

ORDINANCE NO. 05-05

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>	EXCUSED	

I MOVE this ordinance be adopted: Councilmember Kelepolo

I SECOND the foregoing motion: Councilmember Sorensen

ORDINANCE 05-05

AN ORDINANCE REPEALING TITLES 16 & 17 CONCERNING SUBDIVISIONS AND ZONING AND ENACTING TITLE 15 CONCERNING LAND USE, OF THE SPANISH FORK MUNICIPAL CODE

WHEREAS, Spanish Fork City has adopted a municipal code, which includes Title 16 concerning subdivisions and Title 17 concerning zoning; and

WHEREAS, The 2005 Utah State Legislature rewrote the Land Use Development and Management Act, necessitating changes in both the subdivision and zoning ordinances of the City; and

WHEREAS, A review of the new Act and the Municipal Code leads to the conclusion that an all inclusive title concerning land use, which incorporates both subdivisions and zoning,

together with other land use matters, would best suit the needs of the City; and

WHEREAS, The DRC, Planning Commission, and City Council have approved the concept; and

WHEREAS, Staff has prepared a land use title incorporating general provisions, the comprehensive general plan, development, and zoning, and which title includes all changes necessitated by the enactment of the new Land Use Development and Management Act; and

WHEREAS, A public hearing was held before the Planning Commission on Wednesday, the 4th day of May, 2005, where public input was received; and

WHEREAS, A public hearing was held before the City Council on Wednesday, the 7th day of June, 2005, where additional public input was received;

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

I

Title 16, Subdivisions, of the Spanish Fork Municipal Code, is hereby repealed.

II

Title 17, Zoning, of the Spanish Fork Municipal Code, is hereby repealed.

III

Title 15, Land Use, of the Spanish Fork Municipal Code, is hereby enacted as set forth in the attached document.

IV

In order to remain in compliance with the changes made in state law, by the passage of the Land Use Development and Management Act, this ordinance is effective immediately upon

passage and publication.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH
FORK, UTAH, this 7th day of June, 2005.

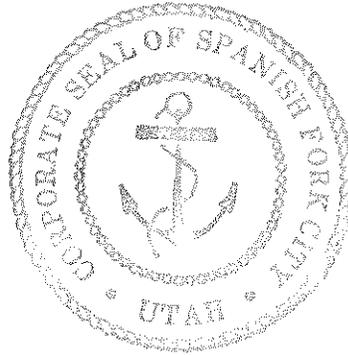


DALE R. BARNEY, Mayor

ATTEST:



KENT R. CLARK, City Recorder



TITLE 15 LAND USE

PART 1 General

PART 2 Comprehensive General Plan

PART 3 Comprehensive Zoning Ordinance

PART 4 Development

PART 1 GENERAL

Chapter 04 Purpose and Applicability

15.1.04.010. Rules of Construction.

15.1.04.020. Definitions.

15.1.04.030. Compliance and Enforcement.

15.1.04.040 Notices

15.1.04.050 Appeal Process

15.1.04.060 Appeal Authority

15.1.04.070. Fees.

15.1.04.080. Severability

15.1.04.090 Licensed Contractor

15.1.04.010. Rules of Construction.
 For the purpose of carrying out the intent of this Title, certain words or terms are defined in §020. Any word not defined in this ordinance shall be construed as defined in the building code of the City, if defined therein. If no definition is found in either this ordinance or the building code, then the word or term shall be defined according to its commonly used meaning.

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

Accessory Apartment (basement): A housing unit which is self-contained but incorporated within an existing structure that is designed as a single family dwelling and will not substantially alter the structure or appearance of the structure. With one covered and uncovered parking space per unit not located in the front setback areas and on a lot of 10,000 or more square feet.

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

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

Assisted Living Facility: A residential facility, licensed by the State of Utah, with a home-like setting that provides an

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

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

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

Automotive Repair, Minor: A facility which services motor vehicles with minor engine repair, tire repair, battery repair or changing, lubrication, storage of merchandise and supplies relating to the servicing of motor vehicles, but excluding major automobile engine or transmission repairs, body work, painting, or similar activities.

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

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

Boardinghouse: A dwelling in which three, four, or five (3, 4, or 5) sleeping rooms are provided which serve as the principal residence of the occupants. A common dining room may be provided for the occupants. The operator of a boarding house must reside on the premises of a boarding house. A boarding house does not include a residential facility for disabled persons or a residential facility for the elderly. A boarding house does not include a non-residential facility, such as a rehabilitation/treatment facility, where the primary purpose of the facility is to deliver rehabilitation, treatment, counseling, medical, protective or other similar services to the occupants. A boarding house shall not have more than 10 boarders occupying the home at one time.

Building: A structure having a roof supported by columns or walls.

Building Height: The vertical distance from the average finished grade surface of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

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

Child Care Center: Any facility in which child care is

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

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

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

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

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

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

Land Use Ordinance: means a planning, zoning, development, or subdivision ordinance of the City, but does not include the comprehensive general plan.

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

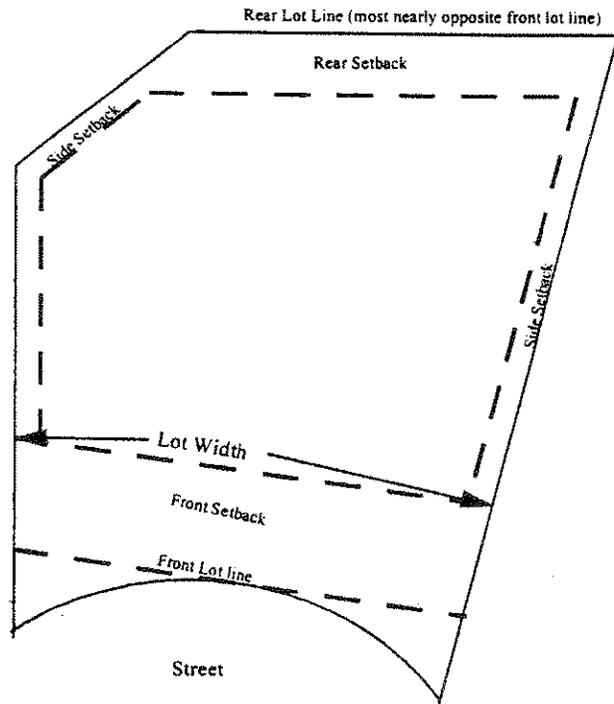
other buildings on the block. The other street frontage shall be a rear lot line. Where such property line is not obviously evident, the City Planner shall determine the front property line.

