

ORDINANCE No. 15-15

ROLL CALL

VOTING	YES	NO
STEVE LEIFSON <i>Mayor (votes only in case of tie)</i>		
ROD DART <i>Council member</i>	X	
RICHARD M. DAVIS <i>Council member</i>	X	
BRANDON B. GORDON <i>Council member</i>	X	
MIKE MENDENHALL <i>Council member</i>	X	
KEIR A. SCUBES <i>Council member</i>	ABSENT	

I MOVE this ordinance be adopted: Council member Dart

I SECOND the foregoing motion: Council member Mendenhall

ORDINANCE No. 15-15

AN ORDINANCE MAKING AMENDMENTS TO LANDSCAPING, ACCESSORY BUILDING ROOF PITCH REQUIREMENTS AND USES IN THE SC ZONE

WHEREAS, Spanish Fork City has enacted a land use ordinance to regulate the development of land within the City, establish zoning to protect property values, and establish administrative rules concerning land use; and

WHEREAS, amendments to the land use ordinance need to be made from time to time in order to remain compliant with state and federal law, become more efficient, and to keep standards in line with best construction and safety practices; and

WHEREAS, landscaping requirements are becoming necessary in order to protect property values of neighboring parcels; and

WHEREAS, a public hearing was held before the Planning Commission on Wednesday, the 9th day of September, 2015, whereat public comment was received; and

WHEREAS, a public hearing was held before the Spanish Fork City Council on Tuesday, the 15th day of September, 2015, whereat additional public comment was received;

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

I.

Spanish Fork Municipal Code §15.1.04.020, Definitions, is hereby amended by adding the following definition:

15.1.04.020 Definitions

Xeriscape: Landscaping that utilizes climate appropriate or native vegetation, rocks, minerals and other organic or non-organic materials to beautify property without creating a significant demand for water to maintain plant life in the landscape.

II.

Spanish Fork Municipal Code §15.3.16.090, "S-C Shopping Center"" is hereby amended as follows:

15.3.16.090 S-C Shopping Center

This district is intended to provide retail uses, service oriented businesses, and restaurants in an integrated center. Each center shares common architecture, access, parking, signage, and landscape design. Centers will typically be at least five (5) 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 of merchandise:

1. Retail uses.
2. Personal service businesses.
3. Restaurants.
4. Entertainment uses.
5. Office supply, copying, and printing businesses.
6. Child care centers.
7. Art galleries and studios.
8. Instructional Studios.
9. Lube Centers.
10. Tire Centers.
11. Car Wash (full service).
12. Convenience Stores.
13. 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.).
2. Offices. Buildings or portions of buildings occupied by office uses cannot exceed 3,000 square feet. No more than 5% of any development's gross building square footage can be dedicated to office uses.
3. Outdoor display area. Areas are only allowed for the storage of materials and

merchandise in conjunction with a permitted use that has a permanent facility in the center. Areas should be sufficiently screened and/or organized so as to maintain an attractive and inviting atmosphere in the center. Areas shall not impede pedestrian or vehicular traffic to, from, or within a center.

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. 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 they are 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).

III.

Spanish Fork Municipal Code §15.3.24.090(A)(i), "Supplementary Regulations" is hereby amended as follows:

15.3.24.090 Supplementary Regulations

i. The maximum height for detached accessory structures shall be twenty (20) feet to the peak of the roof measured from the finish grade (measured 5-feet from the proposed structure). Any structures taller than fifteen (15) feet shall have a roof pitch of no less than 2/12.

IV.

Spanish Fork Municipal Code §15.4.16.130(B), "Landscaping, Buffering, Walls, and Fences" is hereby amended as follows:

15.4.16.130 Landscaping, Buffering, Walls and Fences

B. Residential Uses:

I. Multi-family Uses:

1. Minimum of thirty-five (35) percent on-site landscaping as a percentage of total site area.
2. Parking lots shall include planter areas within the parking lot, with a minimum of 108 square feet of planter area for every ten (10) parking spaces. Required planter areas shall be individual islands of landscaping and shall be at least six (6) feet wide. Required

planter areas shall include parking lot trees, as identified on the City's approved list of Parking Lot Trees, with a maximum spacing of thirty (30) feet.

3. Minimum of fifteen (15) foot wide planter area adjacent to all public streets, which shall include trees with a maximum spacing of thirty (30) feet. The planter area may be partially or completely within the street right-of-way area. The specific trees used shall be selected from the City's approved Street Tree list. On streets included in the Street Tree Master Plan, the trees selected shall include the mix of trees as prescribed by the Plan. Street trees must be planted within thirty (30) feet of the public street curb; wherever possible, fifty (50) percent of the required street trees must be planted in the parkstrip.
4. Minimum of ten (10) foot wide planter area and six (6) foot high decorative block wall, where any multi-family use abuts a single-family residential use or district. The planter area shall include trees with a maximum spacing of thirty (30) feet.
 - a. The DRC may waive or modify this requirement, if it is determined that this requirement does not further the intent of this ordinance.
5. The total number of required trees and shrubs for every 1,000 square feet of required landscaping shall equal three (3) trees and twenty (20) shrubs.
6. Trees planted in close proximity to electric power lines may be subject to height limitations that will be imposed as part of the development review process.

II. Single Family and Twin Home Uses:

1. All single family residential lots shall have the front yard, side-street yards for corner lots and park strips landscaped within one year of receiving a certificate of occupancy. Interior side and back yards must be landscaped within two years of receiving a certificate of occupancy.
2. Required landscaping may be comprised of live turf grass with a sprinkler (irrigation) system, xeriscape improvements, other manicured vegetative groundcover or a combination of them all.
3. All portions of a lot that are not improved with impervious materials must be landscaped within the above described timelines. Noxious weeds do not qualify as required landscaping.
4. In order to ensure landscaping requirements are met, Spanish Fork City shall require applicants to provide a deposit with the construction of new homes. The deposit amount shall be determined in the City budget and will be returned to the property owner when the required landscaping has been installed. In the event that the required landscaping has not been installed within four (4) years after the certificate of occupancy has been issued, the deposit will be forfeited to the City.

V.

Spanish Fork Municipal Code §15.3.24.030(C), "Landscaping" is hereby renamed "Approval Process" and §15.3.24.030(C)(1) is hereby repealed.

VI.

Spanish Fork Municipal Code §15.3.24.030(C)(4), "Approval Process" is hereby amended as follows:

15.3.24.030. Approval Process

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

- a. The proposed development will provide a more pleasant and attractive living environment than a conventional residential development established under the strict application of the provisions of the underlying zone.
- b. The proposed development will not be materially detrimental to the health, safety, or general welfare of persons residing or working within the neighborhood;
- c. Any variation allowed from the development standards of the underlying district will not create increased hazards to the health, safety, or general welfare of the residents of the development of adjacent areas.

VII.

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

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 15th day of September, 2015.



STEVE LEIFSON, Mayor

Attest:



Kent R. Clark, City Recorder

