

ORDINANCE NO. 12-09

ROLL CALL

VOTING	YES	NO
MAYOR JOE L THOMAS <i>(votes only in case of tie)</i>		
G. WAYNE ANDERSEN <i>Council member</i>	X	
ROD DART <i>Council member</i>	X	
RICHARD M. DAVIS <i>Council member</i>	X	
STEVE LEIFSON <i>Council member</i>	X	
JENS P. NIELSON <i>Council member</i>	X	

I MOVE this ordinance be adopted: Councilman Leifson

I SECOND the foregoing motion Councilman Davis

ORDINANCE No. 12-09

AN ORDINANCE MODIFYING THE USES PERMITTED IN THE VARIOUS AGRICULTURAL, COMMERCIAL, AND INDUSTRIAL ZONES

WHEREAS, Spanish Fork City has adopted a zoning ordinance, creating a number of zones, each of which has its permitted uses, uses subject to conditions, or conditional uses; and

WHEREAS, the commercial growth of the City has prompted a need to evaluate the zones and the uses permitted therein; and

WHEREAS, it has been approximately four years since the permitted uses in the commercial or industrial zones have been reviewed and evaluated; and

WHEREAS, authorizing appropriate and similar type uses in the various commercial and industrial zones protects existing businesses, encourages new businesses, and stabilizes property values; and

WHEREAS, a public hearing was held before the Spanish Fork City Planning Commission on Wednesday, the 1st day of July, 2009, where public comment was received; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on Tuesday, the 21st day of July, 2009, where additional public comment was received; and

WHEREAS, in order to protect the health, safety, and welfare of the residents of the City, it is advisable to modify the permitted uses allowed in the agricultural, commercial, and industrial zones of the City;

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

I.

Spanish Fork Municipal Code §15.1.04.020 Definitions, is hereby amended by deleting therefrom the definitions of “Automotive Repair, Major” and “Automotive Repair, Minor,” amending the definition for “Instructional Studio,” and adding definitions, as follows:

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

Caretaker dwelling: A dwelling which is ancillary to the principal use of a property which is exclusively occupied by an individual or individuals who are in charge of the maintenance of a building or business. Caretaker dwellings shall not have more than one bedroom.

Carwash (full service): A car wash that is completely mechanized (drive-thru operation) and that is ancillary to another use or an operation where the cleaning services are exclusively performed by employees of the establishment without the aid of the patron or coin operated devices.

Carwash (self serve): A business establishment which provides car cleaning services where part or all of the cleaning is performed by the patron with the aid of coin operated cleaning devices.

Convenience Store: A building or use which is primarily engaged in the provision of frequently needed, day to day retail goods including gasoline, food and non-food products.

Impound Yard: A facility that provides for the secured storage of automobiles with or without the permission of the owners by a person who is licensed to hold the automobiles.

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

Lube Center: A facility which primarily provides oil change and similar servicing or performs minor mechanical repair of motor vehicles. The outdoor overnight storage of vehicles is not permitted in association with the Lube Center use.

Museum: A building or place where works of art, scientific specimens, historic artifacts or other objects of permanent value are kept and displayed.

Outdoor Commercial Recreation Facility: Enterprises which include such uses as miniature golf courses, batting cages, waterslides, swimming pools or other similar activities that do not involve motorized vehicles.

Tire Care Center: A facility which primarily sells and services automotive tires, provides oil change and similar servicing, and performs minor mechanical repair of motor vehicles. The outdoor overnight storage of vehicles is not permitted in association with the Tire Care Center use.

II.

Spanish Fork Municipal Code §15.3.16.010(A) and (B) is hereby amended as follows:

15.3.16.010 Agricultural and Rural Residential Districts

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.
5. One (1) single residence dwelling per lot.
6. Seasonal fruit, vegetable, and hay retail sales structures of less than 500 square feet when located on the premises where the products are raised.
7. Veterinary offices including outdoor boarding of animals if animals are kept at least 200 feet from any neighboring house.
8. Churches (R-R District only, and when located on a collector or arterial street).
9. Veterinary offices for large animals and/or outside boarding of any animals.
10. Municipal facilities required for local service.