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

Mother-in-law Apartment: An accessory apartment.

Non-complying Structure: means a structure that (1) legally existed before its current land use designation; and (2)

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.

Streets: A thoroughfare which has been dedicated and accepted by the city council, which the city has acquired by prescriptive right or which the city owns, or is offered for dedication on an approved recorded final plat. For further explanation see the streets section of the Construction and Development Standards.

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

- a) Subdivision includes (1) the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument; and (2) divisions of land for all land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

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

15.1.04.070. Fees.

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

15.1.04.080. Severability.

- A. Whenever any provision of this title refers to or cites a section of the Utah Code and that section is later amended or superseded, this title 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 title 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 this title other than the part determined to be unconstitutional or invalid.

15.1.04.090 Licensed Contractor.

All work performed in accordance with this title shall be performed by a contractor licensed to perform such work by the State of Utah.

PART 2 COMPREHENSIVE GENERAL PLAN

Chapter 04 Purpose and Applicability.

- 15.2.04.010. Creation.**
- 15.2.04.020. Purpose.**
- 15.2.04.030. Amendments to the General Plan - Text and Maps.**
- 15.2.04.040. Hearings.**

15.2.04.010. Authority and Creation.

There is hereby created a document known as the Spanish Fork City Comprehensive General Plan or the "General Plan".

PART 3 ZONING.

- Chapter 04 Purpose and Applicability.**
- Chapter 08 Administration.**
- Chapter 12 Zoning Districts.**
- Chapter 16 Zoning District Regulations.**
- Chapter 20 Overlay District Regulations.**
- Chapter 24 General Development Standards.**

Chapter 04. Purpose and Applicability.

- 15.3.04.010. Title.**
- 15.3.04.020. Authority and Purpose.**
- 15.3.04.030. Nonconforming Buildings, Uses, and Lots.**

15.3.04.010. Title.

Part 3 of this Title shall be known as the "Zoning Ordinance of Spanish Fork City, Utah". Within the ordinance text, it shall be cited as "this ordinance".

15.3.04.020. Authority and Purpose.

This ordinance is adopted pursuant to the authority contained in Utah Code Annotated §10- 9a-101 *et seq.* (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.

15.3.04.030. Nonconforming Buildings, Uses, and Lots.

These regulations are designed to regulate and protect the rights of legally existing nonconforming uses and noncomplying structures. Any lawful use or activity conducted under County zoning regulations at the effective date of annexation or under previous City zoning regulations in effect at the adoption of this ordinance which no longer complies with the regulations of this ordinance shall be considered a legal nonconforming use or noncomplying structure. The site, structure, or use will be

encouraged to convert to a conforming use in the future, although some limited expansion or enlargement may be allowed subject to the provisions of this section. A nonconforming use is lost if it is abandoned. Abandonment may be presumed to have occurred if:

- 1. A majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written agreement with the city regarding an extension of the nonconforming use; or
- 2. The use has been discontinued for a minimum of one year; or
- 3. The primary structure associated with the nonconforming use remains vacant for a period of one year.

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

- 1. A nonconforming building may not be reconstructed or structurally altered during its life to an extent in the aggregate of 50% of the fair market value of the building.
- 2. A building which is nonconforming only as to setback regulations may be added to as long as the portion to be added conforms to the setback regulations.
- 3. Any legal lot which does not conform with lot area or lot dimensions for the zoning district in which it is located may be used for any use permitted in that district provided all other applicable City and zoning regulations are complied with. However, substandard residential lots will be restricted to the number of dwelling units allowed in accordance with this ordinance, except as otherwise permitted in this section.
- 4. No nonconforming building or use shall be changed to another nonconforming use.
- 5. A noncomplying structure or a nonconforming use of a structure that has been damaged by fire, flood, explosion, or an act of God can be rebuilt or repaired. The new structure must be constructed using the same footprint as prior to being destroyed. The new structure will need to meet all other applicable building codes and zoning regulations.
- 6. A noncomplying structure that has been allowed to deteriorate to a conditional that the structure is

Chapter 8 Administration.

- 15.3.08.010. Administrative Bodies and Officers.**
- 15.3.08.020. Interpretations and Administrative Review.**
- 15.3.08.030. Annexations.**
- 15.3.08.040. Variance and Appeals.**
- 15.3.08.050. Amendments to the Zoning Ordinance - Text and Maps.**
- 15.3.08.060. Conditional Use Permits.**

15.3.08.010. Administrative Bodies and Officers.

A. City Planner:

The City Planner shall be responsible for preparing, receiving, and reviewing applications under this title. The City Planner is the land use authority in those instances when he/she makes a final decision with regard to a land use decision.

B. Development Review Committee:

Purpose:

The Development Review Committee, or DRC 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 DRC 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. A majority vote of a quorum shall be necessary to approve any item or recommend approval of any item to the Commission or Council.

Policies and Procedures:

The DRC 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 DRC shall be the land use authority to review and approve site plans and final plats. It shall

also have the following powers and perform the following duties:

1. Review and make recommendations to the Commission on General Plan amendments, preliminary plats, conditional use permits, non-conforming use expansions, and amendments to the zoning ordinance and map.
2. Other such functions as may be assigned by the Council by resolution, ordinance or directive.

C. Planning Commission:

Purpose:

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

Organization:

The Commission shall consist of six (6) members, 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 three years or until his/her successor is appointed, and may not serve only two full successive terms.

