

ORDINANCE NO. 05-02

ROLL CALL

| VOTING | YES | NO |
|--|-----|----|
| MAYOR DALE R. BARNEY <i>(votes only in case of tie)</i> | | |
| SHERMAN E. HUFF <i>Councilmember</i> | X | |
| EVERETT KELEPOLO <i>Councilmember</i> | X | |
| GLENN A. JAMES <i>Councilmember</i> | X | |
| ROY L. JOHNS <i>Councilmember</i> | X | |
| PAUL M. CHRISTENSEN <i>Councilmember</i> | X | |

I MOVE this ordinance be adopted: Councilmember Johns

I SECOND the foregoing motion: Councilmember Christensen

ORDINANCE 05 - 02

AN ORDINANCE AMENDING THE ZONING

ORDINANCE OF SPANISH FORK CITY

WHEREAS Spanish Fork City has adopted a zoning ordinance; and

WHEREAS, changes in the growth and needs of the city have made certain provisions of the existing zoning ordinance outdated; and

WHEREAS, a zoning ordinance is necessary for the orderly planning and growth of the city and periodic revisions are desirable to remain current with progressive changes in the law and society; and

WHEREAS, a revised and updated zoning ordinance is necessary to protect the welfare

and general well being of the residents of the city, to provide a more beautiful city, to provide recreational and commercial opportunities, to provide residential, commercial, industrial, and recreational areas and uses which are compatible and not offensive to each other; and

WHEREAS, a public hearing was held before the Spanish Fork Planning Commission on the 3rd day of July, 2002, whereat public input was received; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on the 6th day of August, 2002, whereat public input was received;

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

I.

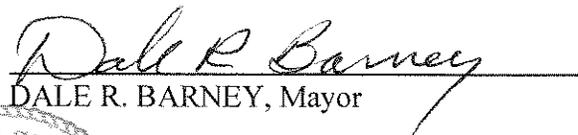
1. Title 17, Chapters 8, 12, 16, 20, and 28; Zoning are hereby repealed in their entirety.
2. Title 17, Chapters 8, 12, 16, 20, and 28; Zoning, are hereby re-enacted as set forth in the attached document.

II.

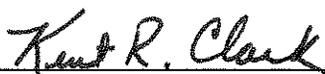
This Ordinance shall become effective twenty days after passage and publication.

DATED this 6th of August, 2002.

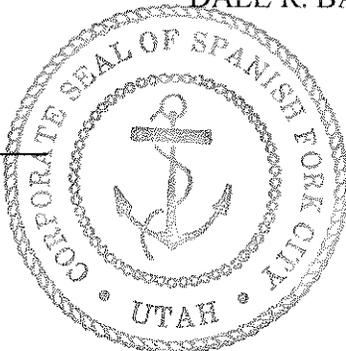
PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 6th day of August, 2002.


DALE R. BARNEY, Mayor

ATTEST:


KENT R. CLARK, City Recorder

F:\CONNIE\ORDBOOK\ORD----



TITLE 17. ZONING.

- Chapter 17.08. Definitions.**
- Chapter 17.12. Administration.**
- Chapter 17.16. Zoning Districts.**
- Chapter 17.20. Zoning District Regulations.**
- Chapter 17.28. General Development Standards.**

Chapter 17.04. Purpose and Applicability.

- 17.04.010. Title.**
- 17.04.020. Authority and Purpose.**
- 17.04.030. Severability.**
- 17.04.040. Compliance and Enforcement.**
- 17.04.050. Nonconforming Buildings, Uses, and Lots.**

17.04.010. Title.

The ordinance contained in this Title shall be known as the "Zoning Ordinance of the City of Spanish Fork, Utah". Within the ordinance text, it shall be cited as "this ordinance".

(Ord. No. 13-96, Enacted, 11/06/1996)

17.04.020. Authority and Purpose.

This ordinance is adopted pursuant to the authority contained in Utah Code Annotated §10-9-401 (1953 as amended) to promote the public health, safety, and general welfare of the community. It is the intention of the City Council that this ordinance and any amendments thereto implement the planning policies as expressed and adopted in the General Plan. The purpose of this ordinance is to:

- A. Establish land use classifications dividing the City into various zoning districts;
- B. Govern the use of land for residential, commercial, office, industrial, and all other uses;
- C. Regulate and limit the height and bulk of buildings and other structures;
- D. Limit the occupancy and size of yards and open spaces;
- E. Establish performance and design standards;
- F. Establish boards and commissions and define powers and duties for each;
- G. Provide procedures for changing zoning districts and the standards which govern these districts, conditional use permits, variances and all other permits required by this ordinance;
- H. Prescribe penalties for violations of this ordinance.

(Ord. No. 13-96, Enacted, 11/06/1996)

17.04.030. Severability.

- A. This ordinance revises and re-enacts all zoning laws. Whenever any provision of this ordinance refers to or cites a section of the Utah Code and that section is later amended or superseded, this ordinance shall be deemed amended to refer to the amended section or section that most nearly corresponds to that superseded section.
- B. The sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remainder of the ordinance other than the part determined to be unconstitutional or invalid.

(Ord. No. 13-96, Enacted, 11/06/1996)

17.04.040. Compliance and Enforcement.

- A. No building permit may be lawfully issued nor shall a Certificate of Occupancy be granted until the City Planner or his designee has given authorization indicating all requirements of this ordinance, all conditions and stipulations of approval, and any other specific project related requirements have been met.
- B. A person, firm, or corporation violating any of the stipulations, conditions of approval, or any other provision of this ordinance (Title 17) shall be guilty of a Class C misdemeanor, punishable by a fine or imprisonment, or by both. Any such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day during which any violation occurs.
- C. In addition to, or independent of the criminal penalties provided above, the City may bring a civil proceeding in a court of competent jurisdiction to enforce compliance with the terms of this ordinance, or to prevent, restrain, or abate any violation of the terms of this ordinance.
- D. Any violation of this ordinance is declared to be a public nuisance, and instead of, or in addition to, any criminal or civil enforcement measure authorized by this ordinance, may be enjoined or restrained by the City as other nuisances

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.

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.

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) housekeeping units living independently of each other.

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

Dwelling, Single Residence: A detached building designed for one (1) housekeeping unit and having one (1) kitchen.

Elderly person: Means a person who is sixty (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.

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.

Foster Home: A dwelling occupied as a primary residence by an individual or individuals having the care or control of not more than five (5) minor children as their legal wards.

Home Child Care Center: Any single dwelling unit in which child care is provided for seven (7) to twelve (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 dwelling unit.

Hotel/Motel: A building which provides six (6) or more guest rooms for the overnight lodging of travelers. It may include customarily incidental uses such as meeting rooms, restaurants, and gift shops.

Housekeeping Unit: One (1) or more individuals living, sleeping, and cooking in a single dwelling unit who share housekeeping tasks and responsibilities as

an interdependent unit.

Instructional Studio: A facility in which instruction is offered for piano, gymnastics, voice, art, or similar activities for seven (7) to twelve (12) students, including the instructor's own participating family members. Instruction of six (6) or fewer students is exempt from these regulations.

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.

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 Line:

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

1. **Corner Lot.** The front shall be the direction in which the front door on the principal building faces and the other shall be the corner side lot line.
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 City Planner 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, Through or Double Frontage: A lot which abuts upon two parallel or approximately parallel streets.

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:

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 (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.

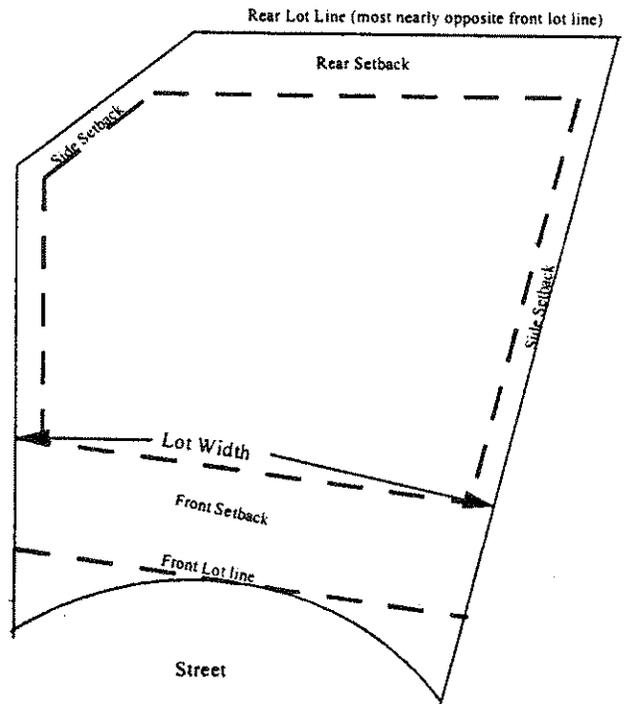
Nursing or Retirement Homes: A long term residential facility for elderly, or otherwise ill persons which may include some or all of the following: Individual dwelling units, living and sleeping rooms, a common dining room, skilled nursing care, recreational facilities, and transportation for social 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.

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, and tailors, insurance agents, lawyers, accountants, and medical providers.

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.

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: means 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; or

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 dwelling unit that is either owned by one of the residents or by an immediate family member of one of the residents, or is a facility for which the title has been placed in trust for a resident; and is occupied on a 24-hour-per-day by eight or fewer elderly persons in a family-type arrangement. A "residential facility for

elderly persons" shall not include any facility:

- A. which is operated as a business; provided, that such facility may not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility;
- B. where persons being treated for alcoholism or drug abuse are placed;
- C. where placement is not on a strictly voluntary basis or where placement is part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution;
- D. which is a health care facility as defined by Section 26-21-2 of the Utah Code; or
- E. which is a residential facility for persons with a disability.

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

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 thirty (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 thirty (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 fourteen (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 fourteen (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.

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.

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.

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

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Chapter 17.12. Administration.

- 17.12.010. **Administrative Bodies and Officers.**
- 17.12.020. **Fees.**
- 17.12.030. **Interpretations and Administrative Review.**
- 17.12.040. **Annexations.**
- 17.12.050. **Design Review.**
- 17.12.060. **Variance and Appeals.**
- 17.12.070. **Amendments to the Zoning Ordinance - Text and Maps.**
- 17.12.080. **Conditional Use Permits.**

17.12.010. Administrative Bodies and Officers.**A. City Planner:**

The City Planner shall be responsible for:

1. Administration and interpretation of this ordinance, including clarification of the intent, and review of land uses described and included in a zoning district.
2. Enforcement of this ordinance.
3. Preparing application guidelines, forms, and administrative procedures.

Additional details of certain responsibilities may be provided in other sections of this ordinance. All decisions and interpretations of the City Planner may be appealed to the Board of Adjustment in accordance with the procedure described in Chapter 17.12.060.

B. Development Review Committee:**Purpose:**

The Development Review Committee is created to provide technical review, analysis, and recommendations to the Planning Commission and City Council related to the City's General Plan, zoning ordinance, subdivisions, capital facilities plans, and site plans.

Organization:

The Development Review Committee shall consist of the City public works director, assistant public works director, utility superintendent, electric superintendent, city manager, city planner, city attorney, public safety director, and building official. Non-voting members shall include representatives from natural gas, telephone, cable tv, United States Postal Service, and such other entity as may be invited. Alternates may be designated to sit and vote in the event the member is unable to attend. Non-voting members shall be entitled to participate in any discussion, but shall not be allowed a vote.

The public works director shall be the chair of the committee, and shall retain the right to cast a vote while acting as chair.

A quorum of the committee necessary before any business can be transacted shall consist of five (5) voting members. Five (5) affirmative votes shall be necessary to approve any item or recommend

approval of any item to the Planning Commission or City Council.

Policies and Procedures:

The Development Review Committee shall adopt rules for its own organization for the transaction of business, conduct of meetings, voting, etc. Such rules shall not be in conflict with any ordinances or laws.

Powers and Duties:

The Development Review Committee shall have the following powers and perform the following duties:

1. Review and approve design review plans.
2. Review and approve final plats.
3. Review and make recommendations to the Planning Commission on preliminary plats, conditional use permits, non-conforming use expansions, and amendments to the zoning ordinance and map.
4. Other such functions as may be assigned by the City Council by resolution, ordinance or directive.

C. Planning Commission:**Purpose:**

The Planning Commission is created to provide analysis and recommendations to the City Council related to the City's General Plan, zoning ordinance, subdivisions, and capital facilities plans.

Organization:

The Planning Commission shall consist of six (6) members, one to be designated from one of its own members by the City Council, and five (5) to be appointed by the mayor with the consent of the City Council from among qualified residents of Spanish Fork. Members shall be selected without respect to political affiliations, and shall serve without compensation except for reasonable expenses. Each member shall be appointed for a term of five (5) years or until his/her successor is appointed, and may not serve full successive terms.

The term of office for the designated City Council member shall be one (1) year beginning on January 1st and terminating December 31st of the same year. In the event the City Council member shall cease to be a member of the City Council while he/she is also a member of the Planning Commission, his/her term on the Planning Commission shall also cease, and the City Council shall select a new Council member to fill the unexpired term.

Policies and Procedures:

The Planning Commission shall adopt rules for its own organization for the transaction of business, conduct of meetings, voting, etc. Such rules shall not be in conflict with any ordinances or laws.

Powers and Duties:

The Planning Commission shall have the following powers and perform the following duties in accordance with the requirements of the Utah Code:

1. Prepare and recommend a general plan and amendments to the general plan to the City Council;
2. Recommend zoning ordinances and maps, and amendments to zoning ordinances and maps to the City Council;
3. Recommend subdivision regulations and amendments to those regulations, and review and make recommendations on proposed subdivisions to the City Council;
4. Hear and decide on the approval or denial of conditional use permits;
5. Review and recommend the City's Capital Facilities Plans to the City Council;
6. Exercise any other powers that are delegated to it by the City Council.

D. Board of Adjustment:**Purpose:**

The Board of Adjustment is a quasi-judicial body created to hear requests for relief from the terms of this ordinance and to hear and decide appeals from the decisions of the City Planner.

Organization:

The Board of Adjustment shall consist of five (5) members, each to be appointed by the mayor with the consent of the City Council from among qualified residents of Spanish Fork. Members shall be selected without respect to political affiliations, and shall serve without compensation except for reasonable expenses. Each member shall be appointed for a term of five (5) years or until his/her successor is appointed, and may not serve full successive terms. Two (2) alternate members to the Board of Adjustment may be appointed in the same manner as described for regular members.

Policies and Procedures:

The Board of Adjustment shall adopt rules for its own organization for the transaction of business, conduct of meetings, voting, etc. Such rules shall not be in conflict with any ordinances or laws.

Powers and Duties:

The Board of Adjustment shall hear and decide:

1. Appeals from decisions applying the zoning ordinance made by the City Planner;
2. Variances from the terms of the zoning ordinance.

A complete description of the procedures for requesting a variance or appealing the City Planner's decision can be found in Chapter 17.12.060.

17.12.020. Fees.

Fees for all services as required by this ordinance, including, but not limited to, rezoning, text amendments, conditional use permits, variances, design review, appeals, and administrative reviews shall be established by the City Council, either by resolution, or as part of the annual budget.

17.12.030. Interpretations and Administrative Review.

- A. Interpretations: The City Planner shall be responsible for interpretation of the Zoning Ordinance. Interpretations may be considered if there is a question of clarity of any development standard or permitted use as described in this ordinance.
- B. Administrative Review: The City Planner shall review all uses specified in Chapter 17.12.050 (Uses Subject to Conditions) to determine that all conditions are met.
- C. Appeals: All decisions and interpretations by the City Planner performed in accordance with this section may be appealed to the Board of Adjustment as described in Chapter 17.12.060.

17.12.040. Annexations.**A. Application:**

The party seeking annexation to the City of Spanish Fork shall submit an annexation petition and a plat describing the property to the City Recorders office, meeting the criteria established by state law. The request will be placed on the City Council agenda for rejection or acceptance for further review pursuant to the provisions of Utah Code Ann. §10-2-404. If accepted for further review, the recorder shall publish the notices, and provide the written notices as required by state law and follow the requirements of state law. During the publication period, the petition will be forwarded to the City Planner for presentation to the Development and Review Committee and Planning Commission, for their recommendations.

The City may also initiate an annexation as outlined in Utah Code Ann. §10-2-418 where islands or peninsulas exist within its boundaries.

