TITLE 15 LAND USE

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PART 1 GENERAL

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For the purpose of carrying out the intent of this Title, certain words or terms are defined in '020. Any word not defined in this ordinance shall be construed as defined in the Building Code of the City, if defined therein. If no definition is found in either this ordinance or the Building Code, then the word or term shall be defined according to its commonly used meaning.

15.1.04.020 Definitions

Accessory Use or Building: A subordinate use or building customarily incidental to and located upon the same lot occupied by the main use or buildings.

Accessory Apartment: A self-contained dwelling incorporated within an existing owner-occupied structure that is designed as a single-family dwelling and does not substantially alter the structure or appearance of the existing structure.

Adult Day Care: Continuous care and supervision for three or more adults for at least four but less than 24 hours a day, that meets the needs of functionally impaired adults through a comprehensive program that provides a variety of health, social, recreational, and related support services in a protective setting.

Affected Entity: A government entity, school district, public utility, interlocal cooperative entity, or a service or similar district, whose facilities are likely to require expansion or significant modification because of an intended use of land, or the entity=s facilities or boundaries are within one mile of land which is the subject of the land use ordinance change.

Alluvial Fan Flooding: Flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

Apex: A point on an alluvial fan or similar landform below which the flow path of the major

stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Area of Shallow Flooding: A designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet as well as a shaded X zone on a community=s FIRM with a one percent chance or greater annual chance of flooding to an average depth of less than one foot where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Erosion Hazard: Island that is adjacent to or within 200 feet of the centerline of the Spanish Fork River or within 100 feet of any other open channel facility that conveys runoff water located within the corporate limits of City.

Area of Special Flood Hazard: Is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the Flood Insurance Rate Map (FIRM), Zone A usually is refined into Zones A, AE, AH, AO, or A1-99.

Assisted Living Facility: A residential facility, licensed by the State of Utah, with a home-like setting that provides an array of coordinated supportive personal and health care services, available 24-hours per day, to residents who have been assessed under Utah Department of Health or the Utah Department of Human Services rules to need any of these services. Each resident shall have a service plan based on the assessment, which may include: (1) specified services of intermittent nursing care; (2) administration of medication; and (3) support services promoting the resident’s independence and self-sufficiency. Such facility does not include adult day care provided in conjunction with a residential facility for persons with a disability.

Attached Structure: Any structure that is attached to another structure by a common wall, or by a footing or foundation and roof combination. This does not include an open breeze way.

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.

Automotive Service Station: A facility having pumps and storage tanks from which fuel is dispensed into motor vehicles. Minor automotive repair may also be included as an incidental use.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Basement: Means any area of the building having its floor sub-grade (below ground level) on all sides.

Bed and Breakfast: A dwelling in which five (5) or fewer guest rooms are provided for overnight lodging of travelers.

Billboard: A freestanding ground sign designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

Blade Sweep: The diameter of the wind turbine blades as determined by the blade rotation.

Building: A structure having a roof supported by columns or walls.

Building Height: The vertical distance from the average finished grade surface of the building to the peak of the roof.

Building Setback Line: The required distance between the property line and closest point of any building.

Caretaker Dwelling: A dwelling which in 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 carwash 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.

Child Care Center: Any facility in which child care is provided to thirteen (13) or more children, including the provider=s own pre-school age children, on the premises at the same time.

Church: A structure which is intended for conducting organized religious services for organizations with tax-exempt status, with no overnight facilities. Secondary uses such as child care, senior services, professional counseling, rehabilitation services, or similar uses are not included in the definition. A church does not include organizations that violate Federal, State, or City laws or codes.

City: Spanish Fork City.

City Council: The governing body of the City, consisting of five elected council persons and the Mayor.

Civil Engineer: A person licensed with the State of Utah to practice as a professional engineer.

Clinics, Emergency Medical Care Facilities: A medical facility for the diagnosis and treatment of human patients which may include emergency services, but not overnight housing of patients.

Commercial Child Care Center: Any facility located in a non-residential or non-industrial zone in which child care is provided on the premises.

Commission: The Planning Commission of Spanish Fork City, unless indicated otherwise.

Completion Date: The date the entire subdivision, development, or construction is completed and an approved final inspection statement is given.

Comprehensive General Plan or General Plan: The land use element of the Comprehensive General Plan document as approved by the City Council.

Construction Plans and Profiles: Plans drawn by a civil engineer or land surveyor showing all required improvements including the location, size, grade and elevations.

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.

Council: The City Council.

Critical Feature: An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Design and Development Standards: The standards as referred to in this Title and adopted by the Council.

Development: Any man-made change in improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Developer: Person, Partnership, Limited Liability Company, Corporation, or other legal entity developing residential, commercial or industrial property.

Development Review Committee or DRC: A committee that provides technical review, analysis, and recommendations to the Planning Commission and City Council related to the City=s Comprehensive General Plan, Zoning Ordinance, subdivisions, capital facilities plans and site plans.

Disability: A physical or mental impairment that substantially limits one or more of a person=s major life activities, including a person having a record of such an impairment or being regarded as having such an impairment. A Adisability@ does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802 or successor law.

A. “Major life activities@ means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
B. “Has a record of such an impairment@ means has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.

Duplex: A building designed for two (2) family units living independently of each other.

Dwelling, Multiple-Family: A building arranged or designed to include three (3) or more dwelling units, each to be occupied by one (1) family.

Dwelling, Single Residence: A detached building designed for one family unit and having one main kitchen.

Elderly Person: A person who is sixty (60) years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

Elevated Building: A non-basement building (I) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "Elevated Building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Engineer: The person appointed by the City to be the City Engineer.

Existing Construction: For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM effective before that date. "Existing Construction" may also be referred to as "Existing Structures".

Final Decision: A decision by a land use authority which approves, approves with conditions, or denies a land use application. A final decision is made by motion and majority vote in a public meeting, or by a written decision if no vote is taken in the public meeting. When the land use authority is a staff member, it is their decision, granting or denying a land use application in writing.

Final Plat: An original map or plat drawn on mylar in a form as approved by the City, showing all lots, streets, utility easements, etc.

Flag Lot: A lot of irregular configuration in which an access strip (a strip of land of a width less than the required lot width) connects the main body of the lot to the street frontage.

Flag Pole: A staff or pole that is no greater than twenty-four (24) inches in diameter that exists for the primary purpose of displaying a flag.

Flood Insurance Rate Map (FIRM): Means an official map of the City, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and

the risk premium zones applicable to the community.

Flood Insurance Study: The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of inland or tidal waters; or
B. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood Protection System: Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodplain Management Regulations: Zoning Ordinances, subdivision regulations, Building Codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodplain Management: The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain: That area designated as a floodplain on the most recent Flood Insurance Rate Map, for the City of Spanish Fork, prepared by the Federal Emergency Management Agency.

Flood-prone Area: Any land area susceptible to being inundated by water from any source (see definition of flood or flooding).

Floodway (Regulatory Floodway): The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Formally Initiated: An act taken to change or modify a land use ordinance by application or by motion of the Planning Commission or City Council, made in a public meeting.

Funeral Home: The provision of services including storing and preparing human remains for burial, cremation, and arranging, managing, and conducting funerals.

Garage: A building or indoor area with four walls, a roof and at least one door, of which the primary purpose is to provide an enclosed space for parking or storing motor vehicles. Required garages must have an unobstructed area that is at least 9 feet wide by 18 feet deep.

General Plan: The Comprehensive General Plan of Spanish Fork City.

Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure: Any structure that is:

A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
B. Certified or preliminarily determined by the Secretary of the Interior as contributing

to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior.

D. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the Secretary of the Interior.
2. Directly by the Secretary of the Interior in states without approved programs.

Home Child Care Center: Any single dwelling unit in which child care is provided for seven (7) to twelve (12) children, including the provider=s own pre-school age children, on the premises at the same time.

Home Occupation: An occupation, profession, activity, or use that is clearly incidental and secondary to the use of a residential dwelling unit.

Hospital: A facility used for inpatient or outpatient medical and healthcare-related uses or services (one of which provides emergency medical services) or any incidental, ancillary or related uses or services including but not limited to medical office, research and/or development, information technology, warehouse and distribution, hospitality, food service and lodging.

Hotel/Motel: A building which provides guest rooms for the overnight lodging of travelers. It may include customarily incidental uses such as meeting rooms, restaurants, and gift shops.

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.

Improved Lot: A lot which has all the improvements required in Part 4 of this Title.

Improvements: Includes roads, streets, curbs, gutters, sidewalks, grading, landscaping, water systems, sewer systems, irrigation systems, drainage systems, power systems, fences, public facilities, trees, and/or other items required by this Title.

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

Jail: A place of incarceration owned and operated by the County or State.

Juvenile Detention Facility: A place of temporary detention for delinquent juveniles, which either is owned and operated by the State of Utah or is under contract with the State of Utah.

Juvenile Secure Facility: A place of incarceration for delinquent juveniles, which either is owned and operated by the State of Utah or is under contract with the State of Utah.

Land Surveyor: A person licensed by the State of Utah to practice as a land surveyor.

Land Use Authority: A person, board, commission, agency, or other body designated by ordinance to act upon a land use application.