Policies and Procedures:

The 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 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 Council;
2. Recommend zoning ordinances and maps, and amendments to zoning ordinances and maps to the Council;
3. Recommend subdivision regulations and amendments to those regulations, and review and make recommendations on proposed subdivisions to the Council;
4. Act as the land use authority for subdivision waivers;
5. Act as the land use authority for the approval or denial of conditional use permits;

- 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 Procedures:

The Appeal Authority shall hold a public meeting on the application. Prior to the meeting, notice shall be provided as follows:

- 1. A notice of time and place of such meeting shall be posted on the City web page at least ten (10) days prior to the time of such meeting;
- 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 deemed interested parties and shall be sent notice by first class mail, postmarked at least ten (10) days prior to the date of the scheduled public meeting.

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 applicant and interested parties shall be permitted to address the Appeal Authority and express any concerns. The Appeal Authority shall consider the recommendation of the City Planner, together with information provided by the applicant and interested parties at the public meeting both for and against the application. The Appeal Authority may approve, approve with conditions, or deny the application.

15.3.08.050. 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 DRC and 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 DRC and evaluated in accordance with the criteria described in the above "Findings". The DRC shall forward a recommendation to the Commission for approval, approval with conditions, or denial based upon consideration and evaluation of the "Findings".

2. Planning Commission:

The Commission shall hold a public hearing on the application. Prior to the hearing, notice shall be provided as set forth in §15.1.04.040.

The Commission shall consider the recommendation of the DRC, 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 Council.

3. City Council:

The Council shall hold a public hearing on the application. Prior to the hearing, notice shall be provided as set forth in §15.1.04.040.

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

15.3.08.060. 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 Commission is the land use

operates within the conditions or stipulations of the Conditional Use Permit approval.

15.3.12.010. Zoning Map.

15.3.12.020. District Boundaries.

15.3.12.030. Districts Established.

15.3.12..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 title.

15.3.12.020. 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

Chapter 16 Zoning District Regulations.**15.3.16.010. Agricultural and Rural Residential Districts.****15.3.16.020. Residential Districts.****15.3.16.030. R-3 Residential District.****15.3.16.040. R-O Residential Office.****15.3.16.050. C-O Commercial Office.****15.3.16.060. C-D Downtown Commercial****15.3.16.070. C-1 Neighborhood Commercial.****15.3.16.080. C-2 General Commercial.****15.3.16.090. S-C Shopping Center.****15.3.16.100. C-UV Urban Village Commercial****15.3.16.110. B-P Business Park.****15.3.16.120. I-1 Light Industrial.****15.3.16.130. I-2 Medium Industrial.****15.3.16.140. I-3 Heavy Industrial.****15.3.16.010. 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 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 §15.3.24.010 et seq.):

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 §15.3.08.060):

1. Wireless communication facilities on existing structures, with the intent to make them “stealth” facilities, which are not noticeable to a degree greater than the structure to which it is attached; or new stealth facilities which are camouflaged into its surroundings.

D. Accessory Buildings and Uses (see §15.3.24.090).**E. Development Standards (see Table 1).****F. Site Plan/Design Review (see §15.4.08.010 et seq.):**

Design review is required for uses subject to conditional use permit.

G. Landscaping, Buffering, Walls (see §15.4.16.130):

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

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 §15.3.08.060):**
1. Residential treatment center must meet minimum conditions of §15.3.24.090.
 2. Wireless communication facilities on existing structures, with the intent to make them “stealth” facilities, which are not noticeable to a degree greater than the structure to which it is attached; or new stealth facilities which are camouflaged into its surroundings.
 3. Assisted living facility must meet minimum conditions of §15.3.24.090.
- D. Accessory Buildings and Uses (see §15.3.24.090).**
- E. Development Standards (see Table 1).**
- F. Site Plan/Design Review (see §15.4.08.010 et seq.).**
- G. Landscaping, Buffering, Walls (see §15.4.16.130).**
- H. Signs (see §5.36.010 et seq.).**
- I. Parking (see §15.4.16.120).**

15.3.16.040. 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 §15.3.24.010 et seq.):

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 §15.3.24.090).

D. Development Standards (see Table 1).

E. Site Plan/Design Review (see §15.4.08.010 et seq.):

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 §15.4.16.130).

G. Signs (see §5.36.010 et seq.).

H. Parking (see §15.4.16.120):

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

I. Uses subject to Conditional Use Permit (see §15.3.08.060):

1. Wireless communication facilities on existing structures, with the intent to make them “stealth” facilities, which are not noticeable to a degree greater than the structure to which it is attached; or new stealth facilities which are camouflaged into its surroundings.
2. Nursing or retirement homes
3. Supervisory Care Facility
4. Assisted Living Facility
5. Shelter Care Facility
6. Nursing or Retirement Home
7. Residential Treatment Center

TABLE 1 - Residential Development Standards

District	Minimum Lot Area	Minimum Width ²	Minimum Depth	Minimum Setback ¹				Max. Building Height	
				Front	Rear	Side	Corner	Principal Bldg	Accessory Bldg ¹
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-1-80	80,000 s.f.	180'	200'	40'	80'	20'	30'	30'	20'
R-1-60	60,000 s.f.	160'	200'	40'	60'	20'	30'	30'	20'
R-1-40	40,000 s.f.	140'	200'	30'	40'	20'	30'	30'	20'
R-1-30	30,000 s.f.	130'	150'	40'	40'	15'	25'	30'	20'
R-1-20	20,000 s.f.	125'	150'	30'	30'	15'	25'	30'	15'
R-1-15	15,000 s.f.	100'	125'	30'	30'	15'	25'	25'	15'
R-1-12	12,000 s.f.	100'	100'	25'	25'	10'	15-25' ⁸	30'	15'
R-1-9	9,000 s.f.	85'	90'	20-25' ⁶	25'	10'	15-25' ⁸	30'	15'
R-1-8	8,000 s.f. ⁴	75'	90'	20-25' ⁶	25'	10'	15-25' ⁸	30'	15'
R-1-6	6,000 s.f. ^{4, 2}	50'	90'	20-25' ⁶	25'	5-10' ⁷	15-25' ⁸	30'	15'
R-3	6,000 s.f. ^{5, 2}	50'	90'	20-25' ⁶	25'	5-10' ⁷	15-25' ⁸	30'	15'
R-O	6,000 s.f. ^{2, 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- 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.

