

ORDINANCE No. 23-10

ROLL CALL

VOTING	YES	NO
G. WAYNE ANDERSEN <i>Mayor (votes only in case of tie)</i>		
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	
KEIR A. SCUBES <i>Council member</i>	X	

I MOVE this ordinance be adopted: Councilman Dart
I SECOND the foregoing motion: Councilman Leifson

ORDINANCE No. 23-10

AN ORDINANCE MAKING CHANGES IN TITLE 15 CONCERNING ACCESSORY STRUCTURES, FENCING, CLEAR VISION AREAS, AND ORGANIZATIONAL CHANGES

WHEREAS, Spanish Fork City has adopted a land use title in the municipal code, known as Title 15, which includes zoning and development chapters; and

WHEREAS, a Development Review Committee (DRC) is created in Title 15, which lists the public utilities superintendent as a member, but which position no longer exists, due to organizational changes within the City; and

WHEREAS, the DRC also lists the city assistant public works director and planner as members, which positions are now included within the titles of assistant city engineer, and city community development director; and

WHEREAS, the City Surveyor is knowledgeable and instrumental in the implementation of the flood plain regulations, and should, therefore, be the assistant flood plain administrator; and

WHEREAS, the City has determined that being more liberal with accessory structures, including awnings, allows residents more beneficial use of their property without adversely affecting neighboring property values ; and

WHEREAS, clear vision areas must be maintained with intersections and driveways to protect the safety of motorists and pedestrians; and

WHEREAS, the Planning Commission held a public hearing on Wednesday the 3rd day of November, 2010 where public comment was received; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on Tuesday the 16th day of November, 2010 where public comment was received;

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

I.

Spanish Fork City Municipal Code §15.3.08.010(B) is hereby amended as follows:

15.3.08.010. Administrative Bodies and Officers

B. Development Review Committee:

Purpose: [no change].

Organization:

The DRC shall consist of the public works director, assistant city engineer, electric superintendent, city manager, city community development director, city attorney, public safety director, and building official. Other entities may be invited to participate as non-voting members, such as utility companies, irrigation companies, the US Postal Service, or others.

The city engineer shall be the chair of he Committee, ans 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: [no change].

Powers and Duties: [no change].

II.

Spanish Fork Municipal Code §15.3.24.090(A) and (F) are hereby amended as follows:

15.3.24.090. Supplementary Regulations.

A. Accessory Structures:

1. All accessory structures must meet the following requirements:

- a. All accessory structures are required to obtain a building permit. Permits for structures that are less than 200 square feet or are otherwise exempt from the adopted building code, as set forth in §14.04.010, are free of charge.
- b. All detached accessory structures must be located behind the front wall plane of the principal structure.
- c. Where property abuts against I-15 or U.S. Highway 6, accessory structures have no required set back from the I-15 or Highway 6 right-of-ways.
- d. The combined square footage of all detached accessory structures shall not exceed the greater of 500 square feet or fifteen percent (15%) of the total lot area if the structure is entirely within the setbacks for the principal structure, or ten percent (10%) of the total lot area if the structure is located elsewhere on the lot.
- e. If any accessory structure must be removed, relocated, or otherwise modified in any manner in order to access public utilities, the property owner shall bear the full expense of such removal, relocation or modification, together with all costs of restoration.
- f. Accessory structures located on a corner lot shall meet the same front, rear, and side setbacks as required for accessory structures on an interior lot. Accessory structures located behind the front plane of the house and within twenty (20) feet a public right-of-way shall be architecturally compatible with the primary structure on the lot. The second clear vision area as addressed in §15.4.16.150 needs to be maintained at all times.
- g. The minimum front set back for detached accessory structures shall conform to the minimum front set back for the existing principal structure and shall be set at least five (5) feet from all structures on the property.
- h. Accessory structures located within the standard setback for a principal building within a zone may be allowed to meet the maximum height allowed in that zone.
- i. The maximum height for detached accessory structures shall be fifteen (15) feet to the peak of the roof measured from the finish grade (measured 5-feet from the proposed structure).
- j. Properties over one-half 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.