Land Use Ordinance: A planning, zoning, development, or subdivision ordinance of the City, but does not include the Comprehensive General Plan.

Large Wind Energy System: Wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of more than 100 kW.

Levee: A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System: A flood protection system, which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lot: A parcel of land with frontage or other approved access to a public street, occupied or designed to be occupied by a building and its accessory uses, and which has been subdivided or otherwise lawfully permitted.

Lot, Corner: A lot located at the intersection of two or more streets.

Lot, Depth: The shortest distance between the midpoint of the front lot line and the midpoint of the rear lot line.

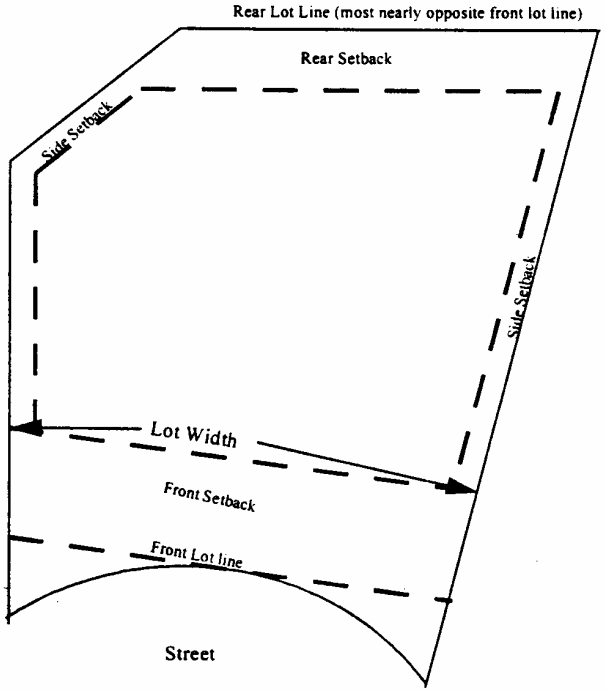
Lot, Interior: A lot other than a corner lot.

Lot, Irregular: A building lot whose rear property line is not generally parallel to the front property line such as a pie-shaped lot on a cul-de-sac, or where the side property lines are not parallel to each other.

Lot, Through or Double Frontage: A lot which abuts upon two parallel or approximately parallel streets.

Lot Line:

A. Front: The lot line adjacent to a street, except as follows:
   1. Corner Lot. The front shall be the direction in which the front door on the principal building faces and the other shall be the corner side lot line.
   2. Through or Double Frontage Lot. The lot line which is obviously the front by reason of the prevailing custom of the other buildings on the block. The other street frontage shall be a rear lot line. Where such property line is not obviously evident, the Community Development Director shall determine the front property line.
B. Rear: The lot line most nearly opposite the front property line or, if the front property is a curved line, to a line tangent to the front property line at its midpoint.
C. Side: Those other lot lines not defined as a front or rear lot line.



Lot Width: If the side lot lines are parallel, the shortest distance between these side lines. If the side property lines are not parallel, the width shall be the distance between the side lines at the front setback line, as in the following illustration:

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.

Manufactured Home: A transportable factory built housing unit constructed on or after June 15, 1976, according to the National Manufactured Housing Construction and Safety Standards Act of 1974.

Master Planned Development (MPD or Planned Unit Development): A residential development which typically contains common design elements, some variation in dwelling types, and common open space or parks.

Mother-in-law Apartment: See Accessory Apartment.

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

New Construction: For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Non-complying Structure: A structure that (1) legally existed before its current land use designation; and (2) because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulation excluding those regulations, which govern the use of land.

Non-conforming Use: A use of land that:

A. Legally existed before its current land use designation; and
B. Has been maintained continuously since the time a land use ordinance governed the land; and
C. Because of one or more subsequent land use ordinance changes, does not conform to regulations that now govern the use of the land.

Nursing or Retirement Homes: A long term residential facility for elderly, or otherwise ill persons which may include some or all of the following: individual dwelling units, living and sleeping rooms, a common dining room, skilled nursing care, recreational facilities, and transportation for social and medical purposes. Such facility does not include an adult day care facility or adult day care provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

Office: A building or portion of a building where services are performed involving predominately administrative, professional, or clerical operations.

Offsite Facilities: Facilities outside of the boundaries of the subdivision or development site which are designated and located to serve the needs of the subdivision or development or adjacent property, usually lying between a development and existing facilities.

Onsite Facilities: Facilities installed within or on the perimeter of the subdivision or development site.

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.

Outdoor Display Area: An area that is designated on a Site Plan for the outdoor display of the following items that are available for retail sale or rent: new or used automobiles, trailers, boats, recreational vehicles, construction equipment, or other finished products.

Outdoor Storage Area: An area that is designated on a Site Plan for the storage of raw

materials, finished products, vehicles, trailers or other equipment used in connection with a business located on the same site.

Parcel of Land: A contiguous area of land in the possession or ownership of one person with one tax identification number.

Personal Service Business: A business involved in a service that does not usually produce a commodity. Typical uses include beauty and barber shops, tanning salons, massage therapists, laundry and dry cleaning establishments, shoe repair, tailors, insurance agents, lawyers, accountants, and medical providers.

Planning Commission: The Planning Commission of Spanish Fork City.

Preliminary Plat: A map or plat of a proposed subdivision or development with accompanying supplementary documents.

Principal Building: A primary building located upon a lot, or a building that provides services in direct support of a property's primary use. Properties that are developed in a campus fashion may have more than one principal building located on an individual parcel.

Private School, Academic: A parochial or private institution offering academic or religious curriculum which is accredited to grant a degree or other indication of successful completion of an instructional program. The definition includes elementary, middle, junior, and high schools, colleges and universities. This does not include post high school educational facilities or educational facilities which include residential facilities for its students.

Public Utility Easements: The easements required to place public utilities across any privately owned property.

Recreational Vehicle, Trailer, or Motorhome: Means a vehicle, which is:

A. Built on a single chassis.
B. 400 square feet or less when measured at the largest horizontal projections.
C. Designed to be self-propelled or be permanently towable by a light duty truck.
D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Rehabilitation/Treatment Facility: A facility owned and operated by a government entity to provide temporary occupancy and supervision of individuals (adults/juveniles) in order to provide rehabilitation, treatment, or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse, or mental health. Associated education services may also be provided to juvenile occupants.

Residential Treatment Center: A 24-hour group living environment for four or more individuals unrelated to the owner or provider that offers room or board and specialized treatment, rehabilitation, or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. In residential treatment, individuals are assisted in acquiring the social and behavioral skills necessary for living independently in the community. This does not include individuals who have been charged with the commission of any felony or who are sex offenders.

Residential Facility for Persons with a Disability: A residence in which eight (8) or fewer persons with disability reside and which is:

A. Licensed or certified by the Department of Human Services under Title 62A, Chapter 2, of the Utah Code, Licensure of Programs and Facilities.
B. Licensed or certified by the Department of Health under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

Residential Facility for Elderly Persons: A facility that houses and provides at least some

services that contribute towards the care of elderly residents.

Retail Use: A business involved in the sale of commodities to ultimate consumers for personal or household consumption.

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.

Shelter Care Facility (Protective Housing Facility): A facility either (1) operated, licensed or contracted by a governmental entity, or (2) operated by a charitable, non-profit organization, which, for no compensation provides temporary lodging, meals, and counseling to individuals and groups such as the homeless, pregnant teenagers, victims of domestic violence, neglected children, and runaways. Short-term care is typically less than thirty (30) days.

Sign: Any device used for visual communication which is intended to attract the attention of the public and is visible from the public rights-of-way or other properties. The term Asign@ shall not include any flag, badge or insignia of any governmental unit nor shall it include any item of merchandise normally displayed within a show window of a business.

Sign, Awning: Signs which are placed on or integrated into a fabric or other material canopies which are mounted on the exterior of a building.

Sign, Billboard: A sign which is intended to advertise a business, commodity, service, entertainment, product, or attraction sold, offered, or existing elsewhere than on the property where the sign is located.

Sign, Construction and Development: A temporary sign providing information about future development or current construction on a site, and the parties involved in the project.

Sign, Directional: An on premise sign that includes information assisting in the flow of pedestrian or vehicular traffic such as enter, exit, and one-way.

Sign, Directory: A sign, other than an identification sign, listing the names, uses, or locations of the various businesses or activities conducted within a building or group of buildings, which is centrally located and intended to provide on-site directions.

Sign, Fascia: A sign which is mounted against the horizontal piece covering the joint between the top of a wall and the projecting eaves of the roof.

Sign, Freestanding: A sign which is erected on its own self-supporting permanent structure, detached from any supporting elements of a building.

Sign, Identification: A sign that is designed and intended to identify only the business, place, organization, building, street address, or person on the property on which it is located.

Sign, Mansard: A sign permanently affixed to a wall or surface designed to protect the edge of a roof, such surface being no more than thirty (30) degrees from vertical.

Sign, Menu Board: A permanently mounted sign displaying the menu and prices for a drive thru restaurant.

Sign, Monument: A freestanding sign whose sign face extends to the ground or to a base.

Sign, Noncommercial: A sign which does not contain information or advertising for any business, commodity, service, entertainment, product, or attraction.