15.3.16.050. 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).

B. Uses Subject to Conditional Use Permit (see §15.3.08.060):

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 §15.3.24.090).**D. Development Standards (see Table 2).****E. Site Plan/Design Review (see §15.4.08.010 et seq.).****F. Landscaping, Buffering, Walls (see §15.4.16.130).****G. Signs (see §5.36.010 et seq.).****H. Parking (see §15.4.16.120).****15.3.16.060. 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 §15.3.08.060):

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 §15.3.24.090).**D. Development Standards (see Table 2).****E. Site Plan/Design Review (see §15.4.08.010 et seq.):**

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 §15.4.16.130).**G. Signs (see §5.36.010 et seq.).****H. Parking (see §15.4.16.120).****15.3.16.070. C-1 Neighborhood Commercial.**

This district is intended to provide small scale retail, personal and business services, and office uses to serve the immediate residential area. Individual businesses may not exceed 7,500 square feet 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. Office supply, copying, printing businesses.
6. Offices.
7. Personal service businesses.
8. Restaurants.
9. Retail uses.
10. Wireless communication facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities (so long as the

1. Seasonal sales and special events.
- C. Uses Subject to Conditional Use Permit (see §15.3.08.060):**
 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 §15.3.24.090).**
- 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. Site Plan/Design Review (see §15.4.08.010 et seq.).**
- H. Landscaping, Buffering, Walls (see §15.4.16.130).**
- I. Signs (see §5.36.010 et seq.).**
- J. Parking (see §15.4.16.120).**

15.3.16.100. 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 §15.3.24.010):**
 1. Seasonal sales and special events
- C. Uses Subject to Conditional Use Permit (see §15.3.08.060):**
 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 §15.3.24.090).**
- E. Site Plan/Design Review/ Performance Standards (see §15.4.08.010 et seq.):**

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

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 §15.3.08.060):**
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 §15.3.24.090).**
- 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. Site Plan/Design Review (see §15.4.08.010 et seq.).**
- G. Landscaping, Buffering, Walls (see §15.4.16.130).**
- H. Signs (see §5.36.010 et seq.).**
- I. Parking (see §15.4.16.120).**

15.3.16.120. 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. Contractor warehouse and storage yards.
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 §15.3.24.010 et seq.):

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 §15.3.08.060):

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
10. Publically owned and operated recycling centers,
11. Publically owned and operated compost facilities.

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

1. Caretaker's residence.

E. Development Standards (see Table 2).

F. Site Plan/Design Review (see §15.4.08.010 et seq.).

G. Landscaping, Buffering, Walls (see §15.4.16.130).

H. Signs (see §5.36.010 et seq.).

I. Parking (see §15.4.16.120):

15.3.16.130. 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. Contractor warehouse and storage yards.
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

Chapter 20 Overlay District Regulations.**15.3.20.010. Airport Impact Overlay** (*reserved for future use*).**15.3.20.020. Floodplain Hazard Overlay** (*reserved for future use*).**15.3.20.030. Geologic Hazards Overlay** (*reserved for future use*).**15.3.20.040. Surface Mining Overlay.****15.3.20.040. Surface Mining Overlay.**

This district is intended to provide for the extraction of earth products using surface mining methods while protecting the rights of neighboring properties and while protecting public facilities, such as roads, from unusual wear or damage. This is an interim use of the land, with the ultimate intent being to rehabilitate the site and convert the property to a use or uses compatible with the surrounding area. This district shall overlay other zoning district(s) where it is applied.

A. Permitted Uses:

1. Extraction of sand, gravel, clay, topsoil, rock, or other minerals by an open pit method.
2. Offices and related buildings and structures necessary to the surface mining operation.

B. Application:

Applications to establish a Surface Mining Overlay shall be processed in the same manner as that for other zoning amendments. The application shall be accompanied by a development plan including the following information:

1. Legal description of the property.
2. An area map showing adjacent property owners and locations of all buildings and existing uses within 600 feet of the property.
3. Proposed circulation system showing access to and along public streets and highways to potential users of the resource material.
4. Narrative and site plan description of the proposed operation including phasing plans, proposed buildings or structures, landscaping, lighting, and other site improvements.
5. Description of any environmental impacts of the proposed use, including air pollution, noise, or impacts on the public infrastructure in the surrounding area.
6. Proposed hours of operation.
7. Proposed duration of the operation prior to site rehabilitation.

C. Performance Standards:

All surface mining operations must comply with the following standards. The City Council may also impose additional conditions on an operation if necessary to minimize potential detrimental effects on adjoining properties.

1. The operable portion of the pit or site of extraction shall be an area no larger than ten (10) acres at any one time. The pit, or portions of it, shall be closed, rehabilitated, and approved by the City Engineer as meeting the standards of this ordinance before further areas are excavated.
2. Dust generated in the extraction and processing of the earth products shall be contained on site by paving main roads in the pit, wetting extractions areas and loaded trucks, chemical treatment, placing landscaped berms, and other

similar measures.

3. All cuts and fills shall be set back from the property boundary or approved extraction site a distance of at least five (5) feet.
4. The operation shall be in compliance with all state and federal regulations.
5. The rehabilitation plan must show that the site will be smoothed and evenly contoured with no slope steeper than twenty-five (25) degrees, nor with any undrained hole, bowl, depression, pond, or intermittent lake of the floor of the rehabilitated site.

D. Findings:

The following findings must be made before granting any Surface Mining Overlay District:

1. That the proposed use will not disrupt the development character of the adjacent properties.
2. That 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, noise, dust, and hours of operation.
3. That 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. That the proposed site has adequate access to public streets to carry the type and quantity of traffic which may be generated by the use.
5. That adequate conditions or stipulations have been incorporated into the approval of the operation to insure that any anticipated detrimental effects can be minimized.

E. Bond:

1. A cash or surety bond in the amount set by City Council, but not less than \$2,500 per acre shall be posted by the applicant to guarantee compliance with the performance standards and any other conditions imposed by the City Council.
2. The bond shall be forfeited if rehabilitation has not been completed within one (1) year of cessation of operation in the pit.