B. Development Review Committee:

The Development Review Committee shall address the following items in its review of the annexation petition:

1. Whether the proposed property is within the growth management boundary of the general plan;
2. Present and proposed land use and zoning;
3. Present and potential demand for various municipal services;
4. Distances from existing utility lines, public schools, parks, and shopping areas;
5. Specific time tables for extension of services to the area and how these services would be financed;
6. Potential impact on existing and proposed streets;
7. The effect that the annexation will have upon City boundaries and whether the annexation will create potential for islands, or difficult service areas;
8. An estimate of potential revenue verses potential service costs.

C. Planning Commission Review:

The Planning Commission shall consider the Development Review recommendation, together with testimony from the petitioner and other interested parties, and make a recommendation on the annexation and zoning districts to the City Council.

D. City Council Review:

If no protest is filed, a public hearing shall be scheduled before the City Council to act upon the petition. If a protest is filed, the Council shall schedule a public hearing to act upon the petition after the boundary commission has rendered its decision. The petitioners shall be responsible for the costs of any feasibility studies, which payment shall be made in advance of the study. The Council may schedule the matter at any time to deny the petition.

E. Granting of Petition:

If an annexation petition is granted, an ordinance accepting the annexation and designating the zoning shall be prepared for the territory shown on the plat map. A certified copy of the annexation ordinance and the plat shall be filed in the office of the County Recorder.

17.12.050. Design Review.

A. Purpose:

1. To promote development consistent with the City's goals of high quality.
2. To ensure that development is compatible with the surrounding area.
3. To ensure that on-site and off-site circulation is safe for both motorists and pedestrians.

4. To ensure that all necessary public utilities and services are provided in an efficient and aesthetic manner.

B. When Review is Required:

Design review is required for multi-dwelling units, non-residential structures, and for all residential units in new subdivisions if any one of the following requirements is met:

1. Any new development or construction.
2. Any change in occupancy as classified by the International Building Code.
3. Any expansion of an existing building or site.
4. Any remodeling of an existing use that alters at least twenty percent (20%) of the floor area or site area.
5. Prior to occupancy of any commercial or industrial building or site which has been vacant for one (1) year or more.
6. Any amendment to an approved design review plan (or site plan from the previous Title 17 Zoning Ordinance).

C. Minor Design Review and Waiver of Design Review.

Some projects such as single family residences and minor additions to non-residential structures may not need a complete review in accordance with the following sections even though one of the six requirements of Section B is met. The City Planner may waive full Design Review if it is determined that such review will not further the purpose of the Design Review section.

D. Submittal Requirements:

A Design Review submittal shall contain the following:

1. Completed application form and fee.
2. A site plan.
3. Building elevations.
4. A conceptual landscape plan and grading and drainage plan.
5. Proposed signage.

The technical information to be included with these items along with the appropriate number of copies of each is described in the application guidelines accompanying the Design Review application form.

E. Review and Approval:

The City Planner shall forward complete design review submittals to the Development Review Committee for review. The Committee shall consider the following items when evaluating a project:

1. Whether the proposed development complies with the General Plan, all provisions of this ordinance and all other City ordinances, development standards, and codes.

2. Whether the proposed site developments plan's building heights, mass and locations, access points, and parking areas will not negatively impact adjacent properties or the surrounding neighborhood.
3. Whether the proposed development promotes a functional relationship of structures to one another, to open spaces, and to the surrounding neighborhood.
4. Whether the building materials, colors, project signage, lighting, and landscaping is appropriate to the development, the neighborhood, and the City.
5. Whether driveway locations, traffic circulation, any drive-thru facilities, off-street parking, loading and service areas, and pedestrian ways are designed to promote safety and convenience.
6. Whether the structures are constructed of high quality, durable materials with an architectural character that avoids excessive variety or monotonous repetition.
7. Whether all mechanical equipment, appurtenances, and utility lines are concealed from view and integral to the building and site design.

The Development Review Committee may approve, approve with conditions, or deny the application. The decision of the Committee shall be final and effective fifteen (15) days from the date of the decision unless an appeal is filed pursuant to the following section.

F. Appeals:

The applicant may appeal the decision of the Development Review Committee to the City Council. Such requests for appeal must be filed on an application form provided by the City with the appropriate fee within fifteen (15) days following the date of the Committee's decision. The City Council shall act to affirm or reverse, in whole or in part, or modify the Development Review Committee's decision.

G. Period of Approval and Completion of Improvements:

Design review approval shall be valid for a period of six (6) months from the date of approval and shall become invalid if a building permit has not been issued in that time. Up to six (6) additional months may be granted by the City Planner upon written request by the applicant. The City Planner shall grant the extension only upon a finding that special circumstances prevented the applicant from obtaining a building permit, and that no changes in City ordinances have occurred which would significantly alter the previous design review approval.

All improvements shown in conjunction with the development shall be completed prior to issuance of a certificate of occupancy. If certain improvements have not been completed at such time as the building is complete and would otherwise be ready for occupancy, the applicant may bond for the remaining improvements for a period not to exceed six (6) months from the date of Certificate of Occupancy.

(Ord. No. 13-96, Enacted, 11/06/1996)

17.12.060. Variance and Appeals.

A. General:

Variances from the terms of this ordinance and appeals from decisions made by the City Planner in administering or interpreting this ordinance shall be processed and reviewed in accordance with this section.

B. Application:

Only the owner of record, the equitable interest owner, or a person owning a specific power of attorney with respect to the property may request a variance. Any interested party may appeal a decision made by the City Planner.

Applications shall be filed with the City Planner on a form provided by the City. The application form will require the applicant to provide certain documentation and information about the site, surrounding area, and proposed use that will help the Board of Adjustment properly evaluate the request. The specific information to be included with the application is described on the application form.

(Note: Appeals will be reviewed and considered by the Board at a public meeting, but need not comply with the findings or public hearing requirements in the subsequent sections.)

C. Findings:

Variances to the terms of the zoning ordinance can only be granted upon making the following findings:

1. Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance;
2. There are special circumstances attached to the property that do not generally apply to other properties in the same district;
3. Granting the variance is essential to the enjoyment of a substantial right possessed by other property in the same district;
4. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
5. The spirit of the zoning ordinance is observed and substantial justice done.

D. Review and Public Hearing Procedures:

Completed applications will be reviewed by the City Planner and evaluated in accordance with the criteria described in the above "Findings". The City Planner shall forward a recommendation to the Board of Adjustment for approval, approval with conditions, or denial based upon consideration and evaluation of the "Findings".

The Board of Adjustment shall hold at least one (1) public hearing on the application. Prior to the hearing, notice shall be provided as follows:

1. A notice of time and place of such hearing shall be published in a newspaper of general circulation within the City at least five (5) days prior to the time of such hearing;
2. All property owners, as shown on the last tax assessment role, adjacent to or across the street from the exterior boundaries of the property subject to the application shall be sent notice by first class mail, postmarked at least five (5) days prior to the date of the scheduled public hearing.

Notwithstanding the notice requirements set forth above, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the action for which the notice was given.

The Board of Adjustment shall consider the recommendation of the City Planner, together with information provided by the applicant, and any statements made at the public hearing both for and against the application. The Board may approve, approve with conditions, or deny the application.

E. Appeals:

The decision of the Board shall be final; provided, however, that any person aggrieved by a decision of the Board may, within thirty (30) days of the Board's decision, petition the District Court for a review of the decision in accordance with Utah Code Annotated §10-9-708.

(Ord. No. 13-96, Enacted, 11/06/1996)

17.12.070. Amendments to the Zoning Ordinance - Text and Maps.**A. General:**

Amendments to this Zoning Ordinance which change property from one zoning district to another, which modify ordinance text, or which amend or modify stipulations or conditions of approval shall be adopted in accordance with this section.

B. Application:

Applications shall be filed with the City Planner on a form provided by the City. The application form will require the applicant to provide certain documentation and information about the site, surrounding area, and

proposed use that will help the Development Review Committee and Planning Commission properly evaluate the request. The specific information to be included with the application is described on the application form.

Any interested party may request a change in the text of the Zoning Ordinance. Only the following may request an amendment to change property from one zoning district to another:

1. The owner or any of the joint owners of the property;
2. The owners of seventy-five (75%) or more of the area covered by the application when the application covers more than one property;
3. The Planning Commission or City Council on its own motion at a public meeting.

C. Findings:

Amendments to the Zoning Ordinance and the Zoning Map may be approved only upon making the following findings:

1. The amendment is consistent with the policies of the General Plan, including any policies of the Capital Improvements Plan;
2. For amendments to the Zoning Map, consideration has been given to include any conditions necessary to mitigate adverse impacts on adjoining or nearby properties.

D. Review and Public Hearing Procedures:**1. Development Review Committee:**

Completed applications will be reviewed by the Development Review Committee and evaluated in accordance with the criteria described in the above "Findings". The Development Review Committee shall forward a recommendation to the Planning Commission for approval, approval with conditions, or denial based upon consideration and evaluation of the "Findings".

2. Planning Commission:

The Planning Commission shall hold at least one (1) public hearing on the application. Prior to the hearing, notice shall be provided as follows:

- a. A notice of the time and place of such hearing shall be published in a newspaper of general circulation within the City at least fourteen (14) days prior to the time of such hearing, and for Zoning Map amendments, the following additional notice shall be provided;
- b. All property owners, as shown on the last tax assessment role, within 300 feet of the exterior boundaries of the property subject to the application shall be sent notice by first class mail, postmarked at least seven (7)

days prior to the date of the scheduled public hearing.

Notwithstanding the notice requirements set forth above, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the action for which the notice was given.

The Planning Commission shall consider the recommendation of the Development Review Committee, together with information provided by the applicant, and any statements made at the public hearing both for and against the application. The Commission may recommend approval, approval with conditions, or denial of the application to the City Council.

3. City Council:

The City Council shall hold at least one (1) public hearing on the application. Prior to the hearing, notice shall be provided as follows:

- a. A notice of the time and place of such hearing shall be published in a newspaper of general circulation within the city at least fourteen (14) days prior to the time of such hearing.

After the public hearing, the City Council may approve, approve with conditions, or deny the application.

17.12.080. Conditional Use Permits.

A. Purpose:

Certain uses have characteristics that may have a greater impact on the adjoining properties, surrounding neighborhood, or community as a whole than do other permitted uses in the specific zoning district. These uses require a more comprehensive review to determine whether the proposed use at a specific location is appropriate, or whether the use can be made compatible by placing certain conditions on its operation that mitigate or eliminate potential detrimental impacts. The Planning Commission is empowered to grant, to grant with conditions, or to deny the conditional use permit application, subject to the findings and hearing requirements of this section.

B. Application:

Applications shall be filed with the City Planner on a form provided by the City. The application form will require the applicant to provide certain documentation and information about the site, surrounding area, and proposed use that will help the Development Review Committee and Planning Commission properly evaluate the request. The specific information to be included with the application is described on the application form.

C. Findings:

The Development Review Committee shall consider and the Planning Commission must make the following

findings prior to granting a conditional use permit:

- 1. The proposed use is consistent with the policies of the City's General Plan and the purpose of the zoning district in which the site is located.
- 2. The proposed use will not be materially detrimental to the health, safety, or general welfare of persons residing or working within the neighborhood of the proposed use, when consideration is given to the character and size of the use and hours of operation.
- 3. The proposed site is adequate in size and shape to accommodate the intended use, and that all requirements for the zoning district, including but not limited to: setbacks, walls, landscaping and buffer yards are met.
- 4. The proposed site has adequate access to public streets to carry the type and quantity of traffic which may be generated by the use, and that on-site circulation is adequate to permit driveways, parking, pedestrian ways, and loading requirements in a manner which is safe and efficient.
- 5. Adequate conditions or stipulations have been incorporated into the approval of the Conditional Use Permit to insure that any anticipated detrimental effects can be minimized.

D. Review and Public Hearing Procedures:

1. Development Review Committee:

Completed applications will be reviewed by the Development Review Committee and evaluated in accordance with the criteria described in the above "Findings". The Development Review Committee shall forward a recommendation to the Planning Commission for approval, approval with conditions, or denial based upon consideration and evaluation of the "Findings".

2. Planning Commission:

The Planning Commission shall hold at least one (1) public hearing on the application. Prior to the hearing, notice shall be provided as described in Chapter 17.12.070(D).

The Planning Commission shall consider the recommendation of the Development Review Committee, together with information provided by the applicant, and any statements made at the public hearing both for and against the application. The Commission shall approve, approve with conditions, or deny the application. Conditions may be imposed on the use which are deemed necessary to mitigate potential impacts and insure compatibility of the use with surrounding

development and the City as a whole. These conditions may include, but are not limited to:

- a. Requirements for setbacks, open spaces, buffers, fences or walls, and landscaping, the purpose of which is to mitigate conflicts from visual, noise, lighting, and similar impacts associated with the use.
- b. Dedication and/or improvements of street or other public rights-of-way, and control location of access points, and on-site circulation, to mitigate traffic impacts from increased volumes or nature of traffic activity associated with the use.
- c. Limitations on hours of operation, methods of operation, building height and size, on-site lighting, and on signage.

E. Appeals:

The decision of the Planning Commission shall be final and effective fifteen (15) days from the date of the decision unless an appeal is filed pursuant to this section.

1. The action of the Planning Commission may be appealed to the City Council by the applicant, any member of the City Council, the City Manager, or any property owner within 300 feet of the subject property. Such requests for appeal must be filed on an application form provided by the City with the appropriate fee within fifteen (15) days following the date of the Planning Commission action.
2. Consideration of the appeal shall be made at a public hearing only after notice is provided as described in Chapter 17.12.070(p)(3).
3. The City Council shall act to affirm or reverse, in whole or in part, or modify the Planning Commission's decision based upon the facts entered into the record at the public hearing conducted by the Commission. Any action to approve the conditional use permit must include the required "Findings" as required by this section.

F. Revocation:

Failure to comply with the conditions or stipulations of a Conditional Use Permit is a violation of this ordinance and will be enforced as such. Revocation procedures may be initiated and processed by the Planning Commission as follows:

The City shall notify, by certified mail, the holder of the Conditional Use Permit of the intention to conduct a

hearing to consider the revocation of the Conditional Use Permit. Notice shall be postmarked at least fifteen (15) days prior to the date of the scheduled hearing. At the hearing the Planning Commission shall consider evidence from all interested parties, and after consideration of all available information may revoke the Conditional Use Permit if it is determined that conditions or stipulations of the approved Permit have not been met.

G. Transfer of Conditional Use Permit:

A Conditional Use Permit granted in accordance with this section shall run with the land and continue to be valid regardless of ownership of the site or structure, as long as it operates within the conditions or stipulations of the Conditional Use Permit approval.

Chapter 17.16. Zoning Districts.**17.16.010. Zoning Map.****17.16.020. District Boundaries.****17.16.030. Districts Established.****17.16.010. Zoning Map.**

- A. Boundaries of the zoning districts established in this Zoning Ordinance shall be shown on a map titled "Official Zoning Map of Spanish Fork City", which is incorporated and adopted as a part of this ordinance.
- B. Amendments to the Official Zoning Map shall be by ordinance as prescribed in this ordinance.

(Ord. No. 13-96, Enacted, 11/06/1996)

17.16.020. District Boundaries.

When there is uncertainty with respect to the boundaries of any zoning district on the Official Zoning Map, the following rules shall apply:

- A. Where district boundaries are indicated as approximately following streets or highway rights-of-way, the center line of such street or highway right-of-way shall be construed to be the boundary;
- B. Where district boundaries approximately follow property lines, such lines shall be construed to be the boundary.
- C. Where district boundaries are approximately parallel to rights-of-way of streets or highways, such boundaries shall be construed as being parallel thereto at such distance as specified by ordinance, or, if no such distance is specified, as determined by the use of the scale of measurement shown on the map.
- D. Where the application of the above rules do not clarify the zoning district boundary, the City Planner shall interpret the map and determine the boundary location.

(Ord. No. 13-96, Enacted, 11/06/1996)

17.16.030. Districts Established.

The City of Spanish Fork shall be divided into zoning districts as follows:

| | |
|---------------|-------------------------------|
| A-E | Exclusive Agriculture |
| R-R | Rural Residential |
| R-1-30 | Very Low Urban Residential |
| R-1-12 | Low Urban Residential |
| R-1-9 | Standard Urban Residential |
| R-1-8 | Medium Urban Residential |
| R-1-6 | Medium High Urban Residential |
| R-3 | High Urban Residential |
| R-O | Residential Office |
| C-O | Commercial Office |
| C-D | Downtown Commercial |
| C-1 | Neighborhood Commercial |
| C-2 | General Commercial |
| S-C | Shopping Center |
| C-UV | Urban Village Commercial |
| B-P | Business Park |
| I-1 | Light Industrial |
| I-2 | Medium Industrial |
| I-3 | Heavy Industrial |
| AIO | Airport Impact Overlay |
| FP | Floodplain Hazard Overlay |
| GH | Geologic Hazards Overlay |
| SM | Surface Mining Overlay |

(Ord. No. 13-96, Enacted, 11/06/1996); (Ord. No. 11-01, Amended, 11/06/2001)

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Chapter 17.20. Zoning District Regulations.