Sign, Nonconforming: A sign lawfully erected and maintained prior to the adoption of this ordinance which does not conform with the requirements of this ordinance.

Sign, Pole or Pylon: A freestanding sign, other than a monument sign, erected and maintained on a mast(s) or pole(s) and not attached to any building.

Sign, Political: A sign which supports any candidate for public office or urges action for or against any other matter on the ballot of primary, general, or special elections.

Sign, Portable: Any sign not affixed to a structure or ground mounted on a site.

Sign, Projecting: A sign attached to a building or other structure and extending in whole or

in part more than fourteen (14) inches beyond the building.

Sign, Reader Panel: A sign designed to permit immediate change of copy either manually or electronically.

Sign, Roof: A sign erected on a roof, or signs that project above the highest point of the roof line, parapet, or fascia of the building.

Sign, Shingle: A sign suspended from, and located entirely under a covered porch, covered walkway, or awning.

Sign, Temporary: A sign not intended or designed for permanent display.

Sign, Wall: A sign mounted flat against and projecting less than fourteen (14) inches from, or painted on the wall of a building with the exposed face of the sign parallel to the face of the wall.

Sign, Window: A sign affixed to the interior or exterior of a window, or placed immediately behind a window pane so as to attract the attention of persons outside the building.

Solid Waste Transfer Facility: A publicly owned facility for the drop off and temporary holding of refuse, green waste, compost, recyclables, and similar materials.

Stacked Flat: One single residence dwelling unit attached to one or more single residence dwelling units by common horizontal and vertical walls.

Start of Construction: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Streets: A thoroughfare which has been dedicated and accepted by the City Council, which the City has acquired by prescriptive right or which the City owns, or is offered for dedication on an approved recorded Final Plat. For further explanation see the streets section of the Construction and Development Standards.

Structure: A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Subdivision: Any parcel of land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes:

A. The division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument; and
B. Divisions of land for all land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of

the market value of the structure before the damage occurred.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "Start of Construction" of the improvement. This includes structures, which have incurred "Substantial Damage", regardless of the actual repair work performed. The term does not, however, include either:

A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the City Building Official and which are the minimum necessary conditions; or
B. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Supervisory Care Facility: A facility with characteristics of a residential facility for persons with a disability or residential facility for elderly persons which has nine (9) or more individuals.

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.

Tower Height: The height of a wind turbine measured from the grade level to the hub.

Townhome: One single residence dwelling unit constructed in a group of three or more attached units in which each unit extends from the foundation to roof and with open space on at least two (2) sides.

Transfer Facility: A publicly owned facility for the drop-off and temporary holding of refuge. The facility is to be self-enclosed and completely fenced.

Twin Home: One (1) single residence dwelling unit attached to one (1) other single residence dwelling unit by a common vertical wall, with each dwelling unit located on a separate lot.

Utilities: Includes culinary water lines; irrigation lines; sanitary and storm sewer lines; gas lines; electric power lines; telecommunication lines; underground conduits; and junction boxes and all appurtenances to the above.

Water Surface Elevation: The height, in relation to the North American Vertical Datum of 1988 (NAVD 88) (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of riverine areas.

Zoning Text Amendment: Change(s) to the wording of the comprehensive Zoning Ordinance, new zones, and changes to the zone map.

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.

(Ord. No. 07-09, Amended 02/10/2009)
(Ord. No. 12-09, Amended 08/04/2009)
(Ord. No. 02-10, Amended 02/16/2010)
(Ord. No. 15-13, Amended 09/03/2013)
(Ord. No. 04-14, Amended 04/01/2014)
(Ord. No. 13-14, Amended 08/19/2014)
(Ord. No. 15-14, Amended 10/07/2014)
(Ord. No. 02-15, Amended 02/03/2015)
(Ord. No. 11-15, Amended 06/16/2015)
(Ord. No. 15-15, Amended 09/15/2015)
(Ord. No. 05-16, Amended 04/05/2016)
(Ord. No. 14-16, Amended 09/20/2016)

15.1.04.030 Compliance and Enforcement

A. Designation.

The Community Development Director is hereby designated and authorized as the land use authority and the officer charged with the administration and enforcement of Parts 2 and 3 of this Title, unless specifically indicated otherwise.

The City Engineer is hereby designated and authorized as the land use authority and the officer charged with the administration and enforcement of Part 4 of this Title, unless specifically indicated otherwise.

B. Permits. The Building Official shall not grant a building permit or certificate of occupancy permit nor shall any City Officer grant or authorize the issuance of any license or permit for the use of any land or the construction or alteration of any building or structure on a lot which would be in violation of any land use law, rule, or regulation of the State of Utah or of this Title. Any license or permit issued in conflict with such provisions shall be null and void.

C. Violation. A person, Firm, Partnership, Limited Liability Company, Corporation, or other legal entity violating any of the stipulations, conditions of approval, or any other provision of this Title shall be guilty of a Class C misdemeanor, punishable by a fine or imprisonment, or by both. Any such person, Firm, Partnership, Limited Liability Company, Corporation, or legal entity shall be deemed guilty of a separate offense for each and every day during which any violation occurs.

In addition to, or independent of the criminal penalties provided above, the City may bring a civil proceeding in a court of competent jurisdiction to enforce compliance with the terms of this ordinance, or to prevent, restrain, or abate any violation of the terms of this ordinance.

Any violation of this ordinance is declared to be a public nuisance, and instead of, or in addition to, any criminal or civil enforcement measure authorized by this ordinance, may be enjoined or restrained by the City as other nuisances are abated under authority of the Spanish Fork Municipal Code.

D. Inspections. The City Engineer or his or her designee shall inspect all required improvements at appropriate stages of construction as designated in the Construction Standards and the Design and Development section of this Title.

(Ord. No. 14-16, Amended 09/20/2016)

15.1.04.040 Notices

Notices informing of public hearings shall provide a minimum of ten days' notice and shall be given as follows: Zoning Map Changes, Zoning Text amendments, and Comprehensive General Plan amendments shall be published in a newspaper of general circulation within the City.

Conditional Use Permits and specific property Zone Changes shall be posted on the subject property and mailed to all property owners located within 300 feet of the subject property.

Land Use Ordinance amendments shall be mailed, sent by facsimile, or e-mailed to affected entities.

In addition to the above notices, all notices shall be posted on the City's web page and the State Notice Website.

(Ord. No. 11-09, Amended 09/15/2009)
(Ord. No. 04-14, Amended 04/01/2014)

15.1.04.050 Appeal Process

Any land use decision made under this Title may be appealed by an interested party by following the procedures set forth in this section. All appeals shall be to the Appeal Authority identified in this Title. Appeals from the Appeal Authority shall be to the District Court.

All appeals must be in writing and, unless otherwise indicated, must be filed within fifteen (15) days from the date of a final decision by the appropriate land use authority.

Appeals must be received in the office of the City Recorder, and any fees paid, within the appeal time limit.

Matters considered by the Appeal Authority shall be de novo. Matters appealed to the District Court shall be a review of the record made before the Appeal Authority or Council. No matter may be considered on appeal which was not first presented to the land use authority for its consideration.

15.1.04.060 Appeal Authority

The Council shall act as the Appeal Authority for land use decisions made under this Title, except those decisions made by the Council as the land use authority. In those instances when the Council is the land use authority, appeals shall be filed directly with the District Court. All appeals shall follow the process set forth in ' 15.1.04.050, unless more specific procedures are set forth for a specific appeal.

15.1.04.070 Fees

Fees for all services as required by this Title, including, but not limited to, Rezoning, Text amendments, Conditional Use Permits, Variances, Design Review, Appeals, and Administrative Reviews shall be established by the Council, either by resolution, or as part of the Annual Budget.

15.1.04.080 Severability

A. Whenever any provision of this Title refers to or cites a section of the Utah Code and that section is later amended or superseded, this Title shall be deemed amended to refer to the amended section or section that most nearly corresponds to that superseded section.

B. The sections, paragraphs, sentences, clauses, and phrases of this Title are severable, and if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remainder of this Title other than the part determined to be unconstitutional or invalid.

15.1.04.090 Licensed Contractor

All work performed in accordance with this Title shall be performed by a contractor licensed to perform such work by the State of Utah.

PART 2 COMPREHENSIVE GENERAL PLAN

Chapter 04 Purpose and Applicability

15.2.04.010 Authority and Creation
15.2.04.020 Purpose
15.2.04.030 Amendments to the General Plan - Text and Maps
15.2.04.040 Hearings

15.2.04.010 Authority and Creation

There is hereby created a document known as the Spanish Fork City Comprehensive General Plan or the AGeneral Plan@.

15.2.04.020 Purpose

The purpose of the General Plan is to plan for present and future needs of the municipality and growth and development of all or any part of the land with the municipality. The Plan provides for:

A. Health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics, and recreational, educational, and cultural opportunities.
B. The reduction of the waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population.
C. The efficient and economical use, conservation, and production of the supply of:
    1. Food, water, drainage, sanitary, and other facilities and resources.
    2. The use of energy conservation and solar and renewable energy resources.
    3. The protection of urban development.
    4. The protection or promotion of moderate income housing.
    5. The protection and promotion of air quality.
    6. Historic preservation.
    7. Identifying future uses of land that are likely to require an expansion or significant modification of services or facilities provided by each affected entity.
    8. An official map.

