Municipal Code is hereby *amended* as follows:

A M E N D M E N T

15.3.16.032 R-4 Residential District

This district is intended to allow high density residential uses. There will be a mix of home types in this zone and it is anticipated that the majority of the homes in this zone will be in multi-unit structures arranged in both townhome and stacked flat configurations.

- A. Permitted Uses:
 1. Single-family homes.
 2. Twin homes.
 3. Duplexes.
 4. Townhomes.
 5. Stacked flats.
 6. Recreation and other support facilities connected to housing developments.
 7. Municipal facilities required for local service.
 8. Churches.
- B. Uses Subject to Conditions:
 1. Home Occupations (as described in §5.40.010 et seq.).
 2. Master Planned Developments (as described in §15.3.24.030 et seq.).
 3. Subdivision Model Home Complexes (as described in §15.3.24.060 et seq.).
 4. Temporary office or construction trailers (as described in §15.3.24.040 et seq.).
- C. Uses Subject to Conditional Use Permit (see §15.3.08.060):

1. 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 it is attached; or new stealth facilities which are camouflaged into its surroundings.

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

E. Development Standards.

1. Density shall not exceed 20 units per acre. For purposes of calculating allowed density, sensitive lands, church sites, school sites, and sites for other non residential uses may not be counted in the density calculations.
2. Minimum project size is 12 acres.
3. Minimum street frontage for a development is 80 feet.
4. Maximum impervious surface in the R-4 zone shall be 70% of the project area.
5. Minimum parking shall include two and one-half (2.5) spaces for each unit in the development. Enclosed garages shall be provided for 60% of the units and one-quarter (0.25) spaces for each unit shall be made available for guest parking. Parking on adjacent sites (a site with a shared boundary) may be used to provide up to 30% of the required parking for an R-4 development provided that the following provisions are met
 - a. That a perpetual parking easement is granted on the adjacent site for the shared parking.
 - b. That clearly identified, well-lit, and otherwise safe pedestrian connections are provided between the two adjacent sites.
6. Minimum finished living space shall be provided as follows:
 - a. Single-family residence, 1,000 square feet.
 - b. Twin home, 900 square feet, each unit.
 - c. Duplex, 900 square feet, each unit.
 - d. Townhome, 900 square feet, each unit.
 - e. Other multi-family units, 600 square feet for each studio unit, 800 square feet for each one-bedroom unit, 1,080 square feet for each two-bedroom unit, 1,240 square feet for each unit with three or more bedrooms.
 - f. All projects must have an average home size of 960 square feet or larger.
7. Curb, gutter, and sidewalk shall be provided in accordance with the City's Development Standards.

F. Development Design.

1. Building Design: multi-family projects shall include design features that differentiate adjoining units and create identity for each unit by meeting the following requirements:
 - a. Multi-family projects shall include a variety of unit sizes.
 - b. Multi-family projects shall include a variety of heights with a maximum height of 50 feet.
 - (1) Long, continuous rooflines and ridgelines greater than 50 feet shall not be permitted.
 - (2) Where projects abut property that is zoned R-1 or R-3, the maximum height shall be 35 feet within 100 feet of the property boundary line.

- c. The front facade of multi-family structures shall exhibit visual relief through an array of architectural features such as roof dormers, hips, gables, balconies, porches, wall projections, and fenestration.
 - d. Multi-family projects shall include a variety of building colors and materials. A minimum of three (3) colors per elevation is required. Multi-family project proposals may be required to submit a sample board containing examples of all exterior surfacing materials and colors.
 - e. Side-by-side multi-family homes, that are attached horizontally, shall not exceed six (6) attached units per building.
 - f. Exposed foundation walls shall not exceed four (4) feet above finished grade at any point.
2. Project Design: multi-family projects shall meet the following requirements:
- a. All exposed sides of multi-family structures shall have framed windows.
 - b. Side and rear elevations that are visible from public and private streets shall match the architectural detailing of the front facade.
 - c. Building materials for multi-family structures shall consist of at least 50% brick, stone, or synthetic stone on all sides of the structure.
 - d. Street oriented facades shall protrude beyond the garage door by at least five (5) feet.
 - e. Shared entrances for multi-family structures shall be centrally located, accentuated with architectural detailing, and well lit.
 - f. Utility and mechanical equipment extending from multi-family structures shall be clustered and screened. When the project architecture contains pitched roofs, the roof mounted utility equipment shall be situated on the back side of the roof pitch.
 - g. Carports and garages shall complement the project architecture in terms of design, materials, and colors.
3. Building Placement and Orientation: multi-family projects shall meet the following requirements:
- a. All multi-family structures shall front onto a right-of-way.
 - b. Where the R-4 zone abuts any R-1 or R-3 zone, the setback for primary buildings adjacent to the R-1 or R-3 zoned properties shall match or exceed the building's height. Otherwise, setbacks shall be as follows for all primary buildings:
 - (1) Front yard, 20 feet from public right-of-way or shared driveway to living space.
 - (2) Corner side yard, 15 feet to living space.
 - (3) Interior side yard, 10 feet, provided 15 feet exists between buildings.
 - (4) Rear yard, 15 feet.
 - (5) Accessory buildings, 5 feet to property lines and other structures.
 - (6) Garage doors, 20 feet from public right-of-way.