- 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 or other licensed mental health professional ie: LCSW, D.O., PhD. or M.D., M.F.T., M.S.W., and based upon professional evaluations such as the ICAP, MMPI, DSM, and/or such other resources, including a potential patient's behavioral history, as may be available to the medical or other mental health 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 paragraph E of this section if located in a residential zone.
10. Any residential treatment facility located in a residential zone must be supervised 24 hours a day 7 days a week which shall include, but not necessarily be limited to, house parents who are on site 24 hours a day, and video monitoring in all common areas, including entrances and exits. Other surveillance measures may be included which are designed to protect the health and safety of residents therein.
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.
12. 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.
13. The conditions will be reviewed annually by the Development

R-1-80	1,600 sq. ft.	1,200 sq. ft.	1,400 sq. ft.
R-1-60	1,600	1,200	1,400
R-1-40	1,600	1,200	1,400
R-1-30	1,500	1,100	1,100
R-1-20	1,500	1,100	1,300
R-1-15	1,500	1,100	1,200
R-1-12	1,400	1,000	1,100
R-1-9	1,300	1,000	1,000
R-1-8	1,200	750	1,000
R-1-6	1,100	750	800
R-3	1,000	600	600

6. Performance Standards

- a. Duplicate Houses - There shall be no identical houses, i.e. same footprint (floor plan or elevation) within 200 feet of another, measured from property line to property line.
- 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. Townhomes and multi-family units must have one attached or detached garage (minimum 12 feet x 20 feet) per unit.
- 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.
- e. Minimum lot size and width - Single family lots shall be a minimum of 6,000 square feet, with a minimum of 60 feet of frontage; twinhome lots shall be a minimum of 5,000 square feet each, with a minimum of 50 feet of frontage each.
- f. Density Calculations - Churches, schools, and other non-residential uses may not be counted in the density calculations.

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.

15.4.04.160 Building Permits.**15.4.04.170 Appeals.****15.4.04.010. Sale of Plats or Parcels Prior to Approval and Recordation Prohibited.**

No person shall subdivide any tract of land which is located wholly or in part within the corporate limits of the city, nor shall any persons sell, exchange, offer for sale, purchase, or offer to purchase any parcel of land which is any part of a subdivision of a larger tract of land as hereinafter described, nor shall any person offer for recording any deed conveying such parcel of land or any interest therein unless there is first recorded a plat of such land which has been prepared and recorded in compliance with the requirements of this title, or a waiver granted in accordance with Utah Code Ann. §10-9a-605.

15.4.04.020. Approval Required.

- A. Subdividing land. It shall be unlawful for any person to create a subdivision or subdivide for the purpose of transferring, selling, conveying, or assigning any tract or parcel of land which is located wholly or in part in the city except in compliance with this title.
- B. Subdivisions. It shall be unlawful for any person to sell or exchange or to offer to sell or exchange any parcel of land which is part of a subdivision of land, or recorded in the office of the Utah County Recorder as a subdivision unless the subdivision has been approved by the city and complies with the provisions of this title.
- C. Building permit conditions. No building permit shall be issued until the final subdivision plat has been recorded by the City at the office of the Utah County Recorder and the following improvements are installed and accepted by the City:
 1. All required underground utilities or conduit for them;
 2. Curb, gutter, sidewalk, and cross-gutters;
 3. Six (6) inches of compacted road base in all areas where asphalt will be placed.

The city engineer or his/her designee is hereby designated as the responsible official to accept the improvements. Once acceptance has been granted, a building permit may be issued.

15.4.04.030. Endangering Health or Property Prohibited.

No subdivision shall be developed in the City which, in the opinion of the city council, is incompatible to the health or well-being of the citizens of Spanish Fork and the future lot owners when the subdivision is completed.

15.4.04.040. Amended Plats.

In all subdivisions which have been recorded and in which changes have been made which changed the subdivision materially, an amended plat must be filed and recorded in accordance with the provisions of this title.

15.4.04.050. Exceptions to Avoid Hardship.

Whenever the tract to be subdivided is, in the opinion of the city council, of such unusual shape or size or is surrounded by such development or unusual conditions that the strict application of the requirements contained herein would result in real difficulties and substantial hardships or injustices, the city council may vary or modify such requirements so that the subdivider is allowed to develop his or her property in a reasonable manner but so, at the same time, the public welfare and interests of the city and surrounding area are protected and the general intent and spirit of this title is preserved.

15.4.04.060. Filing of Preliminary Plats.

- a) Whenever a subdivision is to be filed, an application for plat approval, together with seven 24x36 inch copies of the preliminary plat drawings folded to a 9x12 inch size so the name of the subdivision is visible, two clearly legible 11x17 inch copies of the preliminary plat drawings, and a computer aided design (CAD) file of the plat on a 3 1/2" disk, zip disk, CD, or e-mail in a dwg or dxf format, shall be prepared and presented to the City for approval. The CAD file of the subdivision must be in the 1927 North American Datum (NAD27) State Plane Coordinate System, Utah Central Zone, US Foot, with a tie to a section corner. All fees for the preliminary plat are due upon filing the application.
- b) In the event a pending ordinance which has been formally initiated would prohibit the plat approval, the application need not be accepted, unless the pending ordinance has not been adopted within 180 days of its formal initiation. A subdivision application shall meet the requirements in place at the time of submittal, or the requirements of any ordinance which has been formally initiated at the time of submittal.