15.2.04.030 Amendments to the General Plan - Text and Maps

A. General: Amendments to the General Plan which change property from one land use designation to another or which amend text within the document or maps within the document shall be adopted in accordance with this section.

B. Application: Applications shall be filed with the City Planner on a form provided by the City. The application form will require the applicant to provide certain documentation and information about the text change or the site, surrounding area, and proposed use that will help the DRC, Commission, and Council to properly evaluate the request. The specific information to be included with the application is described on the application form.

Any interested party may request a change in the text of the General Plan. Only the following may request an amendment to change property from one land use designation to

another:

1. The owner or any of the joint owners of the property.
2. The owners of seventy-five percent (75%) or more of the area covered by the application when the application covers more than one property.
3. The Commission or Council on its own motion at a public meeting.

C. Amendment Procedures:

1. Development Review Committee: Completed applications will be reviewed and evaluated by the DRC. The DRC shall forward a recommendation to the Commission for approval, approval with conditions, or denial based upon its evaluation.

2. Planning Commission: The Commission shall hold a public hearing to consider an application. It shall also consider the recommendation of the DRC, together with information provided by the applicant, and any statements made at the public hearing both for and against the application. The Commission may recommend approval, approval with conditions, or denial of the application to the Council.

3. City Council: The Council shall hold a public hearing to consider an application. It shall consider the recommendations of both the DRC and Commission, together with information provided by the applicant, and any statements made at the public hearing both for and against the application. After the public hearing, the Council may approve, approve with conditions, or deny the application.

15.2.04.040 Hearings

The Commission and Council shall each hold at least one (1) public hearing on General Plan amendments. Notice shall be provided as set forth in ' 15.1.04.040.

PART 3 COMPREHENSIVE ZONING ORDINANCE

Chapter 04 Purpose and Applicability
Chapter 08 Administration
Chapter 12 Zoning Districts
Chapter 16 Zoning District Regulations
Chapter 20 Overlay District Regulations
Chapter 24 General Development Standards

Chapter 04 Purpose and Applicability

15.3.04.010 Title
15.3.04.020 Authority and Purpose
15.3.04.030 Nonconforming Buildings, Uses, and Lots

15.3.04.010 Title

Part 3 of this Title shall be known as the AZoning Ordinance of Spanish Fork City, Utah@. Within the ordinance text, it shall be cited as Athis ordinance@.

15.3.04.020 Authority and Purpose

This ordinance is adopted pursuant to the authority contained in Utah Code Annotated '10-9a-101 et seq. (1953 as amended) to promote the public health, safety, and general welfare of the community. It is the intention of the Council that this ordinance and any amendments thereto implement the planning policies as expressed and adopted in the General Plan. The purpose of this ordinance is to:

A. Establish land use classifications dividing the City into various zoning districts.

B. Govern the use of land for residential, commercial, office, industrial, and all other uses.

C. Regulate and limit the height and bulk of buildings and other structures.

D. Limit the occupancy and size of yards and open spaces.

E. Establish performance and design standards.

F. Establish boards and commissions and define powers and duties for each.

G. Provide procedures for changing zoning districts and the standards which govern these districts, conditional use permits, variances and all other permits required by this ordinance.

H. Prescribe penalties for violations of this ordinance.

15.3.04.030 Nonconforming Buildings, Uses, and Lots

These regulations are designed to regulate and protect the rights of legally existing nonconforming uses and noncomplying structures. Any lawful use or activity conducted under

County zoning regulations at the effective date of Annexation or under previous City zoning regulations in effect at the adoption of this ordinance which no longer complies with the regulations of this ordinance shall be considered a legal nonconforming use or noncomplying structure. The site, structure, or use will be encouraged to convert to a conforming use in the future, although some limited expansion or enlargement may be allowed subject to the provisions of this section. A nonconforming use is lost if it is abandoned. Abandonment may be presumed to have occurred if:

A. A majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written agreement with the City regarding an extension of the nonconforming use.

B. The use has been discontinued for a minimum of one year.

C. The primary structure associated with the nonconforming use remains vacant for a period of one year.

D. A legal nonconforming use may continue subject to the following limitations:
   1. A nonconforming building may not be reconstructed or structurally altered during its life to an extent in the aggregate of 50% of the fair market value of the building.
   2. A building which is nonconforming only as to setback regulations may be added to as long as the portion to be added conforms to the setback regulations.
   3. Any legal lot which does not conform to lot area or lot dimensions for the zoning district in which it is located may be used for any use permitted in that district provided all other applicable City and zoning regulations are complied with. However, substandard residential lots will be restricted to the number of dwelling units allowed in accordance with this ordinance, except as otherwise permitted in this section.
   4. No nonconforming building or use shall be changed to another nonconforming use.
   5. A noncomplying structure or a nonconforming use of a structure that has been damaged by fire, flood, explosion, or an act of God can be rebuilt or repaired. The new structure must be constructed using the same footprint as prior to being destroyed. The new structure will need to meet all other applicable Building Codes and zoning regulations.
   6. A noncomplying structure that has been allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six months after written notice to the property owner from the City may not be reconstructed or restored and any nonconforming use shall be lost.

E. Expansion or Enlargement: Limited expansion or enlargement of a nonconforming use or noncomplying structure, not to exceed twenty-five percent (25%) of the existing size of the current site or building area, may be considered and approved by the Commission. The Commission will hold a public hearing and review the expansion or enlargement generally in accordance with the findings for Conditional Use Permits in '15.3.08.070 recognizing that not all of the findings may be met because the use or building is nonconforming to certain zoning regulations and/or General Plan policies. The Commission may place certain conditions, similar to those described in '15.3.08.050, on the operation or expansion to help mitigate potential impacts and to

increase compatibility of the use with surrounding development and the City as a whole.

Nonconforming signs shall be removed or brought into conformance with this ordinance when:

1. More than fifty percent (50%) of the reproduction cost of the sign or sign structure has been damaged or destroyed, or has deteriorated to such an extent that the cost of repairs exceeds fifty percent (50%) of the reproduction cost of the sign or sign structure.
2. The property undergoes development or redevelopment in accordance with the Design Review section of this ordinance.
3. There is a change in the business name.

PART 3 COMPREHENSIVE ZONING ORDINANCE

Chapter 08 Administration

15.3.08.010 Administrative Bodies and Officers
15.3.08.020 Interpretations and Administrative Review
15.3.08.030 Annexations
15.3.08.040 Variance and Appeals
15.3.08.050 Amendments to the Zoning Ordinance - Text and Maps
15.3.08.060 Conditional Use Permits

15.3.08.010 Administrative Bodies and Officers

A. Community Development Director: The Community Development Director shall be responsible for preparing, receiving, and reviewing applications under this Title. The Community Development Director is the land use authority in those instances when he/she makes a final decision with regard to a land use decision.

B. Development Review Committee:
   1. Purpose: The DRC is created to provide technical review, analysis, and recommendations to the Commission and Council related to the City=s General Plan, Zoning Ordinance, Subdivisions, Capital Facilities Plans, and Site Plans.
   2. Organization: The DRC shall consist of the City Public Works Director, Engineering Division Manager, Electric Division Superintendent, City Manager, City Community Development Director, City Attorney, Public Safety Director, Parks and Recreation Director and Building Official. An alternate member may be designated by each member, who has the authority to attend and vote in the absence of the member. 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 Public Works Director shall be the chair of the DRC and 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.
   3. Policies and Procedures: The DRC shall adopt rules for its own organization for the transaction of business, conduct of meetings, voting, etc. Such rules shall not be in conflict with any ordinances or laws.
   4. Powers and Duties: The DRC shall be the land use authority to review and approve Site Plans and Final Plats. It shall also have the following powers and perform the following duties:
      a. Review and make recommendations to the Commission on General Plan amendments, Preliminary Plats, Conditional Use Permits, non-conforming use expansions, and amendments to the Zoning Ordinance and map.
      b. Other such functions as may be assigned by the Council by resolution, ordinance or directive.

(Ord. No. 23-10, Amended 11/16/2010)
(Ord. No. 10-12, Amended 08/21/2012)

(Ord. No. 15-13, Amended 09/03/2013)
(Ord. No. 14-16, Amended 09/20/2016)

C. Planning Commission:
   1. Purpose: The Planning Commission is created to provide analysis and recommendations to the Council related to the City=s General Plan, Zoning Ordinance, subdivisions, and capital facilities plans.
   2. Organization: The Commission shall consist of six (6) members, to be appointed by the Mayor with the consent of the City Council from among qualified residents of Spanish Fork. Members shall be selected without respect to political affiliations, and shall serve without compensation except for reasonable expenses. Each member shall be appointed for a term of three years or until his/her successor is appointed, and may serve only two full successive terms. A Commission member may be removed by the Mayor if the member fails to attend at least fifty percent (50%) of the Planning Commission meetings.
   3. Policies and Procedures: The Commission shall adopt rules for its own organization for the transaction of business, conduct of meetings, voting, etc. Such rules shall not be in conflict with any ordinances or laws.
   4. Powers and Duties: The Commission shall have the following powers and perform the following duties in accordance with the requirements of the Utah Code:
      a. Prepare and recommend a General Plan and amendments to the General Plan to the Council.
      b. Recommend Zoning Ordinances and maps, and amendments to Zoning Ordinances and maps to the Council.
      c. Recommend subdivision regulations and amendments to those regulations, and review and make recommendations on proposed subdivisions to the Council.
      d. Act as the land use authority for subdivision waivers.
      e. Act as the land use authority for the approval or denial of Conditional Use Permits.
      f. Exercise any other powers that are delegated to it by the Council.