- 17.20.010. **Agricultural and Rural Residential Districts.**
- 17.20.020. **Very Low to Medium High Residential Districts.**
- 17.20.030. **R-3 High Residential.**
- 17.20.040. **R-O Residential Office.**
- 17.20.050. **C-O Commercial Office.**
- 17.20.060. **C-D Downtown Commercial**
- 17.20.070. **C-1 Neighborhood Commercial.**
- 17.20.080. **C-2 General Commercial.**
- 17.20.090. **S-C Shopping Center.**
- 17.20.095. **C-UV Urban Village Commercial**
- 17.20.100. **B-P Business Park.**
- 17.20.110. **I-1 Light Industrial.**
- 17.20.120. **I-2 Medium Industrial.**
- 17.20.130. **I-3 Heavy Industrial.**

- 17.20.010. **Agricultural and Rural Residential Districts.**
A-E Exclusive Agriculture.
R-R Rural Residential.

A-E: The purpose of this district is to promote agricultural production on lands with high quality soil types. The lands will usually not be suited for other urban uses because of location within a floodplain, or distance to other urban services.

R-R: This district is similar in character with the A-E District, but parcel sizes are generally somewhat smaller and the soil types may be slightly lower quality. Many of these areas within the Growth Management boundary will likely be rezoned and developed with higher density uses as utilities are extended and adequate streets are developed and/or widened. Other lands outside the Growth Management boundary may eventually be converted to urban uses when a need is shown to expand that boundary.

A. Permitted Uses:

- 1. Agriculture, including the production of food and fiber crops, and tree farms; grazing and animal husbandry of livestock.
- 2. Commercial horse riding, training, and boarding stables. (A-E District only)
- 3. Living quarters for agricultural employees employed on the premises. (A-E District only)
- 4. Wholesale plant nurseries. (A-E District only)

- 5. One (1) single residence dwelling per lot.
- 6. Foster home.
- 7. Seasonal fruit, vegetable, and hay retail sales structures of less than 500 square feet when located on the premises where the products are raised.
- 8. Public parks and recreational facilities.
- 9. Golf courses and related facilities.
- 10. Public schools (R-R District only, and when located on a collector or arterial street)
- 11. Veterinary offices including outdoor boarding of animals if animals are kept at least 200 feet from any neighboring house.
- 12. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities (so long as the structure height does not exceed 20 feet above the existing structure and is a monopole).
- 13. Churches (R-R District only, and when located on a collector or arterial street).
- 14. Municipal facilities required for local service.

B. Uses Subject to Conditions (as described in Chapter 17.28.050):

- 1. Home Child Care Center
- 2. Home Occupations
- 3. Instructional Studio
- 4. Manufactured Home
- 5. Residential facility for persons with a disability.
- 6. Residential facility for elderly persons.

C. Uses Subject to Conditional Use Permit (see Chapter 17.12.080):

- 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 Chapter 17.28.040):

E. Development Standards (see Table 1):

F. Design Review (see Chapter 17.12.050):
 Design review is required for uses subject to conditional use permit.

G. Landscaping, Buffering, Walls (see Chapter 17.28.030):

Landscaping, buffering, and/or walls may be required for uses subject to a conditional use permit.

H. Signs (see Chapter 17.28.010):

I. Parking (see Chapter 17.28.020):

(Ord. No. 13-96, Enacted, 11/06/1996); (Ord. No. 14-98, Enacted (A,12) (C,2) 12/01/1998)

17.20.020. Very Low to Medium High Residential Districts.

- R-1-30 Very Low Urban Residential,**
- R-1-12 Low Urban Residential,**
- R-1-9 Standard Residential,**
- R-1-8 Medium Residential,**
- R-1-6 Medium High Residential**

These districts are intended to promote very low to medium high density residential uses. Most areas will be predominately single residence dwellings with some twin homes and duplexes in R-1-8 and R-1-6 districts, but larger Master Planned Developments may also include other dwelling types.

A. Permitted Uses:

1. One (1) single residence dwelling per lot.
2. Twin homes (R-1-8 and R-1-6 districts only).
3. Duplexes (R-1-6 district only).
4. Foster home.
5. Public parks and recreational facilities.
6. Golf courses and related facilities.
7. Municipal facilities required for local service.
8. Churches (when located on a collector or arterial street).
9. Public schools (when located on a collector or arterial street).
10. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities (so long as the structure height does not exceed 20 feet above the existing structure and is a monopole).

B. Uses Subject to Conditions (as described in Chapter 17.28.050):

1. Home Child Care Centers.
2. Home Occupations.
3. Instructional Studio.
4. Manufactured Homes.
5. Master Planned Developments.
6. Subdivision Model Home Complexes.
7. Temporary office or construction trailers.
8. Residential facility for persons with a disability.
9. Residential facility for elderly persons.

C. Uses Subject to Conditional Use Permit (see Chapter 17.12.080):

1. Nursing or retirement homes.
2. Supervisory care facilities.
3. 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.
4. Accessory apartments (R-1-6 district only)

5. Private schools (when located on a collector or arterial street).
6. Residential treatment center (owner occupied) must meet minimum conditions of 17.28.050.
7. Assisted living facility must meet minimum conditions of 17.28.050.

D. Accessory Buildings and Uses (see Chapter 17.28.040):**E. Development Standards (see Table 1):****F. Design Review (see Chapter 17.12.050):****G. Landscaping, Buffering, Walls (see Chapter 17.28.030):****H. Signs (see Chapter 17.28.010):****I. Parking (see Chapter 17.28.020):**

(Ord. No. 13-96, Enacted, 11/06/1996); (Ord No. 14-98, Enacted (A,10) (C,4) 12/01/1998)

17.20.030. R-3 High Residential.

This district is intended to promote high density residential uses. There will be a mix of dwelling types, with a larger proportion of twin homes, duplexes, and multi-family dwellings than single residence dwellings.

A. Permitted Uses:

1. Single residence dwellings.
2. Twin homes.
3. Duplexes.
4. Three-plexes or Four-plexes.
5. Foster homes.
6. Public parks and recreational facilities.
7. Municipal facilities required for local service.
8. Churches (when located on a collector or arterial street).
9. Public schools (when located on a collector or arterial street).
10. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities (so long as the structure height does not exceed 20 feet above the existing structure and is a monopole).

B. Uses Subject to Conditions (as described in Chapter 17.28.050):

1. Home Child Care Centers.
2. Home Occupations.
3. Instructional Studio.
4. Manufactured Homes.
5. Master Planned Developments.
6. Subdivision model home complexes.
7. Temporary office or construction trailers.
8. Residential facility for persons with a disability.
9. Residential facility for elderly persons.

C. Uses Subject to Conditional Use Permit (see Chapter 17.12.080):

1. Child care centers.
2. Nursing or retirement homes.

- 3. Shelter care facilities.
- 4. Supervisory care facilities.
- 5. Residential treatment center (owner occupied) must meet minimum conditions of 17.28.050.
- 6. 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.
- 7. Assisted living facility must meet minimum conditions of 17.28.050.

D. Accessory Buildings and Uses (see Chapter 17.28.040):

E. Development Standards (see Table 1):

F. Design Review (see Chapter 17.12.050):

G. Landscaping, Buffering, Walls (see Chapter 17.28.030):

H. Signs (see Chapter 17.28.010):

I. Parking (see Chapter 17.28.020):

(Ord. No. 13-96, Enacted, 11/06/1996); (Ord No. 14-98, Enacted (A,10) (C,6) 12/01/1998)

17.20.040. R-O Residential Office.

This district is intended to allow low intensity professional office uses on a scale consistent with residential areas. Strict architectural and site plan review will be required to ensure compatibility with adjoining residential areas. This district serves as a transition between more intense commercial areas and residential land uses, or is located along busier streets where limited office use is being introduced. Residential and office use of the same structure is allowed. Some limited commercial use may also be allowed in selective locations.

A. Permitted Uses:

- 1. Single residence dwellings.
- 2. Duplexes.
- 3. Bed and Breakfast Inns.
- 4. Offices.
- 5. Home Occupations.
- 6. Foster homes.
- 7. Public parks and recreational facilities.
- 8. Municipal facilities required for local service.
- 9. Churches (when located on a collector or arterial street).
- 10. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities (so long as the structure height does not exceed 20 feet above the existing structure and is a monopole).
- 11. Child care centers

The following uses will only be allowed on properties between 100 West and 100 East:

- 1. Art galleries and studios.
- 2. Financial institutions with no drive-thru service.
- 3. Personal service businesses.

- 4. Restaurants (no drive-thru or drive-in service).
- 5. Specialty retail uses including, but not limited to, gift shops, bookstores, florists, antiques, crafts, collectibles, food and beverages, apparel, and other similar items.

B. Uses subject to Conditions (as described in Chapter 17.28.050):

- 1. Home child care centers.
- 2. Instructional Studio.
- 3. Manufactured Homes.
- 4. Residential facility for persons with a disability.
- 5. Residential facility for elderly persons.

C. Accessory Buildings and Uses (see Chapter 17.28.040):

D. Development Standards (see Table 1):

E. Design Review (see Chapter 17.12.050):

Architectural and building materials review will be critical in this district to ensure that new or remodeled structures maintain an appearance which is highly compatible with adjoining residential areas.

F. Landscaping, Buffering, Walls (see Chapter 17.28.030):

G. Signs (see Chapter 17.28.010):

H. Parking (see Chapter 17.28.020):

No parking will be allowed in front of the principal structure for non-residential uses.

I. Uses subject to Conditional Use Permit (see Chapter 17.12.080):

- 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.

(Ord. No. 13-96, Enacted, 11/06/1996); (Ord No. 14-98, Enacted (A,10) renumber 10-14, Enacted (I,1) 12/01/1998)

(Table 1 Located on Page 17-21)

(Ord. No. 16-99; Amended, 12/07/1999)

TABLE 1 and 2 HERE

**Zoning
Residential Development Standards**

| District | Minimum Lot Area | Minimum Width ² | Minimum Depth | Minimum Setback ¹ | | | | Max. Building Height | |
|----------|--------------------------|----------------------------|---------------|------------------------------|------|--------------------|---------------------|----------------------|--------------------|
| | | | | Front | Rear | Side | Corner | Principal Building | Accessory Building |
| A-E | 40 acres | 400' | 400' | 50' | 50' | 50' | 50' | 35' | 35' |
| R-R | 5 acres | 200' | 200' | 50' | 50' | 25' | 50' | 35' | 35' |
| R-1-30 | 30,000 s.f. | 130' | 150' | 40' | 40' | 15' | 25' | 30' | 20' |
| R-1-12 | 12,000 s.f. ³ | 100' | 100' | 25' | 25' | 10' | 15-25' ⁸ | 30' | 15' |
| R-1-9 | 9,000 s.f. ⁴ | 85' | 90' | 20-25' ⁶ | 25' | 10' | 15-25' ⁸ | 30' | 15' |
| R-1-8 | 8,000 s.f. ³ | 75' | 90' | 20-25' ⁶ | 25' | 10' | 15-25' ⁸ | 30' | 15' |
| R-1-6 | 6,000 s.f. ⁴ | 50' | 90' | 20-25' ⁶ | 25' | 5-10' ⁷ | 15-25' ⁸ | 30' | 15' |
| R-3 | 6000 s.f. ⁵ | 50' | 90' | 20-25' ⁶ | 25' | 5-10' ⁷ | 15-25' ⁸ | 30' | 15' |
| R-O | 6,000 s.f. ³ | 50' | 90' | 20-25' ⁶ | 25' | 5-10' ⁷ | 15-25' ⁸ | 30' | 15' |

1- refer to 17.28.040 for accessory buildings

2- refer to 17.28.060 for flag lots.

3- 15,000 s.f. for twinhomes lots in the R-1-8 zone; 10,000 s.f. for duplex lots in the R-O zone.

4- 10,000 s.f. for twinhome or duplex lots.

5-10,000 s.f. for twinhome or duplex lots; 14,000 s.f. for 3-plex lots; 18,000 s.f. for 4-plex lots.

6- 20 feet to living areas, 25 feet to garages or carports, and 20 feet to the front of the side entry of a garage.

7- 5 feet for single family dwellings; 10 feet for twinhomes, duplexes, accessory apartments, or non-residential uses; 15 feet for 3-plexes and 4-plexes

8- 15 feet to living areas, 25 feet to garages or carports, and 20 feet to the front of the side entry of a garage.

Commercial and Industrial Development Standards

| District | Minimum District Size | Minimum Setback ¹ | | | | Max. Building Height | |
|----------|-------------------------|------------------------------|-------|-------|--------------|----------------------|----------------------|
| | | Front | Rear | Side | Corner | Principal Building | Accessory Building |
| C-O | N/A | 25' | 0-25' | 0-10' | 15' | 30' | 15' |
| C-D | N/A | 0' (10' max) | 0-25' | 0' | 0' (10' max) | 48' | 15' |
| C-1 | 1 acre (5 acres max) | 25' | 0-25' | 0-20' | 15' | 30' | 15' |
| C-2 | N/A | 25' | 0-25' | 0-20' | 15' | 30-48' ² | 15'-25' ² |
| S-C | 5 acres | 25' | 0-25' | 0-20' | 15' | 30-48' ² | 15' |
| B-P | 10 acres | 25' | 0-25' | 0-25' | 15' | 30' | 15' |
| I-1 | 10 acres | 25' | 0-25' | 0-25' | 15' | 30-48' ² | 15-25' ² |
| I-2 | 20 acres | 50' | 50' | 50' | 50' | 48' | 25' |
| I-3 | 80 acres | 50' | 50' | 50' | 50' | 48' | 25' |

1- Where range is indicated, side or rear setbacks are when the adjacent parcel is a residential use or district.

2- Lower heights shown are for buildings and structures within 50 feet of a residential district or use.

Note: There are no minimum lot size, width, or lot frontage requirements. However, any new building or development must have permanent access on a paved road or driveway with a minimum width of 24 feet, with proper base material. Other improvements, such as curb and gutter, sidewalk, and additional pavement width or thickness may be required depending upon the nature of the business.

17.20.050. C-O Commercial Office.

This district is intended to provide for general office development. It may serve as a transition between commercial uses and residential areas, or it may be designed as a concentration of similar uses intended as an employment center.

A. Permitted Uses:

1. Child care centers.
2. Churches.
3. Financial institutions.
4. Medical and dental laboratories, clinics, emergency medical care facilities.
5. Nursing or retirement homes.
6. Offices.
7. Municipal facilities required for local service.
8. Supervisory care facilities.
9. Veterinary offices for small animals with no outside boarding of animals.
10. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities (so long as the structure height does not exceed 20 feet above the existing structure and is a monopole).
11. Public utility facilities required for local service.

B. Uses Subject to Conditional Use Permit (see Chapter 17.12.080):

1. Hospitals.
2. Restaurants (no drive-thru or drive-in service).
3. Retail stores, personal service businesses, office supply stores, pharmacies when integrated into the office complex.
4. Veterinary offices for large animals and/or outside boarding of any animals.
5. 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.
6. Medical and dental clinics
7. Emergency medical care facilities

C. Accessory Buildings and Uses (see Chapter 17.28.040):**D. Development Standards (see Table 2):****E. Design Review (see Chapter 17.12.050):****F. Landscaping, Buffering, Walls (see Chapter 17.28.030):****G. Signs (see Chapter 17.28.010):****H. Parking (see Chapter 17.28.020):**

(Ord. No. 13-96, Enacted, 11/06/1996); (Ord No. 14-98, Enacted (A,10) (B,5) 12/01/1998)

17.20.060. C-D Downtown Commercial

This district is intended to promote and maintain the character of a pedestrian oriented retail district along Main Street. Building orientation should strongly

encourage pedestrian use by having buildings close to the street with frequent entrances to buildings, and significant amounts of glass. Drive-thru uses should be strongly discouraged.