15.4.04.070. Form and Content of Preliminary Plats.

Each preliminary plat shall be accompanied by a filing fee in the amount established by the City Council in the annual budget. Each preliminary plat of a subdivision shall contain the following information:

1. The proposed name of the subdivision;
2. The names and addresses of the Developer, the Civil Engineer of the subdivision, and other persons to whom notice of the hearing to be held by the Council should be sent;
3. The names of all adjacent subdivisions and property owners;
4. The location of the subdivision as a part of some larger subdivision or tract of land referred to in the records of the county recorder. In such case, a sketch of the prospective street system of the unplatted parts of the subdivider's land shall be submitted and the street system of the part submitted shall be considered in light of existing master street plans or other Commission street studies;
5. A tie to a section corner. All horizontal data shall be based on the 1927 North American Datum (NAD27) State Plane Coordinate System, Utah Central Zone, US Foot. Horizontal datum shall be clearly written on all plat drawings;
6. A contour map with vertical intervals not to exceed two feet. Contours shall be clearly labeled. All vertical data shall be based on the 1929 North American Vertical Datum (NAVD29). Vertical datum shall be written on plat; and
7. Show all existing and proposed streets, alleys, easements, watercourses, fence lines, utilities, buildings, public areas and

the minimum improvements hereinafter required by this title and with the preparation of the final plat. Original preliminary plats are subject to the standards, policies, and regulations that are in effect at the time of approval for each of the final plats.

15.4.04.090. Duration of Preliminary Approval.

A preliminary plat expires if it is not approved by the Council within twelve months from the time its application is submitted and accepted.

Approval of the preliminary plat by the city council shall be valid for a period of twelve months after approval unless, upon application by the developer, the city council grants an extension. An extension may not exceed six months. A preliminary plat remains active if a final plat is recorded at least every twelve months. If a final plat has not been recorded within the twelve-month period or an extension granted, the preliminary plat must again be submitted to the city council for re-approval.

Preliminary approval of a large tract shall not be voided if the final plat of the first section thereof is submitted for final approval within one year and no more than twelve (12) months have expired between the recording of each consecutive final plat or an extension of time is granted as to the remainder thereof.

15.4.04.100. Filing of Final Plats- When.

Within one (1) year after approval of the preliminary plat or within the time for which an extension to make such filing has been granted, the original tracing shall be submitted to the City, together with the following:

1. One 24x36 inch copies of the final plat and construction drawings stapled and folded to a 9 x 12 inch size so the name of the subdivision and plat is visible, the final plat on top;
2. One 11x17 inch copies of the Final Plat and construction drawings;

Once accepted by the DRC, four 24x36 inch copies and one clearly legible 11x17 inch copy of the plat must be submitted to the engineering department. Two 24x36 inch copies will be retained by the City, the other two 24x36 inch copies will be signed and stamped by the City and returned to the Developer. The Developer must insure that a copy of the signed and approved construction plans is on site at all times during construction.

Each final plat shall be accompanied by a filing fee established by the City Council in its annual budget, together with any impact, inspection, testing, connection, or other fees which are due before recording.

15.4.04.110. Form and Content of Final Plats.

The Developer must submit a mylar of the final plat to the City in a format approved by the City and Utah County. The Final plat of a subdivision shall contain the following:

1. A tie to a section corner and the state plane coordinates of each point. All horizontal data shall be based on the 1927 North American Datum (NAD27) State Plane Coordinate System, Utah Central Zone, US Foot. Horizontal datum shall be clearly written on the plat;

2. Accurate dimensions for all lines, angles and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use, and other important features; the lines, angles, dimensions, state plane coordinates, bearings, areas and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All dimensions shall be determined by an accurate field survey which shall balance and close as required by the county;
3. All lots and blocks are to be numbered, addressed, and named in accordance with the street numbering and naming system assigned by the City on the preliminary plat;
4. A statement that "All culinary water and pressurized irrigation lines up to and including the meter, all sanitary sewer mains, all electric meters, and all electric and SFCN communication service lines up to the mast on overhead installations and to the top of the meter base for underground installations are dedicated to Spanish Fork City.;"
5. Plats and signatures shall be in waterproof ink on a 24x36 inch mylar sheet. There shall be an unencumbered margin of one and one-half inches on the left-hand side of the sheet and not less than a half inch margin around the outer three sides of the sheets. The scale shall be a standard engineering scale of no more than 100 feet to the inch;
6. A stamp and signature of a surveyor licensed in the state of Utah.

A complete set of construction plans must accompany the final plat. Construction plans must meet the requirements of this title.

15.4.04.120. Review and Approval Procedure of Final Plats.

Final plat and construction drawings shall be submitted to the City for review to insure conformity to the present ordinances and standards and for the adequacy and availability of public facilities. If the final plat or construction drawings are not in conformity, the City shall refer it back to the subdivider or developer with a list of items necessary to bring the final plat or construction drawings into compliance. If the final plat and construction drawings are in conformity, the plat or complete drawings will be submitted to the development review committee with suggestions and comments noted thereon. The DRC shall act as the land use authority for final plat approval.

After considering the recommendation of the city engineer, the development review committee may table the matter, approve, or grant approval upon conditions stated. If approved, the city manager, city planner, and city engineer shall sign the final plat. If any conditions are attached, the final plat or construction drawings shall be amended to reflect such changes and an accurate final plat shall be submitted to the City, prior to signing.

Original and preliminary plats are subject to the standards, policies, and regulations that are in effect at the time of approval for each of the final plats.

15.4.04.130. Recordation - Copy to be Supplied to City Engineer.

Following acceptance by the DRC, the final plat bearing all official approvals shall be deposited in the office of the county recorder for recording by the city. Only the City may record final plats. The final plat must be recorded with Utah County within 120 days after approval by the DRC. Approval expires and the plat must be resubmitted if the final plat is not recorded within 120 days.

PART 4 DEVELOPMENT**CHAPTER 08 Site Plans**

- 15.4.08.010. Purpose**
- 15.4.08.020. Site Plan Required.**
- 15.4.08.030. Application and Review Process.**
- 15.4.08.040. Action on Site Plan.**
- 15.4.08.050. Approval or Disapproval - Procedure.**
- 15.4.08.060. Duration of Approval**
- 15.4.08.070. Amendments to Site Plan.**
- 15.4.08.080. Appeals.**

15.4.08.010 Purpose

The site plan review process is established in order to assure that new development proposed for Spanish Fork City will comply with all zoning and development standards. The general appearance of buildings and structures and the improvement of land shall contribute to an orderly and harmonious appearance and a safe and efficient development.