(Ord. No. 10-12, Amended 08/21/2012)

15.3.08.020 Interpretations and Administrative Review

A. Interpretations: The Community Development Director shall be responsible for interpretation of the Zoning Ordinance and shall act as the land use authority unless specifically designated otherwise. Interpretations may be considered if there is a question of clarity of any development standard or permitted use as described in this ordinance.

(Ord. No. 14-16, Amended 09/20/2016)

15.3.08.030 Annexations

A. Application: A party seeking Annexation to the City shall submit an Annexation petition. Petition is made by following the instructions on the electronic form provided by the Community Development Department, which meets the criteria established by state law. The petition will be placed on the Council agenda for rejection or acceptance for further review, the City Recorder shall publish the notices, and provide the written

notices as required by state law and follow the requirements of state law. During the publication period, the petition will be forwarded to the Community Development Director for presentation to the DRC and Commission, for their recommendations.

The City may also initiate an Annexation as outlined in Utah Code Ann. ' 10-2-418 where islands or peninsulas exist within its boundaries.

B. Development Review Committee: The DRC shall address the following items in its review of the Annexation petition:
   1. Whether the proposed property is within the Growth Management Boundary of the General Plan.
   2. Present and proposed land use and zoning.
   3. Present and potential demand for various municipal services.
   4. Distances from existing utility lines, public schools, parks, and shopping areas.
   5. Specific time tables for extension of services to the area and how these services would be financed.
   6. Potential impact on existing and proposed streets.
   7. The effect that the Annexation will have upon City boundaries and whether the Annexation will create potential for islands, or difficult service areas.
   8. An estimate of potential revenue verses potential service costs.
   9. Requirements imposed by State law.

C. Planning Commission Review: The Commission shall consider the DRC recommendation, together with testimony from the petitioner and other interested parties, and make a recommendation on the Annexation and zoning districts to the Council.

D. City Council Review: If no protest is filed, a public hearing shall be scheduled before the Council to act upon the petition. If a protest is filed, the Council shall schedule a public hearing to act upon the petition after the Boundary Commission has rendered its decision. The petitioners shall be responsible for the costs of any feasibility studies, which payment shall be made in advance of the study. The Council may schedule the matter at any time to deny the petition.

E. Granting of Petition: If an Annexation petition is granted, an ordinance accepting the Annexation and designating the zoning shall be prepared for the territory shown on the plat map. A certified copy of the Annexation Ordinance and the Plat shall be filed in the office of the County Recorder.

(Ord. No. 14-16, Amended 09/20/2016)

15.3.08.040 Variance and Appeals

A. General: Variances from the terms of this ordinance and appeals from decisions made by the Community Development Director in administering or interpreting this ordinance shall be processed and reviewed in accordance with this section.

B. Application: Only the owner of record, the equitable interest owner, or a person owning a specific power of attorney with respect to the property may request a variance.

Application is made by following the instructions on the electronic form provided by the Community Development Department and submitting all required materials. The application form will require the applicant to provide certain documentation and information about the site, surrounding area, and proposed use that will help the Appeal Authority properly evaluate the request. The specific information to be included with the application is described on the application form.

C. Findings: Variances to the terms of the Zoning Ordinance can only be granted by the Appeal Authority, upon making the following findings:
   1. Literal enforcement of the Zoning Ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the Zoning Ordinance.
   2. There are special circumstances attached to the property that do not generally apply to other properties in the same district.
   3. Granting the variance is essential to the enjoyment of a substantial right possessed by other property in the same district.
   4. The variance will not substantially affect the General Plan and will not be contrary to the public interest.
   5. The spirit of the Zoning Ordinance is observed and substantial justice done.

D. Review Procedures: The Appeal Authority shall hold a public meeting on the application. Prior to the meeting, notice shall be provided as follows:
   1. A notice of time and place of such meeting shall be posted on the City web page at least ten (10) days prior to the time of such meeting.
   2. All property owners, as shown on the last tax assessment role, adjacent to or across the street from the exterior boundaries of the property subject to the application shall be deemed interested parties and shall be sent notice by first class mail, postmarked at least ten (10) days prior to the date of the scheduled public meeting.

Notwithstanding the notice requirements set forth above, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the action for which the notice was given.

The applicant and interested parties shall be permitted to address the Appeal Authority and express any concerns. The Appeal Authority shall consider the recommendation of the Community Development Director, together with information provided by the applicant and interested parties at the public meeting both for and against the application. The Appeal Authority may approve, approve with conditions, or deny the application.

(Ord. No. 14-16, Amended 09/20/2016)

15.3.08.050 Amendments to the Zoning Ordinance - Text and Maps

A. General: Amendments to this Zoning Ordinance which change property from one zoning district to another, which modify ordinance text, or which amend or modify stipulations or conditions of approval shall be adopted in accordance with this section.

B. Application: Application is made by following the instructions on the electronic form provided by the Community Development Department and submitting all required

materials. The application form will require the applicant to provide certain documentation and information about the site, surrounding area, and proposed use that will help the City properly evaluate the request. The specific information to be included with the application is described on the application form.

Any interested party may request a change in the text of the Zoning Ordinance. Only the following may request an amendment to change property from one zoning district to another:

1. The owner or any of the joint owners of the property.
2. The owners of seventy-five percent (75%) or more of the area covered by the application when the application covers more than one property.
3. The Planning Commission or City Council on its own motion at a public meeting.

C. Findings: Amendments to the Zoning Ordinance and the Zoning Map may be approved only upon making the following findings:
   1. The amendment is consistent with the policies of the General Plan, including any policies of the Capital Improvements Plan.
   2. For amendments to the Zoning Map, consideration has been given to include any conditions necessary to mitigate adverse impacts on adjoining or nearby properties.

D. Review and Public Hearing Procedures:
   1. Development Review Committee: Completed applications will be reviewed by the DRC and evaluated in accordance with the criteria described in the above AFindings@. The DRC shall forward a recommendation to the Commission for approval, approval with conditions, or denial based upon consideration and evaluation of the AFindings@.
   2. Planning Commission: The Commission shall hold a public hearing on the application. Prior to the hearing, notice shall be provided as set forth in '15.1.04.040. The Commission shall consider the recommendation of the DRC, together with information provided by the applicant, and any statements made at the public hearing both for and against the application. The Commission may recommend approval, approval with conditions, or denial of the application to the Council.
   3. City Council: The Council shall hold a public hearing on the application. Prior to the hearing, notice shall be provided as set forth in '15.1.04.040. After the public hearing, the Council may approve, approve with conditions, or deny the application.

(Ord. No. 14-16, Amended 09/20/2016)

15.3.08.060 Conditional Use Permits

A. Purpose: Certain uses have characteristics that may have a greater impact on the adjoining properties, surrounding neighborhood, or community as a whole than do other permitted uses in the specific zoning district. These uses require a more comprehensive review to determine whether the proposed use at a specific location is appropriate, or whether the use can be made compatible by placing certain conditions on its operation that mitigate or eliminate potential detrimental impacts. The Commission is the Land Use Authority for Conditional Use Permits and is empowered to approve, to approve with conditions, or to deny the Conditional Use Permit application, subject to the findings and hearing requirements of this section.

B. Application: Application is made by following the instructions on the electronic form provided by the Community Development Department and submitting all required materials.

C. Findings: The DRC shall consider, and the Commission must make the following findings prior to granting a Conditional Use Permit:
   1. The proposed use is consistent with the policies of the City=s General Plan and the purpose of the zoning district in which the site is located.
   2. The proposed use will not be materially detrimental to the health, safety, or general welfare of persons residing or working within the neighborhood of the proposed use, when consideration is given to the character and size of the use and hours of operation.
   3. The proposed site is adequate in size and shape to accommodate the intended use, and that all requirements for the zoning district, including but not limited to: setbacks, walls, landscaping and buffer yards are met.
   4. The proposed site has adequate access to public streets to carry the type and quantity of traffic which may be generated by the use, and that on-site circulation is adequate to permit driveways, parking, pedestrian ways, and loading requirements in a manner which is safe and efficient.
   5. Adequate conditions or stipulations have been incorporated into the approval of the Conditional Use Permit to insure that any anticipated detrimental effects are minimized.

D. Review and Public Hearing Procedures:
   1. Development Review Committee: Completed applications will be reviewed by the DRC and evaluated in accordance with the criteria described in the above AFindings@. The DRC shall forward a recommendation to the Planning Commission for approval, approval with conditions, or denial based upon consideration and evaluation of the AFindings@.
   2. Planning Commission: The Commission shall hold at least one (1) public hearing on the application. Prior to the hearing, notice shall be provided as described in '15.1.04.040. The Commission shall consider the recommendation of the DRC, together with information provided by the applicant, and any statements made at the public hearing both for and against the application. The Commission shall approve, approve with conditions, or deny the application.

