

ORDINANCE NO. 07-06

ROLL CALL

VOTING	YES	NO
MAYOR JOE L THOMAS <i>(votes only in case of tie)</i>		
G. WAYNE ANDERSEN <i>Councilmember</i>	X	
MATTHEW D. BARBER <i>Councilmember</i>	X	
STEVE LEIFSON <i>Councilmember</i>	X	
SETH V. SORENSEN <i>Councilmember</i>	X	
CHRIS C. WADSWORTH <i>Councilmember</i>	X	

I MOVE this ordinance be adopted: Wadsworth

I SECOND the foregoing motion: Leifson

ORDINANCE 07-06

AN ORDINANCE UPDATING THE SPANISH FORK MUNICIPAL CODE

WHEREAS, Spanish Fork City has adopted a municipal code; and

WHEREAS, the municipal code needs to be updated from time to time to remain current with changing laws and circumstances; and

WHEREAS, Spanish Fork City has created an I-3 zone allowing for heavy manufacturing to accommodate an existing business, which has since closed and changed the intended uses of the property, thus eliminating the need for a heavy manufacturing zone; and

WHEREAS, Spanish Fork zoning ordinances presently do not allow for wind turbines in the I-2, medium industrial zone, which allows for surface mining, which use is compatible with

wind turbines, and should be encouraged; and

WHEREAS, there is convincing, documented evidence that sexually oriented businesses have a deleterious effect on both the existing businesses around them and residential areas of the City adjacent to them, causing increased crime, urban blight, the downgrading of property values, the downgrading of quality of life, and other harmful effects; and

WHEREAS, other minor changes throughout the municipal code need to be made to add clarity, correct errors, and remain in compliance with legal requirements; and

WHEREAS, a public hearing was held before the Planning Commission on Wednesday, the 3rd day of May, 2006, and continued to Wednesday, the 7th day of June, 2006, where public comment was received; and

WHEREAS, a public hearing was held before the City Council on Tuesday, the 18th day of July, 2006, where additional public comment was received;

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

I.

Spanish Fork Municipal Code §5.04.060, Penalty for Late Payment, is hereby amended as follows:

5.04.060. Penalty for Late Payment.

If any license fee is not paid within thirty (30) days of the due date, a penalty of twenty percent (20%) of the amount of such license fee shall be added to the original amount thereof for each month the fee remains unpaid, unless otherwise set forth herein. No license shall issue until all penalties legally assessed have been paid in full. If the license has not been renewed within 60 days of the due date, the business shall be considered to be doing business without a license in violation of this chapter and is subject to the criminal penalties set forth in this chapter.

II.

Spanish Fork Municipal Code §5.28.060, Location and Zoning Restrictions, is hereby amended as follows to cross reference to the correct zoning code sections:

5.28.060. Location and Zoning Restrictions.

It is unlawful for any sexually oriented business to do business at any location within the City not zoned for such business. Sexually oriented businesses licensed under this chapter shall only be allowed in areas zoned for their use pursuant to §§15.3.16.120(B)(2) and 15.3.24.080 of the Spanish Fork Municipal Code.

III.

Spanish Fork Municipal Code §5.36.030(5) and (10), Prohibited Signs, is hereby amended as follows to cross reference to the correct code section:

5.36.030. Prohibited Signs.

5. Signs emitting sound, except for approved drive-up menu boards as provided for in §5.36.040(3)(e).
10. Temporary signs which advertise a business, commodity, service, entertainment, product, or attraction, except as permitted in §5.36.050(3).

IV.

Spanish Fork Municipal Code §5.36.040(5)(b), Permitted Permanent Signs, Industrial Districts, is hereby amended as follows:

5.36.040. Permitted Permanent Signs.

5. Industrial Districts.
 - b. Wall, fascia, mansard, and parapet identification signs:
 - i. Are allowed only on the exterior elevation of the space occupied by the business.
 - ii. The maximum sign area permitted for each business is fifteen percent (15%) of the flat wall area.
 - iii. The maximum wall sign shall not exceed 300 square feet per building wall or side of building.

V.

Spanish Fork Municipal Code §5.36.050(3)(a), Permitted Temporary Signs, Subdivision Advertising Signs, is hereby amended as follows:

5.36.050. Permitted Temporary Signs.

3. Subdivision Advertising Signs.
 - a. One sign is permitted at each major entry, with a maximum of four signs per subdivision. In addition, four off-site directional signs per subdivision are allowed, subject to obtaining a permit as set forth in section 090 of this chapter.