It is not the purpose of this Chapter that design should be so rigidly controlled so as to stifle creativity or individual expression, or that substantial additional expense be incurred; rather, it is the intent of this Chapter that any control exercised be the minimum necessary to achieve the objectives as stated above.

15.4.08.020 Site Plan Required.

1. Requirement. Site plan or Design review shall be required for the following:
 - a) All proposed new commercial or industrial developments
 - b) All additions to commercial or industrial buildings or structures
 - c) All multi-family developments with more than 3 units
 - d) All Conditional Use Permits or Uses Subject to Conditions

Some projects such as minor additions to non-residential structures may not need a complete review. The City Planner may waive full Design Review, including fees, if it is determined that such review will not further the purpose of the Design Review section.

15.4.08.030 Application and Review Process.

A site plan shall go through the following process. Pre-application conference with the city planner and city engineer, staff review, and then to the DRC.

A. Pre-application conference for Site Plan Review. Persons intending to undertake development need to arrange with the city planner for a pre-application meeting. The purpose of this meeting is to acquaint the applicant with the requirements of the code; to provide for an exchange of information regarding to applicable elements of the General Plan and development requirements, to arrange such technical and design assistance as will aid the applicant, and to otherwise identify policies and regulations that create

opportunities or pose significant constraints to the proposed development.

B. Staff Review.

- A. An application provided by the city shall be filled out in completeness with all supporting documentation submitted to the city engineering department.
- B. Each Site Plan shall be accompanied by a filing fee in the amount established by the City Council in the annual budget.
- C. Information required for Staff Review including the following:
 - A. Proposed name of site plan at lower right hand corner
 - B. Name and address of developer on the lower right hand corner
 - C. Name and address of engineer/architect/surveyor at the lower right hand corner
 - D. Licensed Land Surveyor Stamp and Signature
 - E. Title block with name and location
 - F. Vicinity map and north arrow
 - G. Standard engineered scale – 1" = 100' or less
 - H. Description of boundary of development
 - I. Section tie/bearing of section line based on NAD27 State Plane Coordinates
 - J. Adjacent property owners names and buildings within 200 feet of proposed development
 - K. Existing and proposed fences
 - L. Existing and proposed streets, with names and widths within 200 feet of site
 - M. Existing and proposed water courses, culverts, and irrigation ditches
 - N. Flood zones or wetlands as per NWI wetland map
 - O. Existing and proposed power lines (labeled), gas lines, water mains, fire hydrants and valves with pipe size
 - P. Existing and proposed sewer mains and manholes with pipe sizes
 - Q. Existing and proposed storm drains
 - R. Existing and proposed public utility easements
 - S. Minimum of 2-foot contours of existing elevations, with note that all vertical data is based on NAVD29
 - T. Typical street cross section
 - U. Building setbacks dimensioned on the site plan
 - V. Parking stalls (10'x18') and calculations
 - W. Lighting and signage plan
 - X. Dumpster location, height and materials used
 - Y. Location and screening plan for mechanical equipment
 - Z. Note on site plan if building is to be sprinkled
 - AA. Project phasing (if applicable)
 - BB. Surface drainage plan
 - A. based on 25-year storm calculations
 - B. on-site retainage of 25-year storm
 - C. design of .2 cfs/acre outlet to city storm drain system
 - D. spot elevations of proposed grade, FL and TBC
 - CC. Table with the following:

CHAPTER 12. Impact Fees.**15.4.12.010. Impact Fees, Authorization.****15.4.12.020. Purpose of Impact Fees, Limitations.****15.4.12.030. Determination.****15.4.12.040. Method of Assessing.****15.4.12.050. Special Exceptions.****15.4.12.010. Impact Fees, Authorization.**

Spanish Fork City is hereby authorized to establish and collect impact fees as a condition of granting subdivision plat approval and/or as a condition of the issuance of a building permit.

15.4.12.020. Purpose of Impact Fees, Limitations.

The purpose of impact fees is to provide necessary funding for capital improvements to public facilities, and to offset other expenses related to public facilities incurred due to new development. Impact fees may be assessed for water, sewer, pressurized irrigation, electric power, storm drainage, streets and roads, and recreation.

15.4.12.030. Determination.

The Council may set impact fees based on studies and analyses of the anticipated costs to provide adequate public facilities to new developments. The amount of the impact fee shall not exceed the anticipated cost of providing adequate public facilities which become necessary as a result of the development. In setting the amount of the fee, the Council shall take into consideration the following factors:

- A. The cost of existing capital facilities;
- B. The manner of financing existing facilities;
- C. The relative extent to which newly developed property and other properties within the city have already contributed to the costs of existing capital facilities;
- D. The relative extent to which newly developed properties and other properties within the city will contribute to the cost of existing capital facilities in the future;
- E. The relative extent to which newly developed properties are entitled to a credit because the city may be requiring owners or developers to provide common facilities that have historically been provided by the city and financed through general taxation or other charges in other parts of the city;
- F. The extraordinary costs, if any, in servicing newly developed properties;
- G. The time-price differential inherent in fair comparison of amounts paid at different times.

15.4.12.040. Method of Assessing.

The Council may establish and assess impact fees by an impact fee enactment and by complying with the notice and hearing provisions of Utah Code Ann. §11-36-202

15.4.12.050. Special Exceptions.

- A. The Council retains the authority to adjust any impact fee imposed in order to respond to unusual circumstances in specific cases and to insure that impact fees are fairly imposed. Economic hardship

shall not be considered an unusual circumstance justifying an adjustment to the impact fee.

- B. The Council may, at its sole discretion, adjust any impact fee, on the basis of justice and equity, based upon studies and data submitted by the developer.
- C. The Council may, at its sole discretion, waive any impact fee for governmental development or other development activities with broad public purposes. Any development undertaken to gain a profit, whether or not a profit is realized, does not qualify as a broad public purpose.
- D. The Council may, at its sole discretion, allow a full or partial credit against impact fees for any system improvements provided by the developer that are required as a condition of approval of the development activity.