      Conditions may be imposed on the use which is deemed necessary to mitigate potential impacts and insure compatibility of the use with surrounding development and the City as a whole. These conditions may include, but are not limited to:
      a. Requirements for setbacks, open spaces, buffers, fences or walls, and landscaping; the purpose of which is to mitigate conflicts from visual, noise, lighting, and similar impacts associated with the use.
      b. Dedication and/or improvements of street or other public rights-of-way, control location of access points, and on-site circulation, to mitigate traffic impacts from increased volumes or nature of traffic activity associated with the use.
      c. Limitations on hours of operation, methods of operation, building height and size, on-site lighting and on signage.

E. Revocation: Failure to comply with the conditions or stipulations of a Conditional Use Permit is a violation of this ordinance and will be enforced as such. Revocation procedures may be initiated and processed by the Planning Commission as follows:
   1. The City shall notify, by certified mail, the holder of the Conditional Use Permit of the intention to conduct a hearing to consider the revocation of the Conditional Use Permit. Notice shall be postmarked at least fifteen (15) days prior to the date of the scheduled hearing. At the hearing the Planning Commission shall consider evidence from all interested parties, and after consideration of all available information, may revoke the Conditional Use Permit if it is determined that conditions or stipulations of the approved Permit have not been met.

F. Transfer of Conditional Use Permit: A Conditional Use Permit granted in accordance with this section shall run with the land and continue to be valid regardless of ownership of the site or structure, as long as it operates within the conditions or stipulations of the Conditional Use Permit approval.

(Ord. No. 04-14, Amended 04/01/2014)

PART 3 COMPREHENSIVE ZONING ORDINANCE

Chapter 12 Zoning Districts

15.3.12.010 Zoning Map
15.3.12.020 District Boundaries
15.3.12.030 Districts Established

15.3.12.010 Zoning Map

A. Boundaries of the zoning districts established in this Zoning Ordinance shall be shown on a map titled AOfficial Zoning Map of Spanish Fork City@, which is incorporated and adopted as a part of this ordinance.
B. Amendments to the Official Zoning Map shall be by ordinance as prescribed in this Title.

15.3.12.020 District Boundaries

When there is uncertainty with respect to the boundaries of any zoning district on the Official Zoning Map, the following rules shall apply:

A. Where district boundaries are indicated as approximately following streets or highway rights-of-way, the center line of such street or highway right-of-way shall be construed to be the boundary.
B. Where district boundaries approximately follow property lines, such lines shall be construed to be the boundary.
C. Where district boundaries are approximately parallel to rights-of-way of streets or highways, such boundaries shall be construed as being parallel thereto at such distance as specified by ordinance, or, if no such distance is specified, as determined by the use of the scale of measurement shown on the map; or
D. Where the application of the above rules does not clarify the zoning district boundary, the Community Development Director shall interpret the map and determine the boundary location.

(Ord. No. 14-16, Amended 09/20/2016)

15.3.12.030 Districts Established

Uses of land which are not expressly permitted within the zoning districts as set forth in Part 3 of this Title are prohibited.

The City shall be divided into zoning districts as follows:

- A-E Exclusive Agriculture
- R-R Rural Residential
- R-1-80 Residential District
- R-1-60 Residential District
- R-1-40 Residential District
- R-1-20 Residential District
- R-1-15 Residential District
- R-1-12 Residential District
- R-1-9 Residential District

- R-1-8 Residential District
- R-1-6 Residential District
- R-3 Residential District
- R-4 Residential District
- R-O Residential Office
- C-O Commercial Office
- C-D Downtown Commercial
- C-1 Neighborhood Commercial
- C-2 General Commercial
- S-C Shopping Center
- C-UV Urban Village Commercial
- B-P Business Park
- I-1 Light Industrial
- I-2 Medium Industrial
- I-3 Heavy Industrial
- AIO Airport Impact Overlay
- FP Floodplain Hazard Overlay
- GH Geologic Hazards Overlay
- SM Surface Mining Overlay
- SS Self Storage Overlay

(Ord. No. 14-16, Amended 09/20/2016)

PART 3 COMPREHENSIVE ZONING ORDINANCE

Chapter 16 Zoning District Regulations

15.3.16.010 Agricultural and Rural Residential Districts
15.3.16.020 Residential Districts
15.3.16.030 R-3 Residential District
15.3.16.032 R-4 Residential District
15.3.16.035 Infill Overlay Zone (I-F)
15.3.16.040 R-O Residential Office
15.3.16.050 C-O Commercial Office
15.3.16.060 C-D Downtown Commercial
15.3.16.070 C-1 Neighborhood Commercial
15.3.16.080 C-2 General Commercial
15.3.16.090 S-C Shopping Center
15.3.16.100 C-UV Urban Village Commercial
15.3.16.110 B-P Business Park
15.3.16.120 I-1 Light Industrial
15.3.16.130 I-2 Medium Industrial
15.3.16.140 I-3 Heavy Industrial
15.3.16.160 Public Facilities (P-F)

15.3.16.010 Agricultural and Rural Residential Districts

A-E. Exclusive Agriculture. The purpose of this district is to promote agricultural production on lands with high quality soil types. The lands will usually not be suited for other urban uses because of location within a floodplain, or distance to other urban services.

R-R. Rural Residential. This district is similar in character with the A-E District, but parcel sizes are generally somewhat smaller and the soil types may be lower quality. Many of these areas within the Growth Management boundary will likely be rezoned and developed with higher density uses as utilities are extended and adequate streets are developed and/or widened. Other lands outside the Growth Management Boundary may eventually be converted to urban uses when a need is shown to expand that boundary.

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. Veterinary offices including outdoor boarding of animals if animals are kept at least 200 feet from any neighboring house.
   7. Churches (R-R District only and when located on a collector or arterial street).
   8. Veterinary offices for large animals and/or outside boarding of any animals.
   9. 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.).
   5. Seasonal fruit, vegetable, and hay retail sales in structures of less than 500 square feet when at least some of the products being sold are raised on the premises. Subject to having access, parking, and any utility needs approved by the DRC.

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 Astealth@ 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 1).

F. Site Plan/Design Review (see '15.4.08.010 et seq.): Design review is required for uses subject to Conditional Use Permit.

G. Landscaping, Buffering, Walls (see '15.4.16.130): Landscaping, buffering, and/or walls may be required for uses subject to a Conditional Use Permit.

H. Signs (see '5.36.010 et seq.).

I. Parking (see '15.4.16.120).

(Ord. No. 12-09, Amended 08/04/2009)
(Ord. No. 04-14, Amended 04/01/2014)

15.3.16.020 <u>Residential Districts</u>

<u>R-1-80, R-1-60, R-1-40, R-1-30</u>: 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 '15.3.24.090(H).

<u>R-1-20, R-1-15, R-1-12</u>: These districts provide low density single family lots within Spanish Fork City. In the event a Master Planned Development is constructed within any of these zones, townhomes, condominiums, and twin homes are allowed, consistent with the requirements of the Master Planned Development section of Title 15, found in '15.3.24.030.

<u>R-1-9, R-1-8</u>: These districts are to provide moderate density that is characterized by a variety of single family housing types and lot sizes. In the event a Master Planned Development is constructed within any of these zones, townhomes, condominiums, and twin homes are allowed, consistent with the requirements of the Master Planned Development

section of Title 15, found in '15.3.24.030.

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.

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. Accessory Apartments (R-1-6 and R-3 districts only) must meet the conditions of §15.3.24.090.
   2. Home Occupations (as described in '5.40.010 et seq.).
   3. Manufactured Homes (as described in '15.3.24.040 et seq.).
   4. Master Planned Developments (as described in '15.3.24.030 et seq.).
   5. Residential facility for elderly persons (as described in '15.3.24.010(B) et seq.).
   6. Residential facility for persons with a disability (as described in '15.3.24.070(A) et seq.).
   7. Subdivision Model Home Complexes (as described in '15.3.24.060 et seq.).
   8. Temporary office or construction trailers (as described in '15.3.24.040 et seq.).

C. Uses Subject to Conditional Use Permit (see '15.3.08.060):
   1. Assisted living facility must meet the minimum conditions of '15.3.24.010.
   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. Wireless communication facilities on existing structures, with the intent to make them Astealth@ 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 1).

F. Site Plan/Design Review (see '15.4.08.010 et seq.).

G. Landscaping, Buffering, Walls (see '15.4.16.130).

H. Signs (see '5.36.010 et seq.).

I. Parking (see '15.4.16.120).

(Ord. No. 12-09, Amended 08/04/2009)
(Ord. No. 10-12, Amended 08/22/2012)
(Ord. No. 17-15, Amended 12/15/2015)

15.3.16.030 R-3 Residential District

This district is intended to promote high density residential uses. There will be a mix of dwelling types, with a larger proportion of twin homes, duplexes, and multi-family dwellings than single residence dwellings.