B. Uses Subject to Conditions

1. Home Occupations (as described in §5.40.010 et seq.)
2. Manufactured Home (as described in §15.3.24.040 et seq.)
3. Residential facility for persons with a disability. (as described in §15.3.24.010 (A) et seq.)
4. Residential facility for elderly persons. (as described in §15.3.24.010 (B) et seq.)

III.

Spanish Fork Municipal Code §15.3.16.020 is hereby amended as follows:

15.3.16.020. Residential Districts.

R-1-80, R-1-60, R-1-40, R-1-30: These districts provide a rural residential environment within Spanish Fork that are characterized by large single family lots conducive to animal rights

as defined in section 15.3.24.090(H).

R-1-20, R-1-15, R-1-12: These districts provide low-density single family lots within Spanish Fork City.

R-1-9, R-1-8: These districts are to provide moderate density that is characterized by a variety of single family housing types and lot sizes.

R-1-6: This district provides a residential environment that is medium high density with a variety housing choices include single family homes, twin homes, townhomes and duplexes.

A. Permitted Uses:

1. One (1) single residence dwelling per lot.
2. Municipal facilities required for local service.
3. Churches (when located on a collector or arterial street).

B. Uses Subject to Conditions:

1. Home Occupations (as described in §5.40.010 et seq.).
2. Manufactured Homes (as described in §15.3.24.040 et seq.).
3. Master Planned Developments (as described in §15.3.24.030 et seq.).
4. Subdivision Model Home Complexes (as described in §15.3.24.060 et seq.).
5. Temporary office or construction trailers (as described in §15.3.24.040 et seq.).
6. Residential facility for persons with a disability (as described in §15.3.24.070 (A) et seq.).
7. Residential facility for elderly persons (as described in §15.3.24.010(B) et seq.).

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.
2. Accessory, mother-in-law, or basement apartments (R-1-6 district only) must meet the conditions of 15.3.24.090.
3. Private schools (when located on a collector or arterial street).
4. Residential treatment centers must meet the conditions of §15.3.24.010.
5. Assisted living facility must meet the minimum conditions of §15.3.24.010.

IV.

Spanish Fork Municipal Code §15.3.16.030(A), (B), and (C) is hereby amended as follows:

15.3.16.030. R-3 Residential District.

A. Permitted Uses:

1. One (1) single residence dwelling per lot.
2. Municipal facilities required for local service.
3. Churches (when located on a collector or arterial street).

B. Uses Subject to Conditions:

1. Home Occupations (as described in §5.40.010 et seq.).
2. Manufactured Homes (as described in §15.3.24.040 et seq.).
3. Master Planned Developments (as described in §15.3.24.030 et seq.).

4. Subdivision Model Home Complexes (as described in §15.3.24.060 et seq.).
5. Temporary office or construction trailers (as described in §15.3.24.040 et seq.).
6. Residential facility for persons with a disability (as described in §15.3.24.070 (A) et seq.).
7. Residential facility for elderly persons (as described in §15.3.24.010 (B) et seq.).

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

1. [Unchanged]
2. [Unchanged]
3. [Unchanged]
4. Accessory Apartments (see §15.3.24.090(E)).

V.

Spanish Fork Municipal Code §15.3.16.040(A), (B), and (I) is hereby amended as follows:

15.3.16.040. R-O Residential Office

A. Permitted Uses:

1. Single residence dwellings.
2. Duplexes. The minimum lot size is 9,700 square feet, the minimum lot width is 60 feet and the side setback 10 feet.
3. Bed and Breakfast Inns.
4. Offices.
5. Home Occupations.
6. Churches (when located on a collector or arterial street).
7. Child care centers
8. Instructional Studio.
9. Museums
10. Municipal facilities required for local service.

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

1. Manufactured Home (as described in §15.3.24.040 et seq.)
2. Residential facility for persons with a disability (as described in §15.3.24.010 (A) et seq.).
5. Residential facility for elderly persons (as described in §15.3.24.010 (B) et seq.).