2. Structures that are 200 square feet and less in area and are less than five (5) feet from the property line must meet the following additional requirements:

- a. Structures with a wall height of eight (8) feet or less and a maximum peak height of twelve (12) feet may be constructed with no side or rear setback from property lines as long as the structure is constructed so all water runoff from the accessory structure does not flow onto adjoining properties. In no case may any portion of a structure extend beyond the property line.

3. Structures larger than 200 square feet in area must meet the following additional requirements:

- a. Meet all adopted building code regulations as set forth in §14.04.010.
- b. Must maintain a minimum setback of five (5) feet to the side or rear property line with a maximum one (1) foot overhanging eave.
- c. Be anchored to concrete footings as outlined in the adopted building code as set forth in §14.04.010.

d. Accessory structures over 200 square feet in size that are located between the front and back planes of the house must be architecturally compatible with the principal structure.

e. Meet fire and building code requirements.

F. Awnings, Carports or Covered Decks

1. [no change].
2. Awnings or other structures that are open on three (3) sides must be setback at least five (5) feet from the side property line.
3. [no change].

III.

Spanish Fork Municipal Code §15.4.16.130(G) is hereby amended as follows:

15.4.16.130. Landscaping, Buffering, Walls, and Fences.

G. General Fencing Requirements:

1. The maximum height of a fence is six (6) feet in all zoning districts; fence pillars are not to exceed 6½ feet in height. The Council may waive the height requirement at its sole discretion.
2. [no change].
3. [no change].
4. [no change].
5. Fences must be built with a minimum setback of three (3) feet around the following utilities: fire hydrants, water meters (culinary and irrigation), telephone pedestals, power boxes, and cable boxes.
6. A clear vision area is required at each driveway as set forth in §15.4.16.150.
7. A building permit is required for all fences that are taller than three (3) feet. No fee is charged for fence permits unless the permit is required by the adopted building code set forth in §14.04.010.
8. Corner lots must maintain the clear vision area as set forth in §15.4.16.150.

IV.

Spanish Fork Municipal Code §15.4.16.150 is hereby amended as follows:

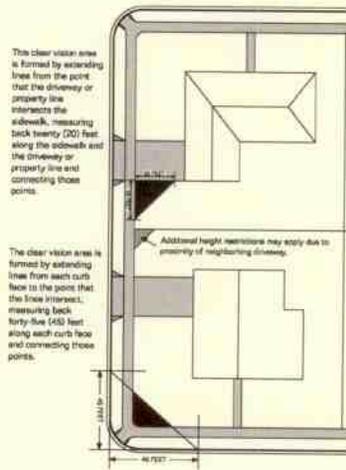
15.4.16.150 Clear Vision Area

A. The clear vision area is formed by extending lines from each curb face to the point that the lines intersect, measuring back forty-five (45) feet along each curb face and connecting those points. Fencing, planting and other obstacles are restricted within this area as follows:

1. No fence shall exceed a height of three (3) feet, measured from the curb.
2. Shrubs shall be pruned to a height not to exceed three (3) feet in height.
3. Trees shall be pruned to maintain a clear area below five (5) feet in height.
4. Other site obscuring obstacles of that are three (3) feet or taller may not be placed in the clear vision area.

B. A second clear vision area is also required at each driveway or where the rear of a corner lot adjoins an interior lot's driveway. This clear vision area is formed by extending lines from the point

that the driveway or property line intersects the sidewalk, measuring back twenty (20) feet along the sidewalk and the driveway or property line and connecting those points. The same restrictions for landscaping, fencing and obstacles apply in this area.



V.

Spanish Fork Municipal Code §15.4.20.030(A) is hereby amended as follows:

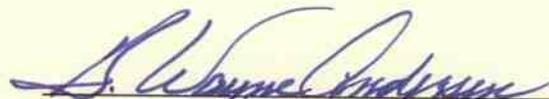
15.4.20.030. Administration.

A. The Spanish Fork City Engineer or his/her appointee is hereby appointed the Flood Plain Administrator, with the City Surveyor appointed as the Assistant Flood Plain Administrator, to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to flood plain management.

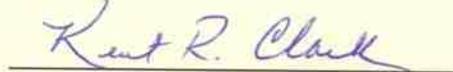
VI.

This Ordinance shall take effect 20 days after passage and publication.

DATED this 16th day of November, 2010.


G. WAYNE ANDERSEN, Mayor

Attest:


KENT R. CLARK, City Recorder