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. Accessory or mother-in-law apartments (R-1-6 and R-3 district only) must meet the conditions of §15.3.24.090.
   2. Home Occupations (as described in '5.40.010 et seq.).
   3. Manufactured Homes (as described in '15.3.24.010 et seq.).
   4. Master Planned Developments (as described in '15.3.24.030 et seq.).
   5. Residential facility for elderly persons (as described in '15.3.24.010(B) et seq.).
   6. Residential facility for persons with a disability (as described in '15.3.24.070(A) et seq.).
   7. Subdivision Model Home Complexes (as described in '15.3.24.060 et seq.).
   8. Temporary office or construction trailers (as described in '15.3.24.040 et seq.).

C. Uses Subject to Conditional Use Permit (see '15.3.08.060):
   1. Assisted living facility must meet minimum conditions of '15.3.24.090.
   2. Residential Treatment Center must meet minimum conditions of '15.3.24.090.
   3. Wireless communication facilities on existing structures, with the intent to make them Astealth@ 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 1).

F. [Repealed]

G. (Ord. No. 13-08, Repealed 12/02/2008)

H. Landscaping, Buffering, Walls (see '15.4.16.130).

I. Signs (see '5.36.010 et seq.).

J. Parking (see '15.4.16.120).

(Ord. No. 12-09, Amended 08/04/2009)
(Ord. No. 17-15, Amended 12/15/2015)

15.3.16.032. R-4 Residential District

This district is intended to allow high density residential uses. There will be a mix of

dwelling types in this zone and it is anticipated that the majority of the dwellings in this zone will be in multi-unit structures arranged in both townhome and stacked flat configurations.

A. Permitted Uses:
   1. Single-family dwellings.
   2. Twin homes.
   3. Duplexes.
   4. Townhomes.
   5. Stacked flats.
   6. Recreation and other support facilities connected to housing developments.
   7. Municipal facilities required for local service.
   8. 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. Master Planned Developments (as described in '15.3.24.030 et seq.).
   3. Subdivision Model Home Complexes (as described in '15.3.24.060 et seq.).
   4. Temporary office or construction trailers (as described in '15.3.24.040 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.

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

E. Development Standards.
   1. Density shall not exceed 18 units per acre. For purposes of calculating allowed density, sensitive lands, church sites, school sites, and sites for other non-residential uses may not be counted in the density calculations.
   2. Minimum project size is twelve (12) acres.
   3. Minimum street frontage for a development is eighty (80) feet.
   4. Maximum impervious surface in the R-4 zone shall be seventy percent (70%) of the project area.
   5. Minimum parking shall include two point five (2.5) spaces for each unit in the development. Enclosed garages shall be provided for eighty percent (80%) of the units and zero point two five (0.25) spaces for each unit shall be made available for guest parking.
   6. Minimum finished living space shall be provided as follows:
      a. Single-family residence, 1,000 square feet.
      b. Twin home, 900 square feet, each unit.
      c. Duplex, 900 square feet, each unit.
      d. Townhome, 900 square feet, each unit.
      e. Other multi-family units, 600 square feet for each studio unit, 800 square feet for each one-bedroom unit, 1,080 square feet for each two-bedroom unit, 1,240 square feet for each unit with three or more bedrooms.
      f. All projects must have an average dwelling unit size of 960 square feet or larger.

7. Curb, gutter, and sidewalk shall be provided in accordance with the City's Development Standards.

F. Development Design.
1. Building Design: multi-family projects shall include design features that differentiate adjoining units and create identity for each unit by meeting the following requirements:
   a. Multi-family projects shall include a variety of unit sizes.
   b. Multi-family projects shall include a variety of heights with a maximum height of forty-five (45) feet.
      i. Long, continuous rooflines and ridgelines greater than fifty (50) feet shall not be permitted.
      ii. Where projects abut property that is zoned R-1 or R-3, the maximum height shall be thirty five (35) feet within 100 feet of the property boundary line.
   c. The front facade of multi-family structures shall exhibit visual relief through an array of architectural features such as roof dormers, hips, gables, balconies, porches, wall projections, and fenestration.
   d. Multi-family projects shall include a variety of building colors and materials. A minimum of three (3) colors per elevation is required. Multi-family project proposals may be required to submit a sample board containing examples of all exterior surfacing materials and colors.
   e. Side-by-side multi-family dwelling units, that are attached horizontally, shall not exceed six (6) attached units per building.
   f. Exposed foundation walls shall not exceed four (4) feet above finished grade at any point.
2. Project Design: multi-family projects shall meet the following requirements:
   a. All exposed sides of multi-family structures shall have framed windows.
   b. Side and rear elevations that are visible from public and private streets shall match the architectural detailing of the front facade.
   c. Building materials for multi-family structures shall consist of at least fifty percent (50%) brick, stone, or synthetic stone on all sides of the structure.
   d. Street oriented facades shall protrude beyond the garage door by at least five (5) feet.
   e. Shared entrances for multi-family structures shall be centrally located, accentuated with architectural detailing, and well lit.
   f. Utility and mechanical equipment extending from multi-family structures shall be clustered and screened. When the project architecture contains pitched roofs, the roof mounted utility equipment shall be situated on the back side of the roof pitch.
   g. Carports and garages shall complement the project architecture in terms of design, materials, and colors.
3. Building Placement and Orientation: multi-family projects shall meet the following requirements:
   a. All multi-family structures shall front onto a right-of-way.
   b. Where the R-4 zone abuts any R-1 or R-3 zone, the setback for primary buildings adjacent to the R-1 or R-3 zoned properties shall match or exceed the

building's height. Otherwise, setbacks shall be as follows for all primary buildings:

i. Front yard, 20 feet from public right-of-way or shared driveway to living space.
ii. Corner side yard, 15 feet to living space.
iii. Interior side yard, 10 feet, provided 15 feet exists between buildings.
iv. Rear yard, 15 feet.
v. Accessory buildings, 5 feet to property lines and other structures.
vi. Garage doors, 20 feet from public right-of-way.

c. Interior fencing for multi-family projects shall be limited to encourage shared open space, pedestrian access, and project integration into the surrounding neighborhood. Private fencing (owned by an owner of an individual unit) shall only be permitted when the fence extends directly from the unit to delineate between common and private space. Fencing shall be uniform in design and construction.
d. Parking should generally be located behind multi-family structures. This includes rear loaded garages, auto courtyards, and parking lots.
e. Required guest parking shall be evenly distributed throughout multi-family projects and be easily accessible.
f. Landscaping strips in the middle of driveways (between parking spaces) should be used to break up expanses of impervious surface.
g. Parking areas shall be broken into smaller parking clusters of twelve (12) spaces or less.

4. Open Space: no less than thirty percent (30%) of the gross project area shall be open space. Applicants shall submit landscape plans for all open space. Landscape plans shall include a plant schedule, planting plan, irrigation plan, fencing plans, planting details, and plans for any proposed structures or features. Required open space may include the following:
   a. Open space areas shall be available to everyone residing in the boundaries of the development.
   b. Open space may include pathways and outdoor amenities.
   c. Open space excludes private balconies, decks, patio areas, recreation buildings, indoor amenities, vehicle parking, streets, and streetscape sidewalks.
   d. Open space should be centrally located.
   e. Open space should be clustered to create the most beneficial and efficient use of space.
5. Amenities: centrally located amenities shall be provided for multi-family projects.
   a. Projects of fewer than fifty (50) dwelling units shall provide an amenities package appropriate for the project size and location. Projects of fifty (50) units or greater shall provide amenities as follows:
      i. Multi-family projects shall include at least one amenity per fifty (50) units from the following list:
         a) Community garden.
         b) Courtyard with benches.
         c) Other active or passive recreational areas that meet the intent of this guideline.
         d) Picnic tables and BBQ area with shade structures.

e) Sports courts (i.e., tennis, basketball, volleyball).
f) Swimming pool (indoor or outdoor).
g) Tot lot with play structure.

ii. Projects of fifty-one (51) to 100 dwelling units shall include the following amenities in addition to those required in subsection 15.3.16.032(F)(5)(a)(i).
a) A minimum of one (1) inside, centrally located, fully functional social area, no less than 1,000 square feet in size, or a minimum of one (1) outside social function area, no less than 2,000 square feet in size.

iii. Projects of 101 or more dwelling units shall include the following amenities in addition to those required in subsection 15.3.16.032(F)(5)(a)(i) and (ii).
a) A minimum of one (1) inside, centrally located, fully functional social area, no less than 1,000 square feet in size.
b) A minimum of one (1) outside social function area, no less than 2,000 square feet in size.

6. Access: street connectivity should be enhanced with an R-4 development and connections to surrounding neighborhoods.
   a. A traffic impact study may be required for multi-family projects.
   b. The number of street connections and access points for a multi-family project shall be proportional to the number of units.
   c. Local streets shall not exceed 600 feet in length without an intersecting street.
   d. Pedestrian pathways shall be provided between access points, entryways, public gathering nodes, and parking areas. Pedestrian access points should be installed between the project and the surrounding neighborhood.
   e. All multi-family projects shall submit a photo-metric lighting plan.
7. Development Agreements: In order to ensure conformity to approved plans and conditions of approval, and to give assurance that any successor in interest is bound by the same plans and conditions, the City may require applicants to enter into project-specific development agreements with covenants which run with the land. A notice of the development agreement will be recorded against the land.