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 Facilities
4. Assisted Living Facilities
5. Shelter Care Facilities
6. Residential Treatment Centers
7. Financial Institutions not located between 100 West and 100 East.
8. Museums

VI.

Spanish Fork Municipal Code §15.3.16.050(A) and (B) is hereby amended as follows:

15.3.16.050 C-O Commercial Office

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. Instructional Studios

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

1. Hospitals.
2. Restaurants
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
8. Museums

VII.

Spanish Fork Municipal Code §15.3.16.060 is hereby amended as follows:

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.
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. Restaurants
10. Retail uses, except those which include automotive service, repair or sales.
11. Instructional Studios
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.

VIII.

Spanish Fork Municipal Code §15.3.16.070 is hereby amended as follows:

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. Child care centers.
2. Financial institutions.
3. Office supply, copying, printing businesses.
4. Offices.
5. Personal service businesses.
6. Restaurants.
7. Retail uses.
8. Convenience store.
9. Instructional Studio
10. Municipal facilities required for local service.

B. Uses Subject to Conditions

1. Seasonal sales and special events (as described in §15.3.24.050 et seq.)

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.
2. Car wash (self or full service).

IX.

Spanish Fork Municipal Code §15.3.16.080 is hereby amended as follows:

15.3.16.080. C-2 General Commercial.

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

A. Permitted Uses:

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

1. Art galleries and studios.
2. Child care centers.
3. Churches.
4. Private clubs.
5. Entertainment uses.
6. Financial institutions.
7. Hotels and motels.
8. Medical and dental laboratories.
9. Office supply, copying, printing businesses.
10. Offices.
11. Personal service businesses.
12. Public utility facilities required for local service.
13. Restaurants.
14. Retail uses.
15. Repair services for small appliances, bicycles, jewelry, and similar items.
16. Instructional Studios.
17. Lube Centers.
18. Tire Centers.
19. Convenience Stores.
20. Car wash (full service)
21. Municipal facilities required for local service.

The following uses are permitted if operated from a permanent, enclosed building and may have outside storage or display of merchandise which is customarily part of such:

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

B. Uses Subject to Conditions

1. Seasonal sales and special events (as described in §15.3.24.050 et seq.).

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

1. Outdoor commercial recreation facilities.
2. Outdoor display or storage of materials or merchandise in conjunction with any permitted use.
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.

X.

Spanish Fork Municipal Code §15.3.16.090 is hereby amended as follows:

15.3.16.090. S-C Shopping Center.

This district is intended to provide retail uses, service oriented businesses, offices, and restaurants in an integrated center. Each center shares common architecture, access, parking, signage, and landscape design. Centers will typically be five (5) to fifteen (15) acres in size and provide neighborhood or community level destination shopping while incorporating a design which enhances pedestrian orientation within the center.

A. Permitted Uses:

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

1. Retail uses.
2. Personal service businesses.
3. Offices.
4. Restaurants.
5. Entertainment uses.
6. Office supply, copying, and printing businesses.
7. Child care centers.
8. Art galleries and studios.
9. Instructional Studios.
10. Lube Center.
11. Tire Center.
12. Convenience Store.
13. Car wash (full service).
14. Municipal facilities required for local service.

The following uses are permitted if operated from a permanent, enclosed building and may have outside storage or display of merchandise which is customarily part of such business:

B. Uses Subject to Conditions:

1. Seasonal sales and special events (as described in §15.3.24.050 et seq.).

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

1. New automobile, motorcycle, boat, truck, and recreational vehicle sales and rental facilities, and repair services associated with such facilities.
2. Hotels and motels.
3. Outdoor commercial recreation facilities.
4. Outdoor display or storage of materials or merchandise in conjunction with

any permitted use.

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

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

E. Development Standards (see Table 2).

XI.

Spanish Fork Municipal Code §15.3.16.100 is hereby amended as follows:

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. Health and fitness facilities, recreation facilities.
7. Private schools, professional and vocational.
8. Personal service businesses.
9. Museums.
10. Dental/medical offices.
11. Laundry and dry cleaning.
12. Personal service businesses.
13. Instructional Studios.