A. Permitted Uses:

The following uses are permitted if operated from a permanent, enclosed building with no outside storage or display of merchandise:

1. Art galleries and studios.
2. Entertainment uses such as theaters, museums, and health clubs.
3. Financial institutions with no drive-thru service.
4. Hotels, with all guest rooms above the first floor.
5. Office supply, copying, printing businesses.
6. Offices.
7. Personal service businesses.
8. Residential uses when located above the first floor.
9. Restaurant (no drive-thru or drive-in service).
10. Retail uses, except those which include automotive service or repair.
11. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities (so long as the structure height does not exceed 20 feet above the existing structure and is a monopole).
12. Municipal facilities required for local service.

B. Uses Subject to Conditional Use Permit (see Chapter 17.12.080):

1. Drive-thru facilities as part of a financial institution.
2. Parking structures.
3. 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.

C. Accessory Buildings and Uses (see Chapter 17.28.040):**D. Development Standards (see Table 2):****E. Design Review (see Chapter 17.12.050):**

Architectural and building materials review will be critical in this district to ensure that new or remodeled structures maintain an appearance which is highly compatible with a historic downtown pedestrian area. Frequent store entrances, large window areas, and awnings will strongly be encouraged. Blank facades, large scale single use buildings, reflective glass, and other similar features will be strongly discouraged.

F. Landscaping, Buffering, Walls (see Chapter 17.28.030):**G. Signs (see Chapter 17.28.010):****H. Parking (see Chapter 17.28.020):**

(Ord. No. 13-96, Enacted, 11/06/1996); (Ord No. 14-98, Enacted (A,12) (B,3) 12/01/1998)

17.20.070. 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 to discourage uses which draw from outside of the immediate neighborhood.

A. Permitted Uses:

The following uses are permitted if operated from a permanent, enclosed building with no outside storage or display of merchandise. The hours of operation are limited to 6:00 A.M. to 11:00 P.M.

1. Automotive service stations.
2. Automobile wash, self-service or automatic.
3. Child care centers.
4. Financial institutions.
5. Laundry and dry cleaning businesses.
6. Office supply, copying, printing businesses.
7. Offices.
8. Personal service businesses.
9. Restaurants.
10. Retail uses.
11. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities (so long as the structure height does not exceed 20 feet above the existing structure and is a monopole).
12. Municipal facilities required for local service.

B. Uses Subject to Conditions (as described in Chapter 17.28.050):

1. Seasonal sales and special events.

C. Uses Subject to Conditional Use Permit (see Chapter 17.12.080):

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 Chapter 17.28.040):**E. Development Standards (see Table 2):****F. Design Review (see Chapter 17.12.050):****G. Landscaping, Buffering, Walls (see Chapter 17.28.030):****H. Signs (see Chapter 17.28.010):****I. Parking (see Chapter 17.28.020):**

(Ord. No. 13-96, Enacted, 11/06/1996); (Ord. No. 14-98, Enacted (A,11) (C,1) 12/01/1998)

17.20.080. C-2 General Commercial.

This district is intended to provide for a wide range of commercial uses designed to serve neighborhood, community, and regional needs. Uses may be freestanding or integrated in a center.

A. Permitted Uses:

The following uses are permitted if operated from a permanent, enclosed building with no outside storage or display of merchandise:

1. Art galleries and studios.
2. Automotive service stations, minor automotive repair.
3. Child care centers.
4. Churches.
5. Private clubs.
6. Entertainment uses such as theaters, museums, indoor commercial recreation, health clubs.
7. Financial institutions.
8. Hotels and motels.
9. Medical and dental laboratories.
10. Nursing or retirement homes.
11. Office supply, copying, printing businesses.
12. Offices.
13. Personal service businesses.
14. Public utility facilities required for local service.
15. Restaurants.
16. Retail uses.
17. Supervisory care facilities.
18. Veterinary offices for small animals with no outside boarding of animals.
19. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities (so long as the structure height does not exceed 20 feet above the existing structure and is a monopole).
20. Municipal facilities required for local service.

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:

1. New and used automobile, motorcycle, boat, truck, and recreational vehicle sales and rental facilities, and repair services associated with such facilities.
2. Retail plant nurseries.

B. Uses Subject to Conditions (as described in Chapter 17.28.050):

1. Seasonal sales and special events.

C. Uses Subject to Conditional Use Permit (see Chapter 17.12.080):

1. Automotive body repair, major automotive repair.
2. Outdoor commercial recreation facilities.
3. Veterinary offices for large animals and/or outside boarding of any animals.
4. Outdoor display or storage of materials or merchandise in conjunction with any permitted use.
5. 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 Chapter 17.28.040):

1. Caretaker's residence.

E. Development Standards (see Table 2):

F. Design Review (see Chapter 17.12.050):

G. Landscaping, Buffering, Walls (see Chapter 17.28.030):

H. Signs (see Chapter 17.28.010):

I. Parking (see Chapter 17.28.020):

(Ord. No. 13-96, Enacted, 11/06/1996); (Ord No. 14-98, Enacted (A,19), renumber 19-20, Enacted (C,7) 12/01/1998)

17.20.090. 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) to fifteen (15) 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 or display of merchandise:

1. Retail uses.
2. Personal service businesses.
3. Offices.
4. Restaurants.
5. Entertainment uses such as theaters, museums, indoor commercial recreation, and health clubs.
6. Office supply, copying, and printing businesses.
7. Child care center.
8. Art galleries and studios.
9. Repair services for small appliances, bicycles, jewelry, and similar items.
10. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities (so long as the structure height does not exceed 20 feet above the existing structure and is a monopole).
11. Municipal facilities required for local service.

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:

12. Retail plant nurseries.

B. Uses Subject to Conditions (as described in Chapter 17.28.050):

1. Seasonal sales and special events.

C. Uses Subject to Conditional Use Permit (see Chapter 17.12.080):

1. Automotive service stations, minor automotive repair, automobile wash

facilities.

2. New and used automobile, motorcycle, boat, truck, and recreational vehicle sales and rental facilities, and repair services associated with such facilities.
3. Hotels and motels.
4. Outdoor commercial recreation facilities.
5. Outdoor display or storage of materials or merchandise in conjunction with any permitted use.
6. 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 Chapter 17.28.040):

E. Development Standards (see Table 2):

F. Performance Standards:

1. Design review for the entire shopping center must be approved prior to issuance of building permits for any portion of the site. A shopping center may be built in phases, but at least fifty percent (50%) of the gross floor area must be built in the first phase.
2. The shopping center must include a plaza or plazas containing at least 1,000 square feet per acre of the site. The plaza shall include shade trees, seating areas, tables, and trash receptacles.
3. Freestanding buildings apart from the main center must access from interior shopping center drives and not directly to the adjoining streets.

G. Design Review (see Chapter 17.12.050):

H. Landscaping, Buffering, Walls (see Chapter 17.28.030):

I. Signs (see Chapter 17.28.010):

J. Parking (see Chapter 17.28.020):

(Ord. No. 13-96, Enacted, 11/06/1996); (Ord No. 14-98, Enacted (A,11), renumber 11, Enacted (C,6) 12/01/1998)

17.20.095. C-UV Urban Village Commercial

This district is intended to provide controlled and compatible settings for a wide range of commercial and residential uses in the same area, uses designed to serve neighborhood, community, and regional needs. Uses may be freestanding or integrated in a center. Developments in this district will be designed towards pedestrians in mind; designs will have the character of an urban village; with high quality materials being used. All site plans and subdivisions will be reviewed by the Planning Commission.

A. Permitted Uses:

1. Multi-family residential
2. Retail Uses
3. Offices
4. Restaurants
5. Financial institutions, without drive through

- facilities
- 6. Department stores
- 7. Gas station/convenience stores
- 8. Health and fitness facilities, recreation facilities
- 9. Public schools, professional and vocational
- 10. Personal service businesses
- 11. Government facilities
- 12. Museums, art galleries, dance studios, live performance theaters
- 13. Movie theaters
- 13. Dental/medical offices
- 14. Farmer's markets
- 15. Plant and garden shops with outdoor sales
- 16. Hotels
- 17. Laundry and dry cleaning
- B. Uses Subject to Conditions (as described in Chapter 17.28.050):**
 - 1. Seasonal sales and special events
- C. Uses Subject to Conditional Use Permit (see Chapter 17.12.080):**
 - 1. Financial institutions, with drive through facilities
 - 2. Veterinary offices (small animals)
 - 3. Restaurants with drive through facilities
 - 4. Day care facilities
 - 5. Auction sales (indoor only)
 - 6. Private schools
- D. Accessory Buildings and Uses (See Chapter 17.28.040):**
- E. Design Review/ Performance Standards (see Chapter 17.12.050)**

These standards are intended to foster the creation of an urban environment that accommodates growth and is compatible with the existing homes and uses in the area:

- 1. Outdoor Sales, Display and Storage.
 - a) The outdoor permanent sales or display of merchandise shall not encroach into areas of required parking, sidewalks, or landscaping.
- 2. Lighting. On-site lighting, including parking lot lighting and illuminated signs, shall be located, directed or designed in a manner to prevent glare on adjacent properties and be designed for pedestrians. All lighting should have the same design elements throughout the development.
- 3. Location of Service Areas. All loading docks and other service activities shall be located away from view of any public street. Exceptions to this requirement may be approved through the site plan process. If such activities are permitted adjacent to a public street, a visual screening design approved by the city planner shall be required.
- 4. Urban Design. Designs for this area should envision a "village character" relating to the

heritage of the early residents of the community. Safe and efficient pedestrian circulation is a priority.

- a) Architectural Character and Materials.
 - 1. A differentiated base will provide human scale through change, contrast, and intricacy in facade form. Scaling elements such as insets and projects serve to break up flat or monotonous facades along with color and a change in materials.
 - 2. The climate in Spanish Fork City is such that in the summer months shade is preferred, and in the winter months protection from the snow and wind is necessary. By providing the pedestrian with a sidewalk that is enjoyable to use year round, a pedestrian oriented development is encouraged. Therefore, the following will be encouraged:
 - a) Arcades
 - b) Awnings and/or marquees
 - 3. Entrance and Visual Access
 - a) The intent in this district is to

encourage pedestrian activity between the public street/sidewalk and buildings. Sidewalks shall provide continuous, uninterrupted interest to the pedestrian by providing visual interest and/or amenities. The environment will benefit with increased pedestrian activity, this activity will only occur if opportunities are provided that make walking to a destination a preferred and an enjoyable pursuit. The use of blank building facade walls is discouraged. Therefore, all buildings in this district are subject to the following standards:

- 1. Minimum First Floor Glass. The first floor elevation of a building facing a street shall not have less than forty (40%) percent glass surfaces. All first floor glass shall be a non-reflective. Display windows that are three dimensional and are at least two feet deep are permitted and may be counted toward the 40% glass requirement.
 - 2. Provide at least one (1) operable building entrance per elevation that faces a public street. Buildings that face multiple streets are only required to have one door on either street, if the facades for both streets meet the forty (40%) percent glass requirement.
 - 3. The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level shall be forty (40) feet.
 - 4. All building equipment and service areas, including on-grade and roof mechanical equipment and transformers that are readily visible from the public right-of-way, shall be screened from public view.
 - 4. Roof pitch and materials
 - a) All roofs will be required to have at least a 7/12 pitch and will be standing seamed metal.
 - 5. Public Amenities and Public Art.
 - a) Amenities and works of art enhance quality of life as well as visual interest. Public

amenities and art encourage pedestrian activity and contribute to the "village" experience. A cohesive, unified lighting and amenity policy will help give the district its own distinctive identity. Therefore, all projects will be required to have public amenities and art that are subject to the following standards:

1) Sidewalks and street lamps installed in the public right of way shall be of the type specified in the city's construction and development standards. All parking lot lights will be required to match the city's standards.

2) Park benches will be required within the development.

3) Public art (which may include artists' work integrated into the design of the building, and landscaping, sculpture, painting, murals, glass, mixed media or work by artisans), that is accessible or directly viewable to the general public shall be included in all projects. The plan to incorporate public art shall be reviewed and approved by the Spanish Fork Arts Council.

4) All projects will be required to have a minimum of 20% open space and developments with residential units will be required to have 35% open space.

6. Conditional Use Approval. A modification to the urban design/performance provisions of this section may be granted as a conditional use, subject to conformance with the standards and procedures.

F. Definitions.

For the purpose of this section, the following terms shall have the following meanings.

"Facade" means the front of a building, or any other "face" of a building on a street or courtyard given special architectural treatment.

G. Landscaping, Buffering, Walls (see Chapter 17.28.030):

Same as the S-C zone requirements.

H. Signs (see Chapter 17.28.010):

All individual developments (not a planned center) will be required to follow the requirements of the C-O zone.

I. Parking Standards (see Chapter 17.28.020):

1. Restrictions on Parking Lots. The following regulations shall apply to parking facilities.

a) All parking lots adjacent to a public street will be required to have twenty-five (25) foot landscape setback and a minimum three (3) foot berm with trees every thirty (30) feet apart.

J. Solid Waste Receptacle Areas. (see Chapter 17.28.030 G)

K. Building Height.

Same as the S-C zones requirements.

1. Height Exceptions: Spires, towers, or decorative non-inhabitable elements shall have a maximum height of sixty (60) feet measured from the street grade.

L. Development Standards.

Same as the S-C zone requirements.

M. Master Planned Developments (MPD). (as described in Chapter 17.28.050 G)

1. Allowed a density of 5 to 12 residential units per acre.
2. MPD will be required to have public art integrated and 35% open space area.
3. Projects with a residential component will be required to have at least a 1 to 1 square footage of commercial to residential square footage and phasing of the project must have commercial square footage.
4. Residential units will required to meet the High Density Residential (R-3) setbacks.
5. Residential units must be designed in a manner to blend with the urban village and not be a separate element of the area.

(Ord. No. 11-01, Enacted, 11/06/2001)

17.20.100. B-P Business Park.

This district is intended to provide employment areas in a large scale campus style development. Projects will include generous landscaped areas, functional pedestrian spaces and walkways, and will also be designed to be compatible with any adjoining residential areas. Typical uses include administrative and research companies, offices, laboratories, and limited manufacturing and assembly industries. Limited commercial uses which are compatible with and support the Business Park are allowed.

A. Permitted Uses:

The following uses are permitted if operated from a permanent, enclosed building with no outside storage or display of merchandise:

1. Research, development, and testing services.
2. Manufacturing and assembly of finished products except animal and marine fats and oils, ammunition, and those listed as conditional uses in the I-2 District.
3. Trade or business schools.
4. Office supply, copying, printing businesses.
5. Offices.
6. Restaurants.
7. Financial institutions.
8. Health clubs.
9. Personal service businesses.
10. Child care centers.
11. Telecommunication towers not taller than sixty (60) feet.
12. Municipal facilities required for local service.

B. Uses Subject to Conditional Use Permit (see Chapter 17.12.080):

1. Automotive service stations, minor automotive repair, automobile wash facilities.
2. New and used automobile, motorcycle, boat, truck, and recreational vehicle sales and rental facilities, and repair services associated with such facilities.

3. Hotels and motels.

C. Accessory Buildings and Uses (see Chapter 17.28.040):

D. Development Standards (see Table 2):

E. Performance Standards:

1. No use shall be conducted which may cause the dissemination of glare, vibration, smoke, gas, dust, odor, or any other atmospheric pollutant outside the building in which the use is conducted.
2. No use shall result in noise perceptible beyond the boundaries of the immediate site of the use.

F. Design Review (see Chapter 17.12.050):

G. Landscaping, Buffering, Walls (see Chapter 17.28.030):

H. Signs (see Chapter 17.28.010):

I. Parking (see Chapter 17.28.020):

(Ord. No. 13-96, Enacted, 11/06/1996)

17.20.110. I-1 Light Industrial.

This district is intended to provide for employment related uses including light manufacturing, assembling, warehousing, and wholesale activities. Associated office and support commercial uses are allowed. Uses that emit significant amount of air, water, or noise pollution will not be allowed. Residential uses are not allowed.

A. Permitted Uses:

1. Manufacturing and assembly of finished products except animal and marine fats and oils, ammunition, and those uses listed as conditional uses in the I-2 District.
2. Wholesale trade businesses except explosives or automobile wrecking or salvage yards.
3. Lumber and building material yards.
4. Contract construction.
5. Trucking and warehousing.
6. Research, development, and testing services.
7. Automotive service, paint and body work, other consumer goods repair.
8. Self-storage warehouses and/or recreational vehicle storage.
9. Trade or business schools.
10. Office supply, copying, printing businesses.
11. Offices.
12. Restaurants.
13. Financial institutions.
14. Retail businesses.
15. Telecommunication towers not taller than sixty (60) feet.
16. Agriculture, including the production of food and fiber crops, and tree farms; grazing and animal husbandry of livestock.
17. Municipal facilities required for local service.