15.4.16.060. Sewage Facilities.

Five (5) acre parcels or larger may be approved with a septic system sanitary sewer, at the discretion of the Council, when the following minimum requirements are met:

1. The owner signs a recordable instrument waiving the right to protest or otherwise object to the creation of a special improvement district to be created for the purpose of providing the city sanitary sewer system;
2. Including a requirement that the city sanitary sewer system be connected to each residence at the owner's expense at such time that the city sanitary sewer system is within five hundred (500) feet of the lot line.
3. The septic system sanitary sewer meets all requirements of Federal, State, County or municipal law and regulations at the time of installation.
4. No more than one building containing a septic system sanitary sewer may be constructed on each lot.

15.4.16.070. Foundation Drains.

Whenever the soils report for a development requires foundation drains, a storm drain system with laterals to each foundation drain must be installed. The storm drain system must be at a lower elevation than the sewer system.

15.4.16.080. Water Transfer.

Each developer of a subdivision shall transfer to the City the quantity and type of water rights as determined and established from time to time by resolution of the City Council. The purpose of the section is to assure the City has an adequate water supply to provide water to the development, or to replace water which is provided to the development.

15.4.16.090. Time Limitation for Completion

- A. All improvements listed herein must be completed within one (1) year ~~of~~ from the date of approval, unless the city engineer requires an earlier completion date. An extension for completion of improvements may be granted by the city council for up to one additional year. A request for an extension must be submitted to the city council, in writing, explaining the reasons for the requested extension.
- B. The city engineer may require certain of the improvements to be completed prior to the one year period. The engineer shall have the discretion to designate what improvements shall be completed and within what time frame. Ten (10) days after written notice of the failure to complete improvements is given, the City may proceed to have the improvements completed and may execute upon the security posted in order to pay for the same.

15.4.16.100. Conflict of Interest.

No employee or agent of the City shall work for or be employed by any contractor or subdivider for the purpose of

installing any plumbing or sewer fixture, pipes or connections, or for the purpose of installing or supervising the installation of any curb, gutter, street or sidewalk, or for the purpose of surveying any portion of the subdivision or proposed subdivision, or for the purpose of installing or supervising the installation of any electrical wiring, connections, apparatus or fixture, provided that this section shall not apply to independent engineering contractors employed by the city.

15.4.16.110. Security for Improvements Required.

The owners and/or developers of property shall deposit security with the City to guarantee proper installation of all required improvements in accordance with the plans, specifications, time limitations, and conditions relating thereto as meets with the approval of the Council or such personnel as the Council shall designate. The amount of the security shall be 125% of the City's estimated costs of the improvements. Security shall be in the form of cash in the minimum amount of fifteen percent (15%) of the City's bond amount. The balance of the security shall be in the form of cash, an irrevocable letter of credit, or an escrow bond.

Irrevocable letters of credit or escrow bonds shall be executed by financial institutions acceptable to the City and authorized to conduct business in the State of Utah, and must be in the form approved by the City. The bond or letter of credit as required by this section must be posted prior to recording. Upon completion, inspection, approval, and acceptance of the improvements, the security, less fifteen percent (15%), shall be released to the developer. Fifteen percent (15%) of the security amount shall be held for a period of one (1) year following final inspection and acceptance to warrant improvements for this time period.

The fifteen percent retained shall be the cash amount required as the minimum security.

15.4.16.120. 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.

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.

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.

15.4.16.140. Solid Waste Receptacle Areas

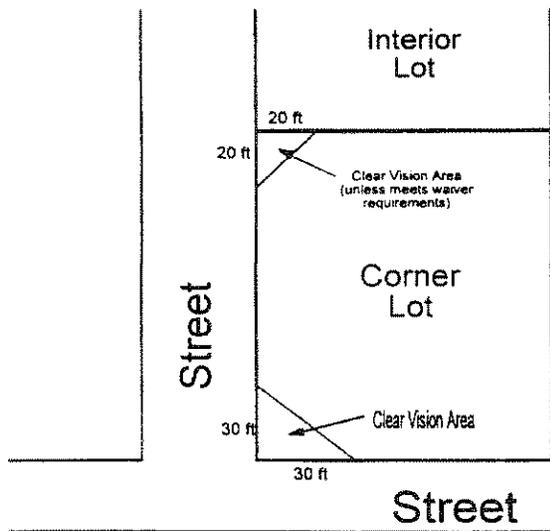
Multi-family dwellings, and non-residential uses shall provide solid waste receptacle areas screened on three (3) sides with a masonry wall having a height at least one (1) foot above any receptacle or container. A gate at least six (6) feet in height is required. This requirement may be waived or modified 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.

15.4.16.150 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



Proof of Publication

I **Lana Creer-Harris** being first duly sworn according to law, disposes and says that she is the Editor 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 05-05 AN ORDINANCE REPEALING TITLES 16 & 17 CONCERNING SUBDIVISIONS AND ZONING AND ENACTING TITLE 15 CONCERNING LAND USE, OF THE SPANISH FORK MUNICIPAL

CODE
NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council as follows: Title 16, Subdivisions, and Title 17, Zoning of the Spanish Fork Municipal Code, are hereby repealed.

Title 15, Land Use, of the Spanish Fork Municipal Code, is hereby enacted as set forth in the attached document. In order to remain in compliance with the changes made in state law, by the passage of the Land Use Development and Management Act, this ordinance is effective immediately upon passage and publication.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 7th day of June, 2005.

A complete copy of the ordinance and Title 15 are available for inspection at the Spanish Fork City Office, 40 South Main, Spanish Fork.

Published in the Spanish Fork Press on June 23, 2005.

for consecutive 1 weeks,

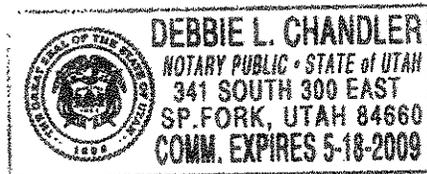
the first publication on the 23rd day

of June 2005

And the last on the 23rd day

of June 2005

Lana Creer-Harris



Subscribed and sworn to before me this 23rd day of June 2005

Debbie L. Chandler

Notary Public