B. Uses Subject to Conditions:

1. Seasonal sales and special events (as described in §15.3.24.050 et seq.).

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

1. Financial institutions, with drive through facilities
2. Restaurants with drive through facilities
3. Child Care Centers.

XII.

Spanish Fork Municipal Code §15.3.16.110(A), (B), and (E) is hereby amended as follows:

15.3.16.110. B-P Business Park.

A. Permitted Uses:

The following uses are permitted if operated from a permanent, enclosed building with no

outside storage or display of merchandise:

1. Research, development, and testing services.
2. Trade or business schools.
3. Office supply, copying, printing businesses.
4. Offices.
5. Restaurants.
6. Financial institutions.
7. Health clubs.
8. Personal service businesses.
9. Child care centers.
10. Telecommunication towers not taller than sixty (60) feet.
11. Hospitals.
12. Convenience Stores.
13. Tire Center.
14. Lube Center.
15. Instructional Studios.
16. Car wash (full service).
17. Museums.
18. Municipal facilities required for local service.

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

1. Hotels and motels.

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.
3. Outdoor storage is prohibited.

XIII.

Spanish Fork Municipal Code §15.3.16.120 is hereby amended as follows:

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. The indoor manufacturing, assembly and storage of finished products.
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. Trade or business schools.
9. Office supply, copying, printing businesses.
10. Offices.
11. Restaurants.
12. Financial institutions.
13. Retail businesses.
14. Telecommunication towers not taller than sixty (60) feet.
15. Agriculture, including the production of food and fiber crops, and tree farms; grazing and animal husbandry of livestock.
16. Instructional Studios.
17. Veterinary offices for large animals and/or outside boarding of any animals.
18. New and used automobile, motorcycle, boat, truck, and recreational vehicle sales and rental facilities, and repair services associated with such facilities.
19. Car wash (self or full service).
20. Automotive repair.
21. Lube Centers.
22. Tire Care Centers.
23. Municipal facilities required for local service.

B. Uses Subject to Conditions:

1. Seasonal sales and special events (as described in §15.3.24.050 et seq.).
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. Residential Treatment Centers (not owner occupied).
7. Rehabilitation treatment facilities.
8. Shelter care facilities.
9. Publically owned and operated recycling centers.
10. Publically owned and operated compost facilities.

XIV.

Spanish Fork Municipal Code §15.3.16.130 is hereby amended as follows:

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 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 repair.
8. Lube Centers.
9. Tire Care Centers.
10. Municipal facilities required for local service.
11. Trade or business schools.
12. Office supply, copying, printing businesses.
13. Offices.
14. Restaurants.
15. Financial institutions.
16. Retail businesses.
17. Telecommunication towers not taller sixty (60) feet.
18. Car wash (self or full service)
19. Impound yard.

B. Uses Subject to Conditions:

1. Seasonal sales and special events (as described in §15.3.24.050 et seq.).

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

1. Manufacture of concrete products.
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. Self-storage warehouses and/or recreational vehicle storage.
6. Transfer facilities.

XV.

Spanish Fork Municipal Code §15.3.16.160(A) is hereby amended by repealing public schools as a permitted use and by adding subparagraphs as follows:

15.3.16.160. Public Facilities (P-F).

A. Permitted Uses:

27. Automotive repair.
28. Lube Centers.
29. Car wash (self or full service).

XVI.

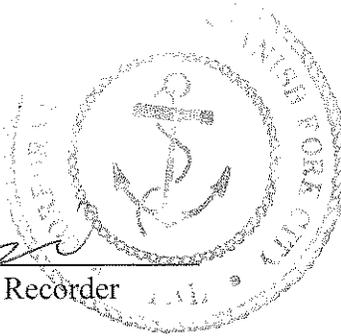
Spanish Fork Municipal Code §15.3.16.150 Recreation Facilities (R-F) is hereby repealed.

XVII.

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

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH

FORK, UTAH, this 4th day of August, 2009.



JOE L THOMAS, Mayor

ATTEST:

Kimberly Robinson, City Recorder