18. All permitted uses in the C-2 district except nursing or retirement homes and supervisory care facilities.

B. Uses Subject to Conditions (as described in Chapter 17.28.050):

1. Seasonal sales and special events.
2. Sexually oriented businesses as defined in Chapter 5.28 of the Spanish Fork Municipal Code.

C. Uses Subject to Conditional Use Permit (see Chapter 17.12.080):

1. Outdoor commercial recreation facilities.
2. Drive-in theaters.
3. Commercial kennels, animal shelters, and veterinary hospitals with outdoor boarding or exercise facilities.
4. Telecommunication towers taller than sixty (60) feet.
5. Jails, county and city.
6. Transfer facility
7. Residential Treatment Center (not owner occupied).
8. Rehabilitation treatment facility
9. Shelter care facility

D. Accessory Buildings and Uses (see Chapter 17.28.040):

1. Caretaker's residence.

E. Development Standards (see Table 2):

F. Design Review (see Chapter 17.12.050):

G. Landscaping, Buffering, Walls (see Chapter 17.28.030):

H. Signs (see Chapter 17.28.010):

I. Parking (see Chapter 17.28.020):

(Ord. No. 13-96, Enacted, 11/06/1996); (Ord No. 22-97, Enacted (B,2) 12/16/1997); (Ord No. 15-98, Enacted (C,7) 12/01/1998)

17.20.120. I-2 Medium Industrial.

This district is intended to provide for employment related uses including light manufacturing, assembling, warehousing, and wholesale activities. Associated office and support commercial uses are allowed. Uses that emit moderate amounts of air, water, or noise pollution may be considered as conditional uses. Residential uses are not allowed.

A. Permitted Uses:

1. Manufacturing and assembly of finished products except animal and marine fats and oils, ammunition, and those manufacturing uses listed as conditional uses.
2. Wholesale trade businesses except explosives or automobile wrecking or salvage yards.
3. Lumber and building material yards.
4. Contract construction.
5. Trucking and warehousing.
6. Research, development, and testing services.
7. Automotive service, paint and body work, other consumer goods repair.
8. Municipal facilities required for local service.

- 9. Trade or business schools.
- 10. Office supply, copying, printing businesses.
- 11. Offices.
- 12. Restaurants.
- 13. Financial institutions.
- 14. Retail businesses
- 15. Telecommunication towers not taller than sixty (60) feet.
- 16. Agriculture, including the production of food and fiber crops, and tree farms; grazing and animal husbandry of livestock.

B. Uses Subject to Conditions (as described in Chapter 17.28.050):

- 1. Seasonal sales and special events.

C. Uses Subject to Conditional Use Permit (see Chapter 17.12.080):

- 1. Manufacture of primary metals, concrete products, asphalt, paper, animal and marine fats, chemical products, and other similar materials or products.
- 2. Outdoor commercial recreation facilities.
- 3. Drive-in theaters.
- 4. Commercial kennels, animal shelters, and veterinary hospitals with outdoor boarding or exercise facilities.
- 5. Telecommunication towers taller than sixty (60) feet.
- 6. Jails, county and city.
- 7. Self-storage warehouses and/or recreational vehicle storage.

D. Accessory Buildings and Uses (see Chapter 17.28.050):

- 1. Caretaker's residence.

E. Development Standards (see Table 2):

F. Design Review (see Chapter 17.12.050):

G. Landscaping, Buffering, Walls (see Chapter 17.28.030):

H. Signs (see Chapter 17.28.010):

I. Parking (see Chapter 17.28.020):

(Ord. No. 13-96, Enacted, 11/06/1996)

17.20.130. I-3 Heavy Industrial.

This district is intended to provide for intense industries involving manufacturing and assembly of ammunition and explosives. Residential uses are not allowed.

A. Permitted Uses:

- 1. Manufacturing and assembly of ammunition and explosives.
- 2. Telecommunication towers not exceeding 80 feet in height.
- 3. Municipal facilities required for local service.

B. Uses Subject to Conditional Use Permit (see Chapter 17.12.080):

- 1. Rock crusher only with Surface Mining Overlay (see 17.24.040).

C. Accessory Buildings and Uses (see Chapter 17.28.040):

- 1. Caretaker's residence.

D. Development Standards (see Table 2):

E. Design Review (see Chapter 17.12.050):

F. Landscaping, Buffering, Walls (see Chapter 17.28.030):

G. Signs (see Chapter 17.28.010):

H. Parking (see Chapter 17.28.020):

(Ord. No. 13-96, Enacted, 11/06/1996); (Ord No. 14-98, Enacted [A,2], 12/01/1998); (Ord No. 13-99, Amended B & re-lettered 08/03/1999)

(Table 2 Located on Page 17-21)

Chapter 17.28. General Development Standards.

- 17.28.010. Signs.
- 17.28.020. Off-Street Parking.
- 17.28.030. Landscaping, Buffering, Walls and Fences.
- 17.28.040. Accessory Buildings and Uses.
- 17.28.050. Uses Subject to Conditions.
- 17.28.060. Supplementary Regulation & Exceptions

17.28.010. Signs.**A. Purpose:**

The purpose of this section is to regulate the number, type, location, physical dimensions, and design of signs in order to protect the public interest and achieve community objectives as follows:

1. To balance public and private objectives by allowing adequate signage for business identification;
2. To promote the free flow of traffic and protect pedestrians and motorists from injury and property damage which may be caused by cluttered, distracting, and illegible signage;
3. To prevent property damage and personal injury resulting from signs which are improperly constructed or poorly maintained;
4. To promote the use of signs which are well designed, of appropriate scale, and integrated with surrounding buildings and landscape in order to meet the city's desire for quality development.

B. General Provisions:

1. All signs shall comply with the city's Clear Vision Area requirements.
2. All signs shall be structurally designed, constructed, and maintained in accordance with all applicable provisions of the International Building Code.
3. Signs shall not be located in a manner which interferes with pedestrian travel or poses a hazard to pedestrians.
4. All signs and sign structures shall be maintained in good order, repair, and appearance at all times so as not to constitute a danger or hazard to the public safety or create a visual blight. If the Building Official/City Planner determines any sign or sign structure to be in an unsafe or unsightly condition, he/she shall immediately notify, in writing, the owner of such sign who shall correct such condition within forty-eight (48) hours. If the correction has not been made within forty-eight (48) hours, the Building Official/City Planner may have the sign removed if it creates a danger to the public safety or welfare, or have any necessary repairs or maintenance performed at the expense of the sign owner, or owner or lessee of the property upon which the sign is located.
5. Signs may be illuminated or non-illuminated,

unless otherwise restricted herein. The source of the sign's illumination shall not be visible from any street, sidewalk, or adjacent property. This shall not preclude the use of neon sign elements.

6. Freestanding signs shall be incorporated within a landscaped planter area of at least twenty-five (25) square feet.
7. Sign area shall be measured as follows:
 - a. Sign copy mounted or painted on a background panel or area distinctively painted, textured, or constructed as a background for the sign copy shall be measured as that area contained within the sum of the smallest rectangle(s) that will enclose both the sign copy and the background.
 - b. Sign copy mounted as individual letters or graphics against a wall, fascia, mansard, or parapet of a building or other structure that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy shall be measured as a sum of the smallest rectangle(s) that will enclose each word and each graphic in the total sign.
 - c. For multi-face signs, only the largest single face shall be counted as the area.
8. Sign height shall be measured as follows:
 - a. Pole or pylon sign(s): The height shall be the vertical distance from the top of the highest element of the sign or sign structure to the top of the curb or crown of the roadway where no curb exists. The height of any monument base or other structure erected to support or ornament the sign shall be measured as part of the sign height.
 - b. Monument signs must have at least a one (1) foot high pedestal, and the illuminated cabinet may not exceed five (5) feet in height for a total of six (6) feet. The height to the top of the sign as measured from the street curb may vary depending upon landscaping, but the combined height of the sign and berming/landscaping may not exceed nine (9) feet unless specifically authorized herein.
 - c. Wall, fascia, mansard, and parapet mounted signs: The height shall be the vertical distance to the top of the sign or sign structure from the base of the wall on which the sign is located.
9. The maximum height for freestanding signs are as follows:
 - a. Pole or pylon signs: 25 feet except for parcels contiguous to I-15 which the signs may be 35 feet in height.
 - b. Monument signs: 6 feet not including berming/landscaping
 - c. Other freestanding signs: 25 feet

10. Freestanding signs (pole, pylon and monument) are allowed for any size parcel provided that the parcel has 50 lineal feet of street frontage.
11. Freestanding signs (size requirements)
 - a. Monument sign area is determined by the following formula: thirty (30) square feet plus one (1) square foot per one (1) lineal foot of street frontage over 50 feet, maximum size is 80 square feet unless specifically authorized herein.
 - b. A freestanding pole/pylon sign may not exceed 80 square feet unless specifically authorized herein.
12. Reader boards and electronic message centers may be allowed, however, devices shall not exceed 50 percent of the total freestanding sign area.
13. Wall signs should be the primary form of identification for business uses in the City. Each business is entitled to one wall sign if the following criteria are met:
 - a. The sign may not occupy more than 15 percent of the front flat wall area.
 - b. The 15 percent may be divided into more than one sign.
 - c. Secondary wall signs may be approved by the city planner if the sign does not exceed 5 percent of that wall.
14. Signs in planned commercial centers that are one (1) and up to five (5) acres in size allow the following:
 - a. One (1) primary multi-tenant freestanding pole or pylon sign per project may have a total of 160 square feet.
 - b. Planned centers with two (2) or more street frontages over 100 feet are allowed one (1) sign on each street frontage. The signs must be separated by at least 100 feet as measured in a straight line between the signs. The second sign must be a monument sign not to exceed 48 square feet.
 - c. A freestanding building located within a planned center may request a monument sign up to 30 square feet provided that the freestanding building lot is contiguous to a major arterial street and has at least fifty (50) feet of street frontage. The sign must be in architectural harmony with the signage within the project and not be within 50 feet of any other freestanding sign within the development.
 - d. Planned commercial developments must have a sign theme and plans must be submitted for the overall placement and design for the development.
15. Signs in planned commercial centers that are over five (5) and up to ten (10) acres in size allow the following:
 - a. One (1) primary multi-tenant freestanding pole or pylon sign per project may have a total of 180 square feet, an additional primary multi-tenant freestanding sign may be approved if the project has over 500 feet of frontage. The additional sign must be approved by the Development Review Committee and the signs must be a minimum of 300 feet apart.
 - b. Planned centers with two (2) or more street frontages over 100 feet are allowed one (1) monument sign on each street frontage. The signs must be separated by at least 100 feet as measured in a straight line between the signs. The monument sign can not exceed 48 square feet in size.
 - c. A freestanding building located within a planned center may request a monument sign up to 30 square feet provided that the freestanding building lot is contiguous to a major arterial street and has at least fifty (50) feet of street frontage. The sign must be in architectural harmony with the signage within the project and be 50 feet from any other sign within the development.
 - d. Planned commercial developments must have a sign theme and plans must be submitted for the overall placement and design for the development.
16. Signs in planned commercial centers that are ten (10) or more acres in size allow the following:
 - a. One (1) primary freestanding pole or pylon multi-tenant sign is permitted per project. Additional primary multi-tenant freestanding sign(s) may be approved for each additional 700 feet of frontage. The additional sign(s) must be approved by the Development Review Committee and be a minimum of 500 feet from any other primary freestanding sign. Freestanding sign(s) must meet the following:
 - i. 10 to 39 acres may have up to 200 square feet of signage.
 - ii. 40 to 69 acres may have up to 260 square feet of signage.
 - iii. 70 and over acres may have up to 320 square feet of signage.
 - b. Planned centers with two (2) or more street frontages over 100 feet are allowed one (1) monument sign on each street frontage not to exceed 48 square feet in size. The signs must be separated by at least 100 feet as measured in a straight line between any freestanding signs for the development.
 - c. A freestanding building located within a planned center may request a monument sign up to 30 square feet in size provided that the freestanding building lot is contiguous to a major arterial street and has at least fifty (50) feet of street frontage. The sign must be in architectural harmony

with the signage within the project and not within 50 feet of any other signs for the project.

- d. Planned commercial developments must have a sign theme and plans must be submitted for the overall placement and design for the development.

C. Prohibited Signs:

Any sign not specifically listed as permitted by this ordinance is prohibited, including, but not limited to the following:

1. Signs located within, or projecting over any public street, right-of-way, or other public property except shingle signs as provided in Section D(3a). The City or other governmental entities may install signs on their own property to identify public buildings and uses and to provide necessary traffic control.
2. Roof signs, except those in the C-2 commercial zone, which must meet the following criteria:
 - a. Located below the peak of the roof; not permitted on a flat roof
 - b. Located on the side or back of the building
 - c. Non-illuminated
 - d. Under five (5) percent of the flat wall area for that side of the building
 - e. No secondary wall sign shall be permitted
 - f. No parcels over 2 acres in size or planned commercial centers over 1 acre shall be permitted a roof sign.
3. Projecting signs.
4. Any sign which interferes with or confuses traffic, or presents a traffic hazard.
5. Signs emitting sound, except for approved drive-up menu boards as provided for in Section D(3d).
6. Signs with intermittent or flashing illumination and animated or moving signs, except for time and temperature signs and electronic message boards.
7. Awning mounted signs, unless painted directly on the face of the awning.
8. Signs mounted, attached, or painted on trailers, boats, or motor vehicles when parked, stored, or displayed in a manner intended to attract the attention of the public for advertising purposes.
9. Pennants, banners, balloons, flags, and similar displays except as provided in Section E(3).
10. Temporary signs which advertise a business, commodity, service, entertainment, product, or attraction, except as permitted in Section E.
11. Reader panel and electronic message signs that are portable, exceed 50 percent of a permanent sign, unless specifically authorized herein.
12. Portable signs except as provided in Section E.
13. Signs which extend below the bottom edge of

a fascia board or mansard roof.

14. Off-premise signs except as allowed herein.

D. Permitted Permanent Signs:

1. Agriculture, Residential, and Residential Office Districts.
 - a. All signs must meet the general provisions section and the additional requirements listed below.
 - b. General:
 - i. Monument signs shall not exceed a height of five (5) feet, measured from the top of the pedestal.
 - ii. Wall signs shall not exceed a height of fifteen (15) feet measured from the base of the wall.
 - c. Identification Signs:
 - i. Residence signs: One (1) or more wall signs not to exceed a total aggregate area of three (3) square feet which may include the name of the residence, the name of the occupant, and the street address.
 - ii. Nonresidential uses:
 - The maximum aggregate area of all identification signs shall be forty-eight (48) square feet.
 - One (1) monument sign not to exceed twenty-four (24) square feet except for churches who may use up to forty-eight (48) square feet.
 - d. Reader panel signs:
 - i. Churches may use up to one-half (½) of the allowed monument sign area for a reader panel.
 - ii. Public and private schools may have one (1) freestanding reader panel sign not to exceed thirty-two (32) square feet in area and fourteen (14) feet in height.
 - e. Temporary signs in accordance with Section E.
2. Commercial Office and Business Park Districts:
 - a. All signs must meet the general provisions section and the additional requirements listed below.
 - b. Wall, fascia, mansard, and parapet identification signs:
 - i. The maximum sign area permitted for each business is fifteen percent (15%) of the flat wall area or forty-eight (48) square feet, whichever is greater.
 - c. Freestanding identification signs:
 - i. One (1) monument sign shall be permitted per project, except on parcels with two (2) or more street frontages over 100 feet in length, which are allowed one (1) monument sign per frontage. The signs must be separated by at least 100 feet as measured in a straight line between the signs.