VI.

Spanish Fork Municipal Code §15.1.04.020, Definitions is hereby amended by adding a definition of sensitive lands as follows:

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

VII.

Spanish Fork Municipal Code §15.3.16.140, I-3 Heavy Industrial is hereby repealed, eliminating the I-3 Heavy Industrial Zone.

VIII.

Spanish Fork Municipal Code §15.3.24.030(3), Master Planned Developments, Area Requirements and Density Ranges, is hereby amended as follows:

15.3.24.030. Master Planned Developments.

3. Area Requirements and Density Ranges:

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

- a. Density bonus shall be calculated according to the base density in the zoning district within which the development is located.
- b. For purposes of calculating base density, sensitive lands shall be excluded from the calculation.
- c. The minimum size of a Master Planned Development is twenty (20) contiguous acres, except in R-1-6 and R-3 zones, where five contiguous acres are required. School and church sites are to be excluded from the acreage calculation.

IX.

Spanish Fork Municipal Code §15.3.24.030(4)(i), Master Planned Developments, Application, is hereby amended as follows:

15.3.24.030. Master Planned Developments.

4. Application:

- i. A data table which includes total acreage, acreage of sensitive lands, total number of dwelling units, and units by type, dwelling units per acre, acreage of open space, percent of acreage in open space.

X.

Spanish Fork Municipal Code §15.3.24.030(8), Master Planned Developments, Findings, is hereby amended as follows:

15.3.24.030. Master Planned Developments.

8. Findings:

Prior to granting approval of a Master Planned Development, the applicable reviewing body shall make findings identifying why the applicant's proposal justifies a bonus density. Those findings should include the following:

- a~d [Unchanged.]

XI.

Spanish Fork Municipal Code §15.3.24.040(3), Manufactured Homes, is hereby amended as follows:

15.3.24.040. Manufactured Homes.

3. At least sixty percent (60%) of the roof of the dwelling must be pitched at a 4/12 pitch or greater at the time of installation.

XII

Spanish Fork Municipal Code §15.3.24.080, Sexually Oriented Businesses, is hereby amended as follows:

15.3.24.080. Sexually Oriented Businesses.

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

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

For purposes of this section, “park” means public land within the City which has been designated for park or recreational activities, including but not limited to, a park, playground, nature trail, swimming pool, reservoir, athletic field, basketball or tennis court, open space, wilderness areas, or similar public land and related facilities such as parking lots, playgrounds, and ball fields, which are under the control, operation, or management of the City or other governmental authorities.

XIII.

Spanish Fork Municipal Code §15.3.24.090(I)(B)(14), Wind Turbines, is hereby amended as follows:

15.3.24.090.

I. Wind Turbines (WT)

B. Requirements:

14. Zoning Districts: Large wind energy systems are permitted only in the I-1 and I-2 zoning districts which are east of the intersection of State Road 6 and U.S. Highway 89.

XIV.

Spanish Fork Municipal Code §15.3.24.090(H), Animals, is hereby amended as follows:

15.3.24.090.

H. Animals

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

1. The portion of the property on which the animals, except for household pets, are kept must be at least one-half (½) acre. The chart following this section sets forth the maximum number of animals which may be kept per each half acre of property. The numbers are not cumulative. A maximum of one species precludes any other species. For example, on a half acre parcel, two horses may be kept, or four sheep, or one horse and two sheep, but two horses and four sheep are *not* allowed.
2. All requirements set forth in Title 6, Animals, must be met.
3. No animal shall be kept in a residential zone for the purpose of commercial production.

Animal	Maximum Number Per ½ Acre	Minimum distance of barns, pens, or corrals to neighboring dwelling (in feet)
Cattle	2	100
Horses	2	100
Sheep, Goats, Llamas, Ostriches	4	100
Poultry, Turkeys, or Fowl	10	100
Rabbits	10	50
Pigeons	12	50
Ducks, Geese	8	50
Game Birds (with appropriate permits)	8	50

XV.

