

## ORDINANCE No. 17-15

### 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 Mendenhall

I SECOND the foregoing motion: Council member Davis

## ORDINANCE No. 17-15

### AN ORDINANCE CREATING THE STORAGE UNIT OVERLAY ZONE AND AMENDING THE REQUIREMENTS FOR ACCESSORY APARTMENTS

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, overlay zones are an effective land use tool to meet the needs of the city and the intent of the ordinance to accommodate development parcels which are difficult to develop for various reasons; and

WHEREAS, the City has been made aware of a need for more storage units, which are allowed in the I-1 Light Industrial Zone, but also desires to protect parcels which could support retail, office, or manufacturing uses; and

WHEREAS, a self-storage overlay zone in the I-1 Industrial Zone accomplishes both needs; and

WHEREAS, the City also desires to make accessory apartments in the R-1-6 and R-3 zones easier to construct by removing the requirements that applicants receive conditional use permits; and

WHEREAS, a public hearing was held before the Planning Commission on Wednesday, the 2nd day of December, 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 December, 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 §15.3.16.020(B) and (C), Residential Districts, R-1-6 Zone, is hereby amended by creating subparagraph (B)(8) and repealing subparagraph (C)(2) concerning accessory apartments and re-numbering subparagraphs (C) 3 through 5 as 2 through 4, as follows:

**15.3.16.20 Residential Districts**

R-1-6: This district provides a residential environment that is medium high density. In the event a master planned development is constructed within any of these zones, townhomes, condominiums, duplexes, and twin homes are allowed, consistent with the requirements of the master planned development section of Title 15, found in 15.3.24.030.

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.).
8. Accessory Apartments (R-1-6 and R-3 districts only) must meet the conditions of 15.3.24.090.

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. Private schools (when located on a collector or arterial street).
3. Residential treatment centers must meet the conditions of 15.3.24.010.
4. Assisted living facility must meet the minimum conditions of 15.3.24.010.

II.

Spanish Fork Municipal Code §15.3.20.050, Self Storage Overlay, is hereby created as follows:

**15.3.20.050 Self Storage Overlay**

This district is intended to provide for the development of new Self Storage Warehouses and/or Recreational Vehicle Storage while protecting the City's potential for economic growth by preserving sites that could potentially support retail, professional office, or manufacturing uses. This district shall overlay the Light Industrial I-1 zoning district where it is applied.

A. Permitted Uses:

1. Self Storage warehouses and/or Recreational Vehicle Storage.

B. Application: Applications to establish a Self Storage Overlay District 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. Narrative and Site Plan for the proposed facility including phasing plans, proposed buildings or structures, landscaping, lighting, and other site improvements.

C. Performance Standards: The Self Storage Overlay District may only be approved in the Light Industrial I-1 zoning district and may not be approved within 1,000 feet of the 2700 North/Interstate 15 overpass, nor within 250 feet of Main Street or Interstate 15.

D. Findings: The following findings must be made by the Council before approving any Self Storage Overlay District:

1. There is no recognizable potential for retail uses on the subject property.
2. That access and/or visibility to the subject property is limited to some degree which limits its development potential for retail, office, or manufacturing uses.

3. The site's configuration makes the site ill-suited for another use.
4. The subject property is small enough that it will not support manufacturing or other uses that would create employment opportunities.
5. The proposed site has adequate access to public streets to carry the type and quantity of traffic which may be generated by the use.
6. That adequate conditions or stipulations have been incorporated into the approval of the operation to insure that any anticipated detrimental effects can be minimized.
7. The Site Plan adequately describes screening and other improvements that make the development an attractive addition to the City.

III.

Spanish Fork Municipal Code §15.3.24.090(E), Accessory Apartments, is hereby amended as follows:

**15.3.24.090 Supplementary Regulations**

E. Accessory Apartments

1. This sub-section is established to provide regulations for Accessory Apartments within single family dwellings in the R-1-6 and R-3 zoning districts.
2. Requirements for Approval: A building permit may only be issued for Accessory Apartments provided that the following requirements are met:
  - a. Only one apartment shall be created within a single-family dwelling.
  - b. Accessory apartments are only permitted in dwellings on lots 10,000 square feet or larger.
  - c. The apartment must have a minimum of two off street parking spaces.
  - d. The accessory apartment must be registered with the City utility office.
  - e. The accessory apartment shall meet all applicable building and fire codes.
  - f. All applicable impact fees must be paid for the additional unit.
  - g. Separate electric meters are installed for each unit.

IV.

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

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

*Steve Leifson*  
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STEVE LEIFSON, Mayor

Attest:

*Kent R. Clark*  
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Kent R. Clark, City Recorder