- ii. The maximum monument sign area is forty-eight (48) square feet.
 - d. Reader panel signs:
 - i. Churches may use up to one-half (½) of the allowed monument sign area for a reader panel.
 - e. Directional signs when required to assist the flow of traffic not to exceed six (6) square feet in area or a height of three (3) feet.
 - f. Directory signs when required to identify the location of the various buildings or offices located within the project not to exceed eighteen (18) square feet and a maximum height of six (6) feet.
 - g. Temporary signs in accordance with Section E.
- 3. Commercial Districts:
 - a. All signs must meet the general provisions section and the additional requirements listed below.
 - b. Wall, fascia, mansard, parapet, awning, and shingle identification signs:
 - i. Are allowed only on the exterior elevation of the space occupied by the business, or, for shingle signs, immediately adjacent to the business it identifies.
 - ii. The maximum sign area permitted for each business is fifteen percent (15%) of the flat wall area.
 - iii. The maximum aggregate wall sign area is 300 square feet.
 - iv. The minimum clearance between the bottom of a shingle sign and the nearest grade or sidewalk is eight (8) feet.
 - c. Freestanding identification signs not part of a planned commercial center:
 - i. One (1) freestanding sign shall be permitted per project, or on parcels with multiple street frontages, one (1) monument sign may be permitted for each street if the frontage adjacent to the site is at least 100 feet and the signs are over 100 feet apart.
 - ii. The maximum area for a pole or pylon sign is eighty (80) square feet on parcels up to ten (10) acres and 120 square feet for parcels over ten (10) acres.
 - d. Reader panel signs:
 - i. Churches may use up to one-half (½) of the allowed monument sign area for a reader panel.
 - ii. Automotive service stations may use up to twenty-four (24) square feet of the allowed freestanding sign area for a reader panel only to identify the current price of fuel being sold.
 - e. Menu boards for drive-thru restaurants:
 - i. One (1) preview menu board and one (1) ordering menu board is allowed per business. Such signs may be freestanding or wall mounted.
 - ii. The maximum aggregate area for a preview and an ordering menu board shall not exceed twenty-four (24) square feet with a maximum height of six (6) feet.
 - f. Directional signs when required to assist the flow of traffic not to exceed six (6) square feet in area or three (3) feet in height.
 - g. Directory signs when required to identify the location of the various buildings or offices located within the project not to exceed eighteen (18) square feet and a maximum height of six (6) feet.
 - h. Temporary signs in accordance with Section E.
 - i. No freestanding signs are allowed in the C-D zoning district.
- 5. Industrial Districts:
 - a. All signs must meet the general provisions section and the additional requirements listed below.
 - b. Wall, fascia, mansard, and parapet identification signs:
 - i. Are allowed only on the exterior elevation of the space occupied by the business.
 - ii. The maximum sign area permitted for each business is fifteen percent (15%) of the flat wall area.
 - iii. The maximum aggregate wall sign area is 300 square feet.
 - c. Freestanding identification signs:
 - i. One (1) monument sign shall be permitted per project, or on parcels with multiple street frontages, one (1) monument sign may be permitted for each street if the frontage adjacent to the site is at least 100 feet and the signs are over 100 feet apart.
 - ii. For developments that are considered as planned industrial centers (over 25 acres in size and have multi-tenant signs) the Planning Commission may increase the size and height of the monument sign.
 - d. Reader panel signs:
 - i. Automotive service stations may use up to twenty-four (24) square feet of the allowed freestanding sign area for a reader panel only to identify the current price of fuel being sold.
 - e. Directional signs when required to assist the flow of traffic not to exceed six (6) square feet in area or three (3) feet in height.
 - f. Directory signs when required to identify

the location of the various buildings or offices located within the project not to exceed eighteen (18) square feet and a maximum height of six (6) feet.

- g. Temporary signs in accordance with Section E.

E. Permitted Temporary Signs:

1. Sale, lease, or rent signs.

Signs shall be non-illuminated, with one (1) sign permitted for each street frontage, with a maximum of two (2) signs per parcel or building.

- a. Agricultural, Residential, and Residence Office Districts:

i. Vacant land: Less than five (5) acres, each sign shall have a maximum area of twelve (12) square feet and a maximum height of six (6) feet. Five (5) acres or more, each sign shall have a maximum area of thirty-two (32) square feet, and a maximum height of eight (8) feet.

ii. Buildings: Each sign shall have a maximum area of twelve (12) square feet and a maximum height of six (6) feet.

- b. Commercial Office, Commercial, and Industrial Districts:

i. Vacant land: Each sign shall have a maximum area of thirty-two (32) square feet and a maximum height of eight (8) feet.

ii. Buildings: Each sign shall have a maximum area of twelve (12) square feet and a maximum height of six (6) feet.

2. Off-site open house or other directional signs.

a. A maximum of two (2) signs is permitted for each open house or directional sign for the sale of property.

b. Each sign shall have a maximum area of six (6) square feet and a maximum height of three (3) feet.

c. Signs must be placed on private property and with the permission of the owner or lessee of the property.

3. Subdivision Advertising Signs.

a. One (1) sign is permitted at each major entry with a maximum of four (4) signs per subdivision.

b. Each sign shall have a maximum area of thirty-two (32) square feet and a maximum height of eight (8) feet.

c. No sign permit shall be issued until a final plat has been recorded.

d. Such signs may be maintained until ninety percent (90%) of the lots in the subdivision are sold or the sales office closes, whichever occurs first.

4. Special Events, Seasonal Sales, Grand Openings.

a. These displays may be used to advertise

grand openings, a change of business ownership, special sales, seasonal sales, new products or services, and other similar promotions.

b. These displays may include such displays as pennants, banners, flags, inflatable structures, search lights, character or product likeness, and other similar attention attracting media and devices.

c. Such displays shall be allowed for a maximum of ten (10) consecutive days no more than four (4) times per year except Christmas tree sales lots which may have signage from Thanksgiving to December 31.

d. Grand opening displays are allowed for thirty (30) consecutive days. The grand opening display requires a new business, change in business name, or new management.

e. There shall be a minimum of thirty (30) days between each display.

f. Holiday periods. A business may advertise a special service, product or sale during the following holiday periods. One banner sign only is allowed during these periods. The sign must be mounted on the building. The sign must be removed by the end of the first working day after the holiday period ends.

President's Day - February for 5 days

Easter - March or April for 5 days

Memorial Day - May for 5 days

July 4th for 5 days

July 24th for 5 days

Labor Day - September for 5 days

Thanksgiving - November for 7 days

December 15th to Jan. 2 for 21 days

5. Construction and Development Signs.

a. One (1) non-illuminated sign is allowed on a construction site with a maximum area of thirty-two (32) square feet and a maximum height of eight (8) feet.

b. The sign may identify the name of the project, the names of the developer, contractor, architect, subcontractor, and financier of the project, and the projected completion date.

c. The sign may only be installed after building permits have been issued for the project.

d. The sign shall be removed prior to the issuance of a Certificate of Occupancy for the project.

6. Window Signs.

a. May be used for business identification and advertising of any service, product, person, business, place or activity on the premises.

7. Non-commercial Signs including political signs.

a. In agricultural, residential, and residence office districts such signs shall have a

maximum area of six (6) square feet and a maximum height of five (5) feet.

- b. In commercial office, commercial, and industrial districts such signs shall have a maximum area of thirty-two (32) square feet and maximum height of eight (8) feet.
- c. Political signs advocating a position for a specific candidate or measure shall be removed within ten (10) days following the appropriate election.

F. Billboards.

Billboards are permitted in the following locations and subject to the following restrictions:

- 1. Billboards are permitted:
 - a. Along I-15 from 3100 North to 1600 North and mile post number 259 to mile post number 258 (heading south) these billboards must be at least 500 feet from any other billboard on the same side of the interstate highway and located in an industrial zone.
 - b. Along Highway 6 from mile post number 177 (Highway 89) to mile post number 178 (heading south) these bill boards must be at least 750 feet from any other billboard on the same side of the highway and located in an industrial zone.
- 2. Must be within 100 feet of I-15 or US Highway 6.
- 3. Must be at least 400 feet from any R-1, and R-3 residential districts.
- 4. Cannot exceed a height of fifty (50) feet, or twenty-five (25) feet above roadway grade level, whichever is less.
- 5. May be double-faced or back-to-back if the separation of panels does not exceed five (5) feet.
- 6. Each side may have a sign area not to exceed 675 square feet.
- 7. Footing and structure details must be furnished to the City Building Official prior to issuance of a building permit.
- 8. Must be monopole.
- 9. Utah Department of Transportation must approve the billboard location prior to City approval.

G. Nonconforming Signs.

Nonconforming signs shall be removed or brought into conformance with this ordinance when:

- 1. More than fifty percent (50%) of the reproduction cost of the sign or sign structure has been damaged or destroyed, or has deteriorated to such an extent that the cost of repairs exceeds fifty percent (50%) of the reproduction cost of the sign or sign structure.
- 2. The property undergoes development or redevelopment in accordance with the Design Review section of this ordinance.
- 3. There is a change in the business name.

H. Exempt Signs.

- 1. Traffic signs or barricades erected or maintained by a governmental entity.

- 2. Signs not visible beyond the boundaries of the property upon which they are located shall be exempt from the provisions of this Section, except those public safety provisions contained in Chapter 17.28.010(B).

I. Permits and Fees.

- 1. Building and sign permits shall be obtained prior to erecting, placing, constructing, or altering any sign except:
 - a. The following temporary signs:
 - i. Non-commercial signs.
 - ii. Sale, lease, or rent signs.
 - iii. Political signs.
 - iv. Window signs.
 - v. Open house direction signs.
 - b. Residence and commercial farm or ranch identification signs.
 - c. Change of copy on reader panel signs or copy on any billboard.
- 2. The permit fees shall be in the amount established by City Council resolution, or in the annual budget.
- 3. An application for a sign permit shall be made in writing on forms provided by the Engineering Department. The following information will be required on all sign permit applications:
 - a. Address of the property.
 - b. Business name.
 - c. Business owner's name, address, and telephone number.
 - d. Sign contractor's name, address, and telephone number.
 - e. Valuation of the sign(s).
 - f. Inventory of all existing signs on the property showing the type, dimensions, and location of each sign.
 - g. Fully dimensioned plans and elevations showing the dimensions, design copy, and location of each proposed sign.
 - h. Plans indicating the scope and structural detail of the work to be done; including details of all connections, supports, footings, and materials.
 - i. Required information for an electrical permit for all electric signs.
 - j. Color, material, and letter samples when the sign is subject to design review.

(Ord. No. 13-96, Enacted, 11/06/1996); (Ord. No. 02-99, Amended [D, 2] [D,4] 02/02/1999); (Ord. No. 16-99, Repealed & Reenacted, 12/07/1999); (Ord. No. 02-00, Amended [F], 03/07/2000); (Ord. No. 05-01, Amended [F], 05/01/2001)

17.28.020. Off-Street Parking.

A. Purpose:

To provide adequate, but not excessive, parking to meet the needs of residents, employees, and business patrons, in a manner which is functional, safe, and aesthetically pleasing.

B. General Requirements:

- 1. Off-street parking is not required for permitted uses in the Downtown Commercial (C-D) district.

2. Each parking space shall be at least ten (10) feet wide and eighteen (18) feet deep (See parking design standards in the Construction and Development Standards for details on aisle widths, maneuvering areas, and fire lanes).
3. Tandem parking (front to rear) shall not be permitted.
4. All parking spaces and driveway areas serving such parking spaces shall be surfaced with concrete, asphalt, or paving blocks except that portions of driveway areas located farther than 200 feet from a public road and which service a single residence dwelling in the R-R or A-E zoning districts may be constructed and surfaced to an all weather standard as approved by the city engineer. Such surfacing may include gravel, slag, or similar materials.
5. Required parking shall be provided on-site or on contiguous lots.
6. Backing and maneuvering areas shall be provided on-site for all uses other than single family, twin homes, and duplexes.
7. Square feet shall mean the gross floor area of the building.
8. No part of any vehicle may overhang onto a public sidewalk or within five (5) feet of a street curb where no sidewalk exists.
9. All parked vehicles must comply with the City's clear vision area requirements.
10. Parking of commercial vehicles in residential districts is limited to one (1) commercial vehicle with a one ton chassis, having a capacity of not more than 10,000 pounds gross vehicle weight rating (GVWR).
11. Landscaping and screening of parking lots shall be in accordance with the requirements of Chapter 17.28.030, Landscaping, Buffering Walls.

C. Parking Requirements by Use:

| USE | MINIMUM # OF SPACES |
|---|---------------------------------------|
| Auditorium, Stadium, Public Assembly, Private Clubs, Health Clubs, Theaters | 1:100 sq. ft. or 1:5 seats |
| Auto Repair, Major | 1:100 sq. ft. |
| Auto Repair, Minor | 1:300 sq. ft. |
| Automobile Service Station | 1:200 sq. ft. |
| Banks, Financial Institutions | 1:250 sq. ft. |
| Barber Shop or Beauty Shop | 1:100 sq. ft. |
| Churches | 1:5 seats or 90 lineal inches per pew |
| Cocktail Lounge | 1:100 sq. ft. |
| Child Care Center | 1:employee, plus 1:10 children |
| Home Furnishings, Major Appliances | 1:500 sq. ft. |
| Hospitals | 1:bed |
| Manufacturing/Assembly | 1:employee on the highest shift |
| Wholesale/Warehouse | |
| Mixed Uses or Unlisted Uses | To be determined by City Planner |
| Motels/Hotels | 1:room |
| Restaurants/Cocktail Lounge | 1:200 sq. ft. |
| Banquet/Meeting Rooms | 1:200 sq. ft. |
| Office: General/Professional | 1:300 sq. ft. |
| Medical/Dental | 1:150 sq. ft. |
| Indoor Recreation Facility: | |
| Amusement Center/Arcades | 1:100 sq. ft. |
| Bowling Alley | 4:lane |

| | |
|---|---|
| Outdoor Recreation Facility: Golf Course Miniature Golf Course Batting Cages Water Park, Theme Parks | 6:hole 2:hole 1:cage To be determined by City Planner |
| Residential: | |
| Single Family | 2:unit - 1 covered, 2nd space not in side or front setback |
| Duplex or Twin Home | 2:unit - 1 covered, 2nd space not in front setback |
| Multi-Family: Studio or 1 Bedroom 2 or more Bedrooms Guest Parking | 1:unit 2:unit; one covered, 2 nd uncovered 1:3 units |
| Restaurant - freestanding | 1:100 sq. ft. |
| Retail/Shopping Center (including up to 10% restaurant, health club, beauty shops, addit percentages calculated at rate for each use) | 1:250 sq. ft. |
| Retirement/Senior Housing/Nursing Home | 1:employee on highest shift plus 0.4:unit |
| Schools: Elementary Middle or Junior High High School College Vocational/Technical | 2:classroom 3:classroom 7:classroom 10:classroom 1:2 students |
| Storage Building/Space | 0.5 per 1,000 sq. ft. of storage space |

(Ord. No. 13-96, Enacted, 11/06/1996); (Ord. No. 07-98, Amended [B,4] 07/07/1998); (Ord. No. 16-99, Amended [C] 12/07/1999)

17.28.030. Landscaping, Buffering, Walls and Fences.

A. Purpose:

The purpose of these requirements is to enhance, conserve, and stabilize property values by encouraging pleasant and attractive surroundings and to provide proper separations between uses. Landscaping also contributes to the reduction of heat and glare through the proper placement of plants and trees.

B. Multi-family, and non-residential uses in R-1, R-3, and R-O Districts:

1. Minimum of thirty-five (35%) on-site landscaping as a percentage of total site area.
2. Minimum of fifteen (15) foot wide planter area adjacent to all public streets, which shall include trees with an approximate spacing of thirty (30) feet. The planter area may be partially or completely within the street right-of-way area.
3. Minimum of ten (10) foot wide planter area and six (6) foot high decorative block wall, where any multifamily use, or any non-residential use abuts a residential use or district. The planter area shall include trees with a maximum spacing of twenty (20) feet.
 - a. The Development Review Committee may waive or modify this requirement, subject to obtaining the written approval of the abutting property owner(s), if it is determined that this requirement does not further the intent of this ordinance.
4. All other landscaped areas shall include at least one (1) tree and three (3) shrubs for each 800 square feet of landscaped area.

