

# ORDINANCE NO. 07-04

## ROLL CALL

VOTING	YES	NO
MAYOR DALE R. BARNEY <i>(votes only in case of tie)</i>		
MATTHEW D. BARBER <i>Councilmember</i>	X	
PAUL M. CHRISTENSEN <i>Councilmember</i>	X	
EVERETT KELEPOLO <i>Councilmember</i>	X	
SETH V. SORENSEN <i>Councilmember</i>	X	
CHRIS C. WADSWORTH <i>Councilmember</i>	X	

I MOVE this ordinance be adopted: Councilmember Wadsworth

I SECOND the foregoing motion: Councilmember Sorensen

## ORDINANCE 07-04

### AN ORDINANCE ELIMINATING HEIGHT RESTRICTIONS IN THE INDUSTRIAL ZONES OF THE COMPREHENSIVE ZONING ORDINANCE

WHEREAS, Spanish Fork City has adopted a Comprehensive Zoning Ordinance; and

WHEREAS, the Comprehensive Zoning Ordinance is intended to preserve property values to allow for compatible uses within similar districts and to protect the health, safety, and welfare of the residents of the City; and

WHEREAS, the Comprehensive Zoning Ordinance creates three industrial zones designed to promote industry and create a solid tax base for the City; and

WHEREAS, the industrial zones limit the height of both principal and accessory buildings;  
and

WHEREAS, in order to encourage business and industrial development, height restrictions should be removed; and

WHEREAS, the Development and Review Committee and Planning Commission have recommended that height restrictions in the industrial zones be removed; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on the 4<sup>th</sup> day of May, 2004 whereat public comment was received; and

WHEREAS, in order to protect the health, welfare, and safety of the residents of the City, it is appropriate to enact the changes proposed by the Planning Commission to the Comprehensive Zoning Ordinance relating to heights in the industrial zones;

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

I.

Height restrictions in the industrial zones are hereby eliminated for both principal and accessory buildings.

II.

Table 2 of the Comprehensive Zoning Ordinance is amended to show no height restrictions in the industrial zones, as indicated in Exhibit A, attached hereto and incorporated herein by this reference.

III.

This Ordinance shall become effective 20 days after passage and publication..

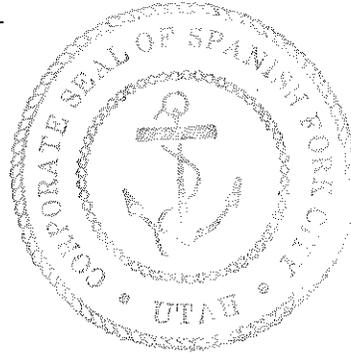
PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK,  
UTAH, this 4th day of May, 2004.

  
DALE R. BARNEY, Mayor

ATTEST:

  
KENT R. CLARK, City Recorder

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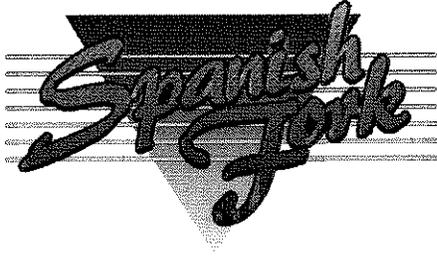
**Table 2**

**Commercial and Industrial Development Standards**

District	Minimum District Size	Minimum Setback <sup>1</sup>				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' <sup>2</sup>	15'-25' <sup>2</sup>
S-C	5 acres	25'	0-25'	0-20'	15'	30-48' <sup>2</sup>	15'
B-P	10 acres	25'	0-25'	0-25'	15'	30'	15'
I-1	10 acres	25'	0-25'	0-25'	15'	None	None
I-2	20 acres	50'	50'	50'	50'	None	None
I-3	80 acres	50'	50'	50'	50'	None	None

- 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.



# Spanish Fork City Council Staff Report

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**To:** City Council ID# ZO 04-01  
**From:** Emil Pierson, City Planner  
**Date:** May 4, 2004  
**Subject:** Industrial Height  
**Location:** City wide

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## **Background**

It has come to our attention through working with industrial developers and then researching other cities that we have a barrier to industrial development. This barrier is our height restrictions, for example a primary building can only be constructed to a height of 48 feet and if it adjacent or next to a residence or district 30-feet. The current heights standards would not allow the new Newway's office building in Springville to be built in the City.