Spanish Fork Municipal Code §15.4.16.120(11), Off-Street Parking, is hereby amended as follows:

15.4.16.120. Off-Street Parking.

11. Landscaping and screening of parking lots shall be in accordance with the requirements of §15.4.16.130, Landscaping, Buffering, Walls, and Fences.

XVI.

Table 1 of Spanish Fork Municipal Code §15.3.16 et seq. is hereby amended as follows:

TABLE 1 - Residential Development Standards									
District	Minimum Lot Area	Minimum Width ²	Minimum Depth	Minimum Setback ¹				Max. Building Height	
				Front ¹¹	Rear	Side	Corner	Principal Bldg ¹⁰	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 ⁹	90'	20-25 ⁶	25'	10'	15-25 ⁸	30'	15'
R-1-6	6,000 s.f. ^{2,12}	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 15.3.24.090(A) for accessory buildings
 2- refer to 15.3.24.090(F) 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- 9,700 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 on one side, 10 feet on the other 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.
 9-80 feet for twin homes or duplexes, 40 feet per unit.
 10-flagpoles are limited to the height of principal buildings in residential zones.
 11-maximum setback is 250 feet, with an all-weather driveway, capable of supporting a fire truck, and with adequate turn around space for a fire truck at the end of the drive. Greater distances may be allowed if a fire hydrant is installed within 250 feet of the principal building.
 12-9,700 s.f. for twin home or duplex lots

XVII

Spanish Fork Municipal Code §15.3.24.090(A), Supplementary Regulations; Accessory Buildings, is hereby amended as follows:

15.3.24.090. Supplementary Regulations.

A. Accessory Buildings, Structures, or Satellite Earth Stations:

3. The maximum height for detached buildings, structures, or satellite earth stations shall be fifteen (15) feet to the peak of the roof measured from the finish grade (measured 5-feet from the proposed structure.)

- a. Properties over ½ acre in size can increase the maximum height to twenty-four (24) feet by having the rear and side setbacks the same as the building height.
- b. Accessory buildings or structures located within the standard setback for a principal building within a zone may be allowed to meet the height restrictions allowed in that zone.

8. Where the adjoining zoning and/or use is non-residential in nature, the setback for accessory buildings, structures, or satellite earth stations is reduced to twelve feet from the side or rear yard.

9. Where property abuts against I-15 or U.S. Highway 6, accessory buildings or structures need have no set back from the road or highway right of way.

XVIII.

This ordinance shall be effective immediately upon passage and publication.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 18th day of July, 2006.

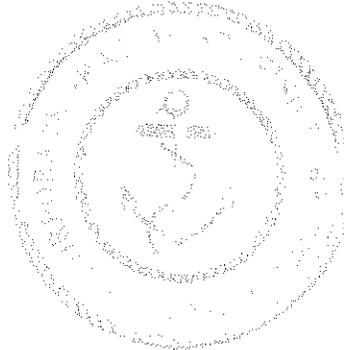


JOE L THOMAS, Mayor

ATTEST:



KENT R. CLARK, City Recorder



Proof of Publication

THE SPANISH FORK PRESS, a weekly newspaper printed and published at Spanish Fork, Utah County, Utah and of general circulation therein; that the Notice, a copy of which is hereto attached, was printed and published in said paper

for consecutive 1 weeks,

the first publication on the 5 day

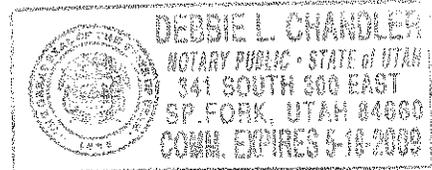
of April 2007

And the last on the 5 day

of April 2007

Eric Savage

Public Notice ORDINANCE 07-06. Updating and clarifying provisions of the municipal code. The ordinance modifies late payment fees for business licenses, corrects cross reference code sections, addresses signage, defines sensitive lands for land use	purposes, clarifies density bonus calculations for master planned developments, clarifies zoning regulations for sexually oriented businesses, wind turbines, and animals. It also makes amendments in the residential developments standards table, and supple-	mentary regulations for accessory buildings. Adopted this 18th day of July, 2006. A complete copy of this ordinance is available at the Spanish Fork City Office, 40 South Main, Spanish Fork. Published in the Spanish Fork Press on April 5, 2007.
--	--	--



Subscribed and sworn to before me this 6th day of April 2007

Debbie L. Chandler
Notary Public