C. C-O, C-1, C-2, S-C, and B-P Districts:

1. Minimum of ten percent (10%) on-site landscaping as a percentage of total site area.
2. Parking lots containing more than forty (40)

- spaces shall include planter areas within the parking lot, with a minimum of 100 square feet of planter area for every ten (10) parking spaces.
3. Minimum of fifteen (15) foot wide planter area adjacent to all public streets, which shall include trees with an approximate spacing of thirty (30) feet. The planter area may be partially or completely within the street right-of-way area.
 4. Minimum of ten (10) foot wide planter area and six (6) foot high decorative block wall, where the site abuts a residential use or district. The planter area shall include trees with a maximum spacing of twenty (20) feet.
 - a. The Development Review Committee may waive or modify this requirement, subject to obtaining the written approval of the abutting property owner(s), if it is determined that this requirement does not further the intent of this ordinance.
 5. All other landscaped areas shall include at least one (1) tree and three (3) shrubs for each 800 square feet of landscaped area.
- D. I-1, I-2, and I-3 Districts:**
1. Minimum of five percent (5%) on-site landscaping as a percentage of total site area.
 2. Minimum of fifteen (15) foot wide planter area adjacent to all public streets, which shall include trees with an approximate spacing of thirty (30) feet. The planter area may be partially or completely within the street right-of-way area.
 3. Minimum of ten (10) foot wide planter area and six (6) foot high decorative block wall, solid vinyl fence, or three (3) foot high solid wood fence on a three (3) foot high decorative block wall where the site abuts a residential use or district. The planter area shall include trees with a maximum spacing of twenty (20) feet.
 - a. The Development Review Committee may waive or modify this requirement, subject to obtaining the written approval of the abutting property owner(s), if it is determined that this requirement does not further the intent of this ordinance.
 4. All other landscaped areas shall include at least one (1) tree and three (3) shrubs for each 1,000 square feet of landscaped area. Natural vegetation may be included if materials are appropriate for the setting and location.
- E. Standards and Maintenance:**
1. All deciduous trees shall have a minimum of two (2) inch caliper trunk. All evergreen trees shall be a minimum of 8 feet in height.
 2. All shrubs shall be a minimum of five (5) gallon size.
 3. Planting areas shall be separated from parking areas and driveways by a six (6) inch concrete curb.
 4. Landscaped areas shall be maintained with an automatic sprinkler system.
 5. Landscaped areas shall be maintained in a neat, clean, and orderly condition. This is meant to include proper pruning, lawn mowing, weeding, removing of litter, fertilizing, replacing of dead plants, and regular watering of all landscaped areas.
- F. General Fencing Requirements:**
1. The maximum height of a fence is six (6) feet in all zoning districts; pillars are not to exceed 6 ½ feet. The City Council may waive the height requirement at their sole discretion.
 2. The maximum height of a solid fence within the front yard setback area is three (3) feet. Substantially open fences such as chain link, or wrought iron may be four (4) feet high.
 3. Barbed wire fencing is allowed in A-E, R-R, I-1, and I-2 districts.
 4. Razor wire, and other similar type fencing is allowed in C-2, I-1, and I-2 districts when located above a height of six (6) feet, subject to Design Review approval. Additional screening of any such fence with plant materials may be required.
 5. Corner lots must maintain a second clear vision area as set forth in paragraph H.
- G. Solid Waste Receptacle Areas:**
- Multi-family dwellings, and non-residential uses shall provide solid waste receptacle areas screened on three (3) sides with a masonry wall having a height at least one (1) foot above any receptacle or container. A gate at least six (6) feet in height is required. This requirement may be waived or modified by the Development Review Committee when it is determined that a "roll-out" residential style container is sufficient for the type of operation proposed, or, the screen wall requirement may be waived when solid waste receptacle areas are sufficiently screened or otherwise located within the project to not be visible by or adversely impact adjoining properties.
- H. Clear Vision Area:**
- The clear vision area is that triangular area of a corner lot or parcel formed by the street property lines and the line connecting them at points thirty (30) feet from the intersecting right of way lines of the two streets. Fencing and planting is restricted within this area as follows:
1. No fence shall exceed a height of three (3) feet.
 2. Shrubs shall be pruned to a height not to exceed three (3) feet.

3. Trees shall be pruned to maintain a clear area below eight (8) feet.

A second clear vision area with twenty (20) foot sides is also required where the rear of a corner lot adjoins an interior lot. The same restrictions for landscaping and fencing apply in this area unless the interior lot is already developed and has no existing driveway within ten (10) feet of the property line adjoining the corner lot.

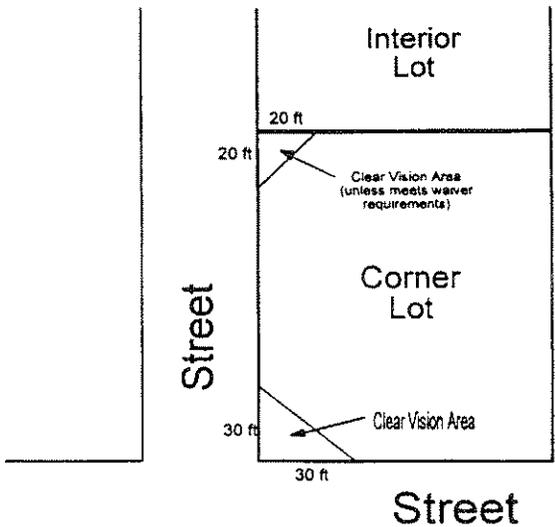
(Ord. No. 13-96, Enacted, 11/06/1996); (Ord. No 14-97, Amended [B,3] [C,4] [D,3], 09/02/1997); (Ord. No. 16-99, Amended [F], 12/07/1999)

17.28.040. Accessory Buildings and Uses.

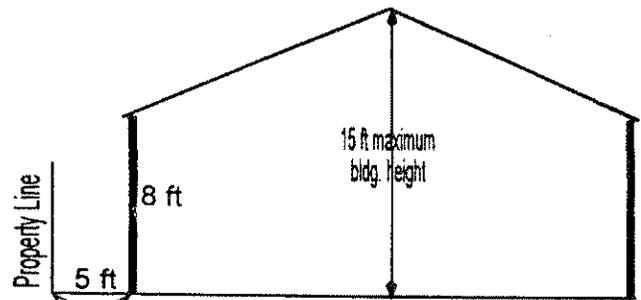
A. Accessory Buildings, Satellite Earth Stations:

All detached buildings, structures, or satellite earth stations must be located behind the front wall plane of the principal structure. Accessory buildings, structures, or satellite earth stations must also meet the following additional regulations:

1. Buildings, structures, or satellite earth stations **not** over seven (7) feet in height or over 200 square feet in area must meet the following requirements:
 - a. must be located behind the front wall plane of the principal structure
 - b. be a minimum of three (3) feet from property lines
 - c. be a minimum of six (6) feet from the principal building
 - d. meet fire and building code requirements.
2. Buildings, structures, or satellite earth stations **over** 200 square feet in area must have a minimum of five (5) feet to a side or rear property line with a 12 inch eave.



3. The maximum height for detached buildings, structures, or satellite earth stations shall be fifteen (15) feet to the peak of the roof measured from the finish grade.
 - a. Properties over ½ acre in size can increase the maximum height to twenty-four (24) feet by having the rear and side setbacks the same as the building height.
4. In the R-R, A-E, I-2 and I-3 zoning districts the maximum height for detached buildings, structures, or satellite earth stations shall be thirty-five (35) feet to the peak of the roof measured from the finish grade.
5. The minimum front setback for detached garages and other accessory buildings shall conform to the minimum front setback for main buildings and shall be set at least six (6) feet from the main structure.
6. Accessory buildings shall not be located within six (6) feet of any dwelling or main building located upon an adjoining lot.
7. Accessory buildings located between the front and back plane of the home that are over 200 square feet in size must be architecturally compatible with the main building.



8. The combined square footage of all detached accessory buildings, structures, and satellite earth stations shall not exceed 500 square feet, or ten percent (10%) of the total lot area, whichever is greater. (See sketch for example of an accessory building in most residential districts).

B. Swimming Pools:

Swimming Pools not completely enclosed within a building must maintain a minimum of six (6) feet to side or rear property line and be completely surrounded by a fence or wall with a height of at least six (6) feet. There shall be no openings in said fence or wall larger than thirty-six (36) square inches, except for gates, and such gates shall be equipped with self-closing and self-latching devices.

C. Yard/Garage Sales

Yard sales are permitted for no more than three (3) events of forty-eight (48) hours or less within a twelve (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. Animals:

Animals are allowed in the A-E, R-R, I-1, and I-2 Districts with no restrictions on the maximum number. Animals are allowed in all other zoning districts subject to the following regulations:

1. The portion of the property on which the animals are kept must be at least one-half (½) acre except for rabbits, pigeons, ducks, geese, peacocks, game birds with appropriate state permits, and household pets.
2. The maximum number of dogs or cats four months of age or older shall not exceed two (2) each per lot.
3. No animal shall be kept in a residential zone for the purpose of commercial production except as otherwise permitted by City ordinance.

| <i>Animal</i> | <i>Maximum # per ½ acre</i> | <i>Min. distance of barns, pens, or corrals to neighboring dwelling (in feet)</i> |
|---------------------------------|--|---|
| Cattle | 2 | 100 |
| Horses | 2 | 100 |
| Sheep, Goats, Llamas, Ostriches | 3 | 100 |
| Poultry, Turkeys, or Fowl | 10 | 100 |
| <i>Maximum # per lot</i> | | |
| Peacocks | 4 | 50 |
| Rabbits | 8 | 50 |
| Pigeons | 8 | 50 |
| Ducks, Geese | 4 | 50 |
| Game Birds | Max, permitted by the State, not to exceed 6 | 50 |

(Ord. No. 13-96, Enacted, 11/06/1996); (Ord. No. 05-99, Amended [A,3] 04/06/1999); (Ord. No. 16-99; Amended [A] 12/07/1999); (Ord. No. 05-00, Created [A,8], 05/02/2000)

17.28.050. Uses Subject to Conditions.

A. Residential Facility for Persons with a Disability

The following conditions must be met:

1. A valid Spanish Fork City Business license shall be obtained.
2. The facility must comply with the development standards of the zoning district.
3. The building character and landscaping shall be of the same general character of those of other residences and yards in the neighborhood.
4. No facility shall be made available to an

individual whose tenancy would constitute a direct threat to the health or safety of other individuals or result in substantial physical damage to the property.

5. Prior to the occupancy of any facility, the person or entity licensed or certified by the Department of Human Services or the Department of Health to establish and operate the facility shall:

a. provide a copy of such license or certification to the city.

b. be classified as level 1 or level 2 as set forth in the Small Health Care Facility Rules as promulgated by the State of Utah, Department of Health Care Licensing.

i. persons placed in a level 2 facility shall be deemed non-violent or non-threatening and shall be permitted with no further requirements.

ii. individuals placed in a level 1 facility shall produce, through the operator of the facility, a certificate issued by the appropriate medical professionals and based upon professional evaluations such as the ICAP, MMPI, and/or such other resources as may be available to the medical professional, which certificate shall indicate that the person is not violent, nor a direct threat to the safety of the property or any other person at the time of placement. Production of the certificate required by this section shall be a prerequisite to the obtaining of the business license required by this chapter. Each new resident shall also provide said certificate in order for the facility to be eligible to renew its business license.

6. The facility shall comply with all health and safety codes applicable to that type of building and use.

7. The operator of any facility shall be required to provide supervision in accordance with the rules and regulations of the State of Utah Department of Social Services or Department of Health, which care shall be on a twenty-four (24) hour basis if so required by the aforementioned rules and regulations.

8. Off-street parking shall be provided to accommodate staff and one (1) visitor space for every three (3) residents.

9. No facility licensed for the housing of more than eight (8) disabled persons, shall be established or maintained within 660 feet measured in a straight line between the closest property lines of the lots or parcels, of the following facilities:

a. another residential facility for persons with a disability licensed for the housing of more than eight (8) persons;

b. a residential facility for the elderly with more than eight (8) elderly persons in residence; or

c. any of the following facilities: shelter care facility, assisted living center, and residential treatment center.

10. The use permitted by this section is non-transferrable and shall be terminated if:

a. the facility is devoted to a use other than a residential facility for persons with a disability, or

b. the license or certification issued has been terminated or revoked, or

c. the facility fails to comply with these conditions.

B. Residential Facility for Elderly Persons

The following conditions must be met:

1. A valid Spanish Fork City Business license shall be obtained.
2. The facility must comply with the development standards of the zoning district.
3. The building character and landscaping shall be of the same general character of those of other residences and yards in the neighborhood.
4. No facility shall be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or result in substantial physical damage to the property.
5. Prior to the occupancy of any facility, the person or entity licensed or certified by the Department of Human Services or the Department of Health to establish and operate the facility shall:
 - a. provide a copy of such license or certification to the city and
 - b. certify in a sworn affidavit to the city that no person will reside or remain in the facility whose tenancy would likely:
 - i. constitute a direct threat to the health or safety of other individuals, or
 - ii. result in substantial physical damage to the property of others.
6. The facility shall comply with all health and safety codes applicable to that type of building and use.
7. No facility licensed for the housing of more than eight (8) elderly persons, shall be established or maintained within 660 feet measured in a straight line between the closest property lines of the lots or parcels, of the following similar facilities:
 - a. another residential facility for elderly persons licensed for the housing of more than eight (8) persons;
 - b. a residential facility for the disabled with more than eight (8) persons in residence; or
 - c. any of the following facilities: shelter care facility, assisted living facility and residential treatment center.
8. The use permitted by this section is non-transferrable and shall be terminated if:
 - a. the facility is devoted to a use other than a residential facility for elderly persons, or
 - b. the license or certification issued has been terminated or revoked, or
 - c. the facility fails to comply with these conditions.

C. Assisted Living Facility

The following conditions must be met:

1. A valid Spanish Fork City Business license shall be obtained.
2. The facility must comply with the development standards of the zoning district.
3. Lot Size
 - a. Twenty(20) beds or less - 1,000 square feet per bed ratio (10 beds = 10,000 square foot).
 - b. More than twenty (20) beds - one (1) acre minimum plus 1,000 square feet per bed over the 20.

4. The building character and landscaping shall be of the same general character of those of other residences and yards in the neighborhood.

5. Off-street parking shall be provided to accommodate staff and one (1) visitor space for every three (3) residents for facilities larger than 15 beds.

6. No facility shall be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or result in substantial physical damage to the property.

7. Prior to the occupancy of any facility, the person or entity licensed or certified by the Department of Human Services or the Department of Health to establish and operate the facility shall:

- a. provide a copy of such license or certification to the city and
- b. certify in a sworn affidavit to the city that no person will reside or remain in the facility whose tenancy would likely:
 - i. constitute a direct threat to the health or safety of other individuals, or
 - ii. result in substantial physical damage to the property of others.

8. The assisted living facility shall comply with all health and safety codes applicable to that type of building and use.

9. No assisted living facility licensed for the housing of more than eight (8) persons, shall be established or maintained within 660 feet measured in a straight line between the closest property lines of the lots or parcels, of the following similar facilities:

- a. another assisted living facility for more than eight (8) persons;
- b. a residential facility for the disabled with more than eight (8) persons in residence; or
- c. any of the following facilities: shelter care facility and residential treatment center.

10. The use permitted by this section is non-transferrable and shall be terminate if:

- a. the facility is devoted to a use other than an assisted living facility, or
- b. the license or certification issued has be terminated or revoked, or
- c. the facility fails to comply with these conditions.

D. Residential Treatment Center

The following conditions must be met:

1. A valid Spanish Fork City Business license shall be obtained.
2. The facility must comply with the development standards of the zoning district.
3. The facility must be located on at least a two (2) acre parcel or larger.
 - a. Twenty (20) beds or more - two (2) acre parcel minimum plus 1,000 square feet per bed over the 20 to a maximum of forty (40) beds.
4. The building character and landscaping shall be of the same general character of those of other residences/structures and landscaping in the area of the facility.

5. Off-street parking shall be provided to accommodate staff and one (1) visitor space for every three (3) residents or met the requirement of the zoning district.

6. No facility shall be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals in the facility or result in substantial physical damage to the property.

7. Prior to the occupancy of any facility, the person or entity licensed or certified by the Department of Human Services or the Department of Health to establish and operate the facility shall:

a. provide a copy of such license or certification to the city and the facility shall be classified as level 1 or level 2 as set forth in the Small Health Care Facility Rules as promulgated by the State of Utah, Department of Health Care Licensing.

i. Persons placed in a level 2 facility shall be deemed non-violent or non-threatening and shall be permitted with no further requirements.

ii. Individuals placed in a level 1 facility shall produce, through the operator of the facility, a certificate issued by the appropriate medical professionals and based upon professional evaluations such as the ICAP, MMPI, and/or such other resources as may be available to the medical professional, which certificate shall indicate that the person is not violent, nor a direct threat to the safety of the property of any other person at the time of placement. Production of the certificate required by this section shall be a prerequisite to the obtaining of the business license required by this chapter. Each new resident shall also provide said certificate in order for the facility to be eligible to renew its business license.

8. The facility shall comply with all health and safety codes applicable to that type of building and use.

9. Must meet the Design and Separation requirements in 17.28.050 E if located in a residential zone.

10. Any residential treatment facility located in a residential zone must be owner occupied.

11. The use permitted by this section is non-transferrable and shall be terminated if:

a. the facility is devoted to a use other than a residential treatment center, or

b. the license or certification issued has been terminated or revoked, or

c. the facility fails to comply with these conditions.