Zoning Ordinance Title 17.20 Table 2 Commercial and Industrial Development Standards is as follows.

<b>Industrial Height Standards</b>			
	Primary building	Primary building 50' from residential use or district	Accessory building
I-1 (light industrial)	48'	30'	15-25'
I-2 (medium industrial)	48'	N/A	25'
I-3 (heavy industrial)	48'	N/A	25'

## ***DEVELOPMENT REVIEW COMMITTEE***

Minutes from DRC

Mr. Baker said there is a company looking at coming into Spanish Fork which have 65-foot storage silos exceeding the zoning height limit. They are considered an accessory building. Mr. Nielson said the height limit in the I-1 zone is due to the airport in the area.

Mr. Baker said the FAA rules dictate the height requirements for areas near the airport. Mr. Baker said the zoning ordinance could be changed with no height limit subject to the FAA regulations.

***DRC MOTION***

Mr. Baker made a motion to recommend approval of the Zoning Ordinance amendment eliminating height limits on buildings and accessory buildings in all industrial zones subject to FAA limitations. Mr. Nielson seconded, and the motion passed with a unanimous vote.

***PLANNING COMMISSION***

The Planning Commission reviewed this request by staff at their April 7<sup>th</sup> meeting and discussed the proposed changes to the industrial zones. The Planning Commission recommended changing Title 17.20 Table 2 to eliminate height limits on buildings and accessory buildings in all industrial zones subject to FAA limitations.

**RECOMMENDATION**

**Option One - APPROVE**

Make a motion to **Approve** the amendments to the Zoning Ordinance Title 17.20 Table 2 Commercial and Industrial Development Standards eliminating height limits on buildings and accessory buildings in all industrial zones subject to FAA limitations.

**Option Two - approve with changes**

Make a motion to approve the amendments to the Zoning Ordinance Title 17.20 Table 2 Commercial and Industrial Development Standards eliminating height limits on buildings and accessory buildings in all industrial zones subject to FAA limitations with the following changes:

**Option Three - TABLE**

Make a motion to **Table** the amendments to the Zoning Ordinance Title 17.20 Table 2 Commercial and Industrial Development Standards eliminating height limits on buildings and accessory buildings in all industrial zones subject to FAA limitations for the following reason(s):

**Option Four - DENY**

Make a motion to **Deny** the amendments to the Zoning Ordinance Title 17.20 Table 2 Commercial and Industrial Development Standards eliminating height limits on buildings and accessory buildings in all industrial zones subject to FAA limitations for the following reason(s):

# 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

ORDINANCE 07-04  
An Ordinance  
Eliminating the  
Height Restrictions in  
Industrial Zones of the  
Comprehensive Zoning  
Ordinance.

NOW THERE-  
FORE, be is enacted  
and ordained by the  
Spanish Fork City  
Council as follows:

Height restrictions  
in the industrial zones

are hereby eliminated  
for both principal and  
accessory buildings.  
Table 2 of the  
Comprehensive Zoning  
Ordinance is amended  
to show no height  
restrictions in the  
industrial zones, as  
indicated in Exhibit A.

A complete copy of  
the ordinance is avail-  
able for inspection at  
the Spanish Fork City  
Office, 40 South Main,  
Spanish Fork.

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

PASSED AND  
ORDERED PUB-  
LISHED BY THE  
CITY COUNCIL OF  
SPANISH FORK,  
UTAH, this 4th day of  
May, 2004.

Published in the  
Spanish Fork Press on  
May 20, 2004.

for consecutive 1 weeks,

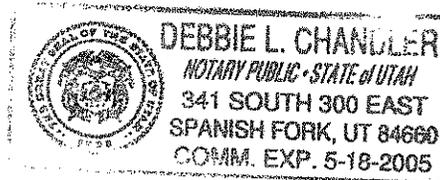
the first publication on the 20 day

of May 2004

And the last on the 20 day

of May 2004

Steve Hardman



Subscribed and sworn to before me this 20<sup>th</sup> day of May 2004

Debbie L. Chandler  
Notary Public