

ORDINANCE NO. 08-97

ROLL CALL

VOTING	YES	NO
MAYOR MARIE W. HUFF <i>(votes only in case of tie)</i>		
SHERMAN E. HUFF <i>Councilmember</i>	X	
MATTHEW D. BARBER <i>Councilmember</i>	X	
THORA L. SHAW <i>Councilmember</i>	X	
CLYDE A. SWENSON <i>Councilmember</i>	X	
REX WOODHOUSE <i>Councilmember</i>	X	

I MOVE this ordinance be adopted: Councilmember Shaw

I SECOND the foregoing motion: Councilmember Barber

ORDINANCE 08-97

AN ORDINANCE AMENDING THE ZONING ORDINANCE CONCERNING RESIDENTIAL NONCONFORMING USES

WHEREAS, Spanish Fork City has adopted a Zoning Ordinance in order to protect the health, safety, and welfare of its residents; and

WHEREAS, the current zoning ordinance prohibits a nonconforming use which has been destroyed to the extent of 50% of the fair market value of the building from being rebuilt; and

WHEREAS, it has been brought to the attention of the City that some residential buildings are nonconforming only due to the area of the lot size and not due to the use; and

WHEREAS, it would be reasonable to use limited allowed such residential buildings of uses to be rebuilt even in the event that they were destroyed to the extent of 50% of their fair market value; and

WHEREAS, a public hearing was held before Spanish Fork City Council on Tuesday the 1st day of April, 1997, wherein public input was received; and

WHEREAS, in order to protect the health, safety, and welfare of the residents of the city, an amendment to the Zoning Ordinance is required;

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

SECTION I

Section 17.04.050 (A) of the Spanish Fork City Municipal Code is hereby amended to read as follows:

17.04.050 Nonconforming Building, Uses, and Lots.

A. A legal nonconforming use may continue subject to the following limitations:

1. A nonconforming building may not be reconstructed or structurally altered during its life to an extent in the aggregate of 50% of the fair market value of the building.

2. A building which is nonconforming only as to setback regulations may be added to as long as the portion to be added conforms to the setback regulations.

3. Any legal lot which does not conform with lot area or lot dimensions for the zoning district in which it is located may be used for any use permitted in that district provided all other applicable City and zoning regulations are complied with. However, substandard residential lots will be restricted to the number of dwelling units allowed in accordance with this ordinance, except as otherwise permitted in Chapter 17.04.050 (A)(5)

4. No nonconforming building or use shall be changed to another nonconforming use.

5. No nonconforming building which has been damaged by fire, flood, explosion, or an act of God to the extent of 50% or more of its market value shall be rebuilt or repaired except in conformity with the regulations of this title, except that permitted residential uses which are nonconforming because of inadequate lot area may be rebuilt if they comply with all other applicable City and zoning regulations.

SECTION II

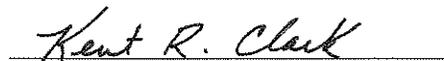
This ordinance becomes effective 20 days after passage and publication.

PASSED AND ORDERED PUBLISHED BY THE SPANISH FORK CITY COUNCIL OF SPANISH FORK, UTAH, this 1st day of April, 1997.

DATED this 1st day of April, 1997.


MARIE W. HUFF, Mayor

ATTEST:


KENT R. CLARK, City Recorder