11. Any residential treatment facility shall be 660 feet from any public or private school or church measured from the shortest point from structure to structure.

12. The conditions will be reviewed annually by the Development Review Committee (DRC) to assure conformance.

E. Design and Separation

1. All residential facilities for persons with a disability, residential facility for elderly persons, residential treatment center (owner occupied), supervisory care facility, and assisted living facility must

meet these requirements.

2. Any new or remodeled facility shall comply with the following design standards:

a. The design, exterior materials and colors of the facility shall match the principal structures in the neighborhood (area).

b. The facility shall be constructed in a manner as to blend in and not draw attention.

c. A facility located in a residential zone is required to have a two car garage facing the street or a side entry garage. Any additional parking will be paved and located behind the facility.

d. The facility shall not exceed the square footage of the average of the twenty (20) nearest residential homes.

e. The facility shall meet all zoning requirements of the zone in which it is proposed.

f. The facility shall have a fully fenced rear yard of either masonry or vinyl materials six (6) feet in height.

3. No facility listed in subsection 1 may be located within 660 feet from another.

F. Home Child Care Centers:

Are permitted subject to obtaining a State of Utah child care license, a Spanish Fork business license, and complying with applicable fire and building codes.

G. Home Occupations:

An occupation or profession is considered a home occupation when the business:

1. Is clearly incidental to or secondary to the residential use of the dwelling unit;

2. Is conducted only by a resident or residents who resides at the dwelling unit;

3. Occupies not more than fifteen percent (15%) of the total floor area of the dwelling unit and in no event more than 300 square feet;

4. Permits no more than two (2) non-resident patrons to be at the dwelling at any one time by reason of the home occupation;

5. Has no more than one (1) commercial delivery vehicle a day coming to the dwelling related to the home occupation;

6. Produces no offensive noise, vibration, smoke, dust, or odors beyond the boundaries of the property;

7. Permits one (1) name plate or identification sign no larger than eighteen (18) inches by twenty-four (24) inches located within five (5) feet of the dwelling unit; and

8. Possesses a valid City business license.

H. Instructional Studio:

Is permitted subject to obtaining a Spanish Fork business license, and complying with applicable fire and building codes.

I. Manufactured Homes:

Are permitted subject to the following:

1. The minimum width of the home shall be twenty (20) feet and the minimum length shall be forty (40) feet, exclusive of any garage, porch or awning area.

- 2. Transportable sections shall be at least ten (10) feet wide, unless transportable in three (3) or more sections, in which case only one section must be ten (10) feet wide.
- 3. At least sixty percent (60%) of the roof of the dwelling must be pitched at a of installation.
- 7. The dwelling shall be permanently connected to all required utilities.
- 8. The dwelling shall be taxed as real property and appropriate affidavit filed with the Utah State Tax Commission.

J. Master Planned Developments:

1. Purpose:

The purpose of the Master Planned Development concept is to:

- a. Encourage imaginative and innovative planning of residential neighborhoods by providing greater flexibility in design;
- b. Encourage the provision of useable open space and recreation facilities within developments;
- c. Encourage variation in lot size, setbacks, and residential products within the development;
- d. Establish residential neighborhoods with a distinct character and convey a sense of unity;
- e. Allow projects that provide superior design features, amenities, and open space to be developed at the high end of the density ranges as shown on the General Plan Map.
- f. Lessen the burden of traffic on streets and highways.
- g. Reduce development costs and ongoing maintenance costs.

2. Permitted Uses:

a. All uses listed in R-1, and R-3 Districts, subject to the same restrictions or limitations of the use.

b. Multi-family dwellings with more than four (4) attached units.

c. Clubhouses, community buildings, and recreational facilities designed for the use of the residents within the Master Planned Development.

3. Area Requirements and Density Ranges:

The number of dwelling units allowed in a Master Planned Development is calculated in the following manner:

a. A density bonus shall follow the density ranges listed in the General Plan.

b. The minimum size of a Master Planned Development in an R-1 zone is 10 acres.

c. The minimum size of a Master Planned Development in an R-1-6, or R-3 zone is 2 acres.

4. Application:

Applications to establish a Master Planned Development shall be processed as a subdivision if any new lots are to be created. If no new lots are proposed, such as for an apartment project, an application will be processed according to the Design Review procedures. All applications must include the following information in addition to normal filing requirements for a subdivision or Design Review project:

- a. Complete description of the intended nature and character of the development.
- b. Description of all proposed private or public open space areas, including improvements, ownership, and maintenance provisions.
- c. Proposed project phasing.
- d. General landscape concepts, fences, walls, entry treatments, signage, lighting.
- e. Preliminary conditions, covenants, and restrictions (CC & R's).
- f. Any proposed amended development standards, including such things as variations in setbacks, heights, and lot sizes.
- g. Proposed street cross sections, and proposed ownership and maintenance provisions.
- h. A general description of the architecture, materials, and colors of the dwelling types within the project.
- i. A data table which includes total acreage, total number of dwelling units, and units by type, dwelling units/acre, acreage of open space, percent of acreage in open space.

5. Minimum House Sizes

| Minimum House Sizes - finished area (sq. ft.) | | | |
|---|--------------------|--------------------|---------------|
| District | Rambler Main Level | 2-story Main Level | Townhomes |
| R-1-30 | 1,500 sq.ft. | 1,100 sq.ft. | 1,100 sq. ft. |
| R-1-12 | 1,400 | 1,000 | 1,000 |
| R-1-9 | 1,300 | 1,000 | 1,000 |
| R-1-8 | 1,100 | 750 | 1,000 |
| R-1-6 | 1,000 | 750 | 800 |
| R-3 | 800 | 600 | 600 |

6. Performance Standards

a. Duplicate Houses - There shall be no identical houses, i.e. same footprint (floor-plan and elevation) within 120 feet of another.

b. Parking - Single family housing developments shall provide at least a two-car garage. Developments are encouraged to have side-entry garages, especially on corner lots.

c. Roofing - Homes in the development shall have at least a 5/12 pitched roof.

d. Design Appeal - Homes in the development will be required to blend in with adjacent homes sharing similar design characteristics and using high quality materials.

7. Density Bonus

In order to qualify for a density bonus the applicant can pick the following to determine the amount of the bonus.

a. Active Recreation (private-gated communities only or if accepted by City)

Active Recreational Facilities that are provided for residents of the Master Planned Development or the citizens of Spanish Fork City are entitled to a density bonus. Active recreation areas may include swimming pools, sports courts, spas, and other similar areas. Developments that provide active recreation areas are eligible for up to a **ten (10) percent density increase**.

b. Common Buildings (private-gated communities only or if accepted by City) Developments which provide common buildings or facilities for use by residents of the project or citizens of Spanish Fork City for meetings, indoor recreation, receptions, classes, or other similar uses are eligible for up to a **ten (10) percent density increase**.

c. Fencing Developments that incorporate fencing for individual lots and the whole project with high quality materials are eligible for up to a **five (5) percent density increase**.

d. Front setback variation Developments that provide front setback variations of at least 5 feet, provided they meet the minimum setbacks standards can qualify for up to a **three (3) percent density increase**.

e. Garage – three car Developments that require three car garages or side entry garages on at least 60% of the homes are eligible for up to a **three (3) percent density increase**.

f. Garage setback Developments that require all garages to be setback at least 10 feet from the front of the home are eligible for up to a **three (3) percent density increase**.

g. Open space Developments that provide and improve, at the developer's expense, at a rate of 1 acre of park space for each 75 proposed dwelling units, OR a payment to the City's dedicated park fund equal to the land and basic development of the park space are eligible for up to a **five (5) percent density increase**. The city will not accept public parks less than three acres in size.

h. Landscaping Developments that install front yard landscaping with automatic sprinkling systems, grass, and at least two 2" caliper trees are eligible for up to a **seven (7) percent density increase**.

i. Lot Size Variation

Developments that have a significant variation of lot sizes are eligible for up to a **three (3) percent density increase**. Significant variation is to be determined by the City Planner

j. Materials on Front Facade

Developments which incorporate only brick or stone as a major material into the design of the front facade of homes in the project are eligible for up to a **five (5) percent density increase**.

k. Mixture of Housing Types

Developments that include a mix of housing types (i.e. detached single-family dwellings, attached single-family residences, accessory apartments, townhouses). Developments must include at least seventy-five percent (75) of units being detached, single-family dwellings. Projects that qualify are eligible for up to a **five (5) percent density increase**.

l. Offsetting Lots

Developments that have significant lot offsets from housing units across the street are eligible for a density increase. This is to provide more scenic views through the use of geographic displacement. Significant offset is to be determined by the City Planner. Those developments that qualify are eligible for up to a **three (3) percent density increase**.

m. Roof Pitch

Developments that incorporate roof pitches of at least 6/12 on 60% of the homes in the project are eligible for up to a **three (3) percent density increase**.

n. Home sizes

Developments that require homes to be 20 percent larger than the minimum house size for the zoning district are eligible for up to a **seven (7) percent density increase**.

o. Miscellaneous amenities:

Amenities that are not listed but could be counted as design improvement may be eligible for up to a **seven (7) percent density increase**, as determined by the City Council.

7. Phases

All residential subdivisions shall include a phasing plan that specifies the timing of public improvements and residential construction. This plan must be submitted at the submission of the Preliminary Plat. If the sequence of construction of various portions of the development is to occur in stages then the open space and/or recreational facilities shall be developed, or committed thereto, in proportion to the number of dwelling units intended to be developed during any given stage of construction.

8. Findings:

The Development Review Committee and, if applicable, the Planning Commission and City Council shall make the following findings prior to granting approval of a Master Planned Development:

a. The proposed development will provide a more pleasant and attractive living environment than a conventional residential development established under the strict application of the provisions of the underlying zone;

b. The proposed development will not be materially detrimental to the health, safety, or general welfare of persons residing or working within the neighborhood of the development;

c. Any variation allowed from the development standards of the underlying district will not create increased hazards to the health, safety, or general welfare of the residents of the development of adjacent areas;

d. Projects at or near the top of the density range for the underlying district must demonstrate a coordinated approach to neighborhood development and include such things as an overall landscape concept, the use of high quality materials and architecture, the blending of different dwelling types in larger projects, well designed and useable open space and developed recreational amenities, and attention to details such as fencing, street lighting, entry treatments, and project signage.

H. Seasonal Sales and Special Events:

Temporary sales or display of goods or special events are allowed only if they are related to a particular seasonal, cultural, traditional, or community activity or event for a period not to exceed sixty (60) calendar days, as determined by the City Planner. In making a determination, the City Planner shall consider the following criteria:

1. The nature, location, and manner of operation of the activity or event does not constitute a health or safety hazard to the public;
2. The goods or services displayed are customarily and traditionally related to a widely celebrated or observed seasonal activity, event, or holiday;
3. The activity or event is consistent with other uses permitted in the zoning district;
4. The use does not interfere with pedestrian access-ways, fire lanes, driveways, or traffic visibility;
5. Parking on the property is adequate to serve any existing permanent uses and the seasonal sale or special event use.
6. The sale or special event possesses a valid City business license.

I. Subdivision Model Home:

A model home may be provided in conjunction with residential subdivisions subject to the following:

1. The model is used only to market homes being built in the subdivision or Master Planned Development in which it is located. No off-site sales are allowed.
2. A model home plan is required which shows the lot(s) to be used, parking areas, fencing, lighting, and signage. The City Planner shall review and approve the plan prior to the

issuance of building permits for models.

3. Prior to occupancy as a residential unit, all model homes must conform to all provisions of this ordinance, and any temporary parking, office, lighting, fencing, signage, and similar improvements shall be removed.

J. Temporary Office or Construction Trailers:

Temporary office trailers are allowed in conjunction with new development projects subject to the following:

1. The office trailer is allowed only after building permits have been issued for the permanent building(s) to occupy the site.
2. May be authorized for use exclusively as a temporary office or construction shed incidental to a construction project for a period of twelve (12) months. The City Planner may authorize extensions of additional six (6) month increments where construction within the project site is proceeding in a timely manner.
3. May be authorized for use as a home sales office subject to submitting a home complex plan which shows the parking areas, fencing, lighting, and signage.

K. Sexually Oriented Businesses:

Sexually oriented businesses are permitted only in the I-1 Light Industrial Zone north of 1600 North and West of Interstate 15 with the following restrictions:

1. They may not be located within 200 feet of Main Street or any other road which provides a major entry or gateway to Spanish Fork City;
2. They may not be located within 1000 feet of an establishment that is licensed to sell alcoholic beverages for consumption on the premises (measured from property line to property line);
3. They may not be located within 1000 feet of a church or school (measured from property line to property line);
4. They may not be located within 1000 feet of another sexually oriented business (measured from property line to property line).
5. Their hours of operation are limited to 8:00 a.m. until 1:00 a.m. the following morning, provided that they may not operate on Sundays.

(Ord. No. 13-96, Enacted, 11/06/1996); (Ord. No. 22-97, Enacted (K) 12/16/1997)

1728.060. Supplementary Regulations and Exceptions:

A. Irregular Lots - All dwelling structures and other main buildings located on an irregular lot shall be set back an average of twenty-five (25) feet from the rear property line provided that no portion of the building is closer than 15 feet to the property line.

B. Accessory Apartments

a. This sub-section is established to provide regulations for accessory apartments within single family dwellings in residential zone district(s), where allowed. Accessory apartments may be allowed by conditional use permit.

b. Requirements for Approval. A conditional use permit may be granted by the Planning Commission for accessory apartments provided that the following requirements are met.

1. Only one apartment shall be created within a single family dwelling.

2. Permitted on lots 10,000 square feet or larger.

3. One covered and one uncovered parking space per apartment unit not located in the front setback area.

4. Register with city utilities for minimum billing.

5. The home shall meet all applicable building and fire codes.

6. Located in a R-1-6 or R-3 zone.

C. Flag Lots

a. Flag lots are allowed in the Original Plats A&B.

b. Minimum lot area of a flag lot is 8,000 square feet.

c. The panhandle section shall not be included when calculating the minimum lot area.

d. The panhandle section must have a minimum paved driveway width including curb and gutter of 20 feet, with 6-inch concrete curbing or other approved method of handling drainage.

e. No more than two single family dwelling units can share a driveway access.

D. Awnings or Covered Decks

a. 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.

b. Awnings on the side of a home must meet all required side setbacks for that zoning district.

c. A building permit must be obtained for all awnings.

17.28.060. Supplementary Regulations and Exceptions:

A. Irregular Lots - All dwelling structures and other main buildings located on an irregular lot shall be set back an average of twenty-five (25) feet from the rear property line provided that no portion of the building is closer than 15 feet to the property line.

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D. Awnings or Covered Decks

a. 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.

b. Awnings on the side of a home must meet all required side setbacks for that zoning district.

c. A building permit must be obtained for all awnings.

Proof of Publication

I **Steve Hardman** being first duly sworn according to law, disposes and says that he is the General Manager of **THE SPANISH FORK PRESS**, a weekly newspaper printed and published at Spanish Fork, Utah County, Utah and of general circulation therein; that the Notice, a copy of which is hereto attached, was printed and published in said paper

for consecutive 1 weeks,

the first publication on the 15th day

of August 2002

And the last on the 15th day

of August 2002

[Signature]

ORDINANCE 05 - 02
AN ORDINANCE
AMENDING THE ZONING
ORDINANCE OF
SPANISH FORK CITY

The Spanish Fork City Council has enacted an ordinance repealing and re-enacting Title 17 of the Spanish Fork City Municipal Code as follows:

1.1. Title 17, Chapters 8, 12, 16, 20, and 28; Zoning are hereby repealed in their entirety.

2. Title 17, Chapters 8, 12, 16, 20, and 28; Zoning, are hereby re-enacted as set forth in the attached document.

II. This Ordinance shall become effective twenty days after passage and publication.

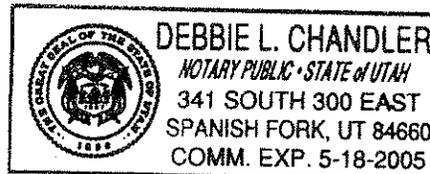
DATED this 6th of August, 2002.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 6th day of August, 2002.

A complete copy of the attachment is available for inspection at the Spanish Fork City Office, 40 South Main, Spanish Fork.

Published in the Spanish Fork Press August 15, 2002.

#17
Code
book



Subscribed and sworn to before me this 16th day of August 2002

[Signature]

Notary Public