- c. Interior fencing for multi-family projects shall be limited to encourage shared open space, pedestrian access, and project integration into the surrounding neighborhood. Private fencing (owned by an owner of an individual unit) shall only be permitted when the fence extends directly from the unit to delineate between common and private space. Fencing shall be uniform in design and construction.
 - d. Parking should generally be located behind multi-family structures. This includes rear loaded garages, auto courtyards, and parking lots.
 - e. Required guest parking shall be evenly distributed throughout multi-family projects and be easily accessible.
 - f. Landscaping strips in the middle of driveways (between parking spaces) should be used to break up expanses of impervious surface.
 - g. Parking areas shall be broken into smaller parking clusters of 12 spaces or less.
4. Open Space: no less than 30% of the gross project area shall be open space. Applicants shall submit landscape plans for all open space. Landscape plans shall include a plant schedule, planting plan, irrigation plan, fencing plans, planting details, and plans for any proposed structures or features. Required open space may include the following:
- a. Open space areas shall be available to everyone residing in the boundaries of the development.
 - b. Open space may include pathways and outdoor amenities.
 - c. Open space excludes private balconies, decks, patio areas, recreation buildings, indoor amenities, vehicle parking, streets, and streetscape sidewalks.
 - d. Open space should be centrally located.
 - e. Open space should be clustered to create the most beneficial and efficient use of space.
5. Amenities: centrally located amenities shall be provided for multi-family projects.
- a. Projects of fewer than 50 homes shall provide an amenities package appropriate for the project size and location. Projects of 50 units or greater shall provide amenities as follows:
 - (1) Multi-family projects shall include at least one amenity per 50 units from the following list:
 - (A) Community garden.
 - (B) Courtyard with benches.
 - (C) Other active or passive recreational areas that meet the intent of this guideline.
 - (D) Picnic tables and BBQ area with shade structures.
 - (E) Sports courts (i.e., tennis, basketball, volleyball).
 - (F) Swimming pool (indoor or outdoor).
 - (G) Tot lot with play structure.
 - (2) Projects of 51 to 100 homes shall include the following amenities in addition to those required in subsection 15.3.16.032(F)(5)(a)(i).

- (A) A minimum of one (1) inside, centrally located, fully functional social area, no less than 1,000 square feet in size, or a minimum of one (1) outside social function area, no less than 2,000 square feet in size.
- (3) Projects of 101 or more homes shall include the following amenities in addition to those required in subsection 15.3.16.032(F)(5)(a)(i) and (ii).
 - (A) A minimum of one (1) inside, centrally located, fully functional social area, no less than 1,000 square feet in size.
 - (B) A minimum of one (1) outside social function area, no less than 2,000 square feet in size.
- 6. Access: street connectivity should be enhanced with an R-4 development and connections to surrounding neighborhoods.
 - a. A traffic impact study may be required for multi-family projects.
 - b. The number of street connections and access points for a multi-family project shall be proportional to the number of units.
 - c. Local streets shall not exceed 600 feet in length without an intersecting street.
 - d. Pedestrian pathways shall be provided between access points, entryways, public gathering nodes, and parking areas. Pedestrian access points should be installed between the project and the surrounding neighborhood.
 - e. All multi-family projects shall submit a photo-metric lighting plan.
- 7. Development Agreements: In order to ensure conformity to approved plans and conditions of approval, and to give assurance that any successor in interest is bound by the same plans and conditions, the City may require applicants to enter into project-specific development agreements with covenants which run with the land. A notice of the development agreement will be recorded against the land.

(Ord, No. 05-16, Enacted 04/05/2016)

PASSED AND ADOPTED BY THE SPANISH FORK CITY COUNCIL DECEMBER 10, 2019.

	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