(Ord, No. 05-16, Enacted 04/05/2016)

15.3.16.035. <u>Infill Overlay Zone (I-F)</u>

This district is intended to provide flexibility in development standards for small residential parcels that are difficult to develop under standard residential requirements, allowing them to be developed with modified standards, while maintaining high quality construction and maintaining the general character of the underlying zone. This zone may only be applied as an overlay zone in the R-1-6 and R-3 zones. Prior to approving the I-F Zone, the City Council shall determine that the proposed development promotes the historic character of the neighborhood and conforms to the physical characteristics of the adjoining properties including architectural style, materials and size.

A. Permitted Uses:
   1. Single Family Dwellings.
   2. Twin Homes (R-3 zone only).
   3. Duplexes (R-3 zone only).
   4. Triplexes (R-3 zone only).
   5. Fourplexes (R-3 zone only).
   6. Townhomes, up to six (6) unites per building (R-3 zone only and where the

development is at least 2.5 acres in size) see '15.3.08.060.

B. Accessory Buildings and Uses (see '15.3.24.090).

C. Development Standards. Development standards for projects in the I-F Zone shall be generated on a project-by-project basis. It is expected that the development standards will provide for project designs that will promote conformity to existing neighborhood characteristics while allowing for innovation and creativity. Development standards shall also include design elements that will provide appropriate screening and buffers between the project and the surrounding properties. As appropriate, project designs should incorporate amenities for the use of the project's residents. In each case, standards created for elements including but not limited to setbacks, lot size, building design, fencing and landscaping shall be presented to the Planning Commission for recommendation and the City Council for approval.

Notwithstanding the potential flexibility in development standards for the I-F Zone, the following standards must be maintained:

1. Building design shall incorporate architectural elements that reinforce architectural styles found in other structures in the neighborhood and/or along the street. Architectural considerations shall offer reasonable protection relative to the privacy of adjoining properties. Architectural elements utilized to promote the purpose of the zone may include the following:
   a. Building articulation.
   b. Building colors.
   c. Building materials.
   d. Building ornamentation.
   e. Door and window placement and orientation.
   f. Garage placement.
   g. Roof pitch.
2. Setbacks shall be as follows for all primary buildings:
   a. Front yard, 20 feet from public right-of-way or shared driveway to living space.
   b. Corner side yard, 15 feet to living space.
   c. Interior side yard, 5 feet, provided 15 feet exists between residences.
   d. Rear yard, 15 feet.
   e. Accessory buildings, 5 feet to property lines and other structures.
   f. Garage doors, 20 feet from public right-of-way.
3. Density shall not exceed that which is identified on the Land Use Map of the Comprehensive General Plan.
4. No more than one unit for every 3,260 square feet off project area shall be permitted for developments in the R-3 Zone. No more than one unit for every 4,420 square feet of project area shall be permitted for developments in the R-1-6 Zone.
5. Minimum street frontage for a development is eight (80) feet except for duplexes where the minimum frontage requirement is sixty (60) feet.
6. Maximum impervious surface in the I-F zone shall be seventy percent (70%) of the project area.
7. Minimum parking shall include one (1) garage per dwelling unit and one point five (1.5) additional spaces per unit within the development.
8. Minimum finished living space shall be provided as follows:

a. Single family residence, 1,000 square feet.
b. Duplex, 900 square feet, each side.
c. Triplex, 900 square feet, each unit.
d. Other multi-family units, 900 square feet, each unit.

9. Curb, gutter, and sidewalk shall be provided in accordance with the City=s Development Standards.

D. Site Plan/Design Review (see '15.4.08.010 et seq.).

E. Landscaping, Buffering, Walls (see '15.4.16.130).

F. Detailed landscape plans shall be submitted with each application for I-F Zone approval. Landscape plans shall be generally consistent with surrounding properties. Projects shall be landscaped in a manner that is consistent with the approved plans. Landscape Plans shall identify the following:
1. Details for any proposed structures or features.
2. Irrigation plan.
3. Parking (see '15.4.16.120).
4. Plant schedule.
5. Planting plan, including all ground cover.
6. Signs (see '5.36.010 et seq.).
7. Walls.

(Ord. No. 04-09, Amended 07/08/2009)
(Ord. No. 02-15, Amended 02/03/2015)
(Ord, No. 04-16, Amended 02/16/2016)
(Ord, No. 05-16, Amended 04/05/2016)

15.3.16.040 R-O Residential Office

This district is intended to allow low intensity professional office uses on a scale consistent with residential areas. Strict architectural and Site Plan review will be required to ensure compatibility with adjoining residential areas. This district serves as a transition between more intense commercial areas and residential land uses, or is located along busier streets where limited office use is being introduced. Residential and office use of the same structure is allowed. Some limited commercial use may also be allowed in selective locations.

A. Permitted Uses:
1. Bed and Breakfast Inns.
2. Child Care Centers.
3. Churches (when located on a collector or arterial street).
4. Duplexes. The minimum lot size is 9,700 square feet; the minimum lot width is 60 feet and the side setback 10 feet.
5. Funeral Homes.
6. Home Occupations.
7. Instructional Studio.
8. Municipal Facilities required for local service.
9. Museums.
10. Offices.
11. Single Residence Dwellings.

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 (as described in '15.3.24.010 et seq.):
   1. Manufactured Homes (as described in '15.3.24.040 et seq.).
   2. Residential facility for elderly persons (as described in '15.3.24.010 (B) et seq.).
   3. Residential facility for persons with a disability (as described in '15.3.24.010(A) et seq.).

C. Accessory Buildings and Uses (see '15.3.24.090).

D. Development Standards (see Table 1).

E. Site Plan/Design Review (see '15.4.08.010 et seq.): Architectural and building materials review will be critical in this district to ensure that new or remodeled structures maintain an appearance which is highly compatible with adjoining residential areas.

F. Landscaping, Buffering, Walls (see '15.4.16.130).

G. Signs (see '5.36.010 et seq.).

H. Parking (see '15.4.16.120): No parking will be allowed in front of the principal structure for non-residential uses.

I. Uses subject to Conditional Use Permit (see '15.3.08.060):
   1. Assisted Living Facilities.
   2. Financial Institutions not located between 100 West and 100 East.
   3. Museums.
   4. Nursing or Retirement Homes.
   5. Residential Treatment Centers.
   6. Shelter Care Facilities.
   7. Supervisory Care Facilities.
   8. Wireless Communication Facilities on existing structures, with the intent to make them Astealth@ 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.

Table 1 - Residential Development Standards										
District	Base Density Per Acre	Minimum lot dimensions			Minimum Setback				Max Building Height[5]	
		Lot Area	Width	Depth	Front[6]	Rear[7]	Side	Corner	Principal Building	Accessory Building[1]
A-E	N/A	40 acres	400’	400’	50’	50’	50’	50’	35’	35’
R-R	N/A	5 acres	200’	200’	50’	50’	25’	50’	35’	35’
R-1-80	.4 units (base)	80,000 sf	180’	200’	40’	80’	20’	30’	35’	20’
R-1-60	.54 units (base)	60,000 sf	160’	200’	40’	60’	20’	30’	35’	20’
R-1-40	.81 units (base)	40,000 sf	140’	200’	30’	40’	20’	30’	35’	20’
R-1-30	1.07 units (base)	30,000 sf	130’	150’	40’	40’	15’	25’	35’	20’
R-1-20	1.61 units (base)	20,000 sf	125’	150’	30’	30’	15’	25’	35’	15’
R-1-15	2.15 units (base)	15,000 sf	100’	125’	20-25’[2]	25’	10’	15-25’[4]	35’	15’
R-1-12	2.69 units (base)	12,000 sf	100’	100’	20-25’[2]	25’	10’	15-25’[4]	35’	15’
R-1-9	3.58 units (base)	9,000 sf	85’	90’	20-25’[2]	25’	10’	15-25’[4]	35’	15’
R-1-8	4.03 units (base)	8,000 sf	75’	90’	20-25’[2]	25’	10’	15-25’[4]	35’	15’
R-1-6	5.37 units (base)	6,000 sf	50’	90’	20-25’[2]	25’	5-10’[3]	15-25’[4]	35’	15’
R-3	8 units (maximum)	6,000 sf	50’	90’	20-25’[2]	25’	5-10’[3]	15-25’[4]	35’	15’
R-4	18 units (maximum)	6,000 sf	50’	90’	20-25’[2]	25’	5-10’[3]	15-25’[4]	45’	15’
R-O	N/A	6,000 sf	50’	90’	20-25’[2]	25’	5-10’[3]	15-25’[4]	35’	15’

1 - Refer to 15.3.24.090(A) for accessory buildings.
2 - 20 feet to living areas, 25 feet to garages or carports, and 20 feet to the front of a side entry garage.
3 - 5 feet on one side, 10 feet on the other side for single family dwellings; 10 feet for non-residential uses.
4 - 15 feet to living area, 25 feet to garages or carports, and 20 feet to the front of a side entry garage.
5 - Flagpoles are limited to the height of principal buildings in a residential zone.
6 - 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.
7 - On corner lots, the setback is reduced by 5 feet.

(Ord. No. 12-09, Amended 08/04/2009)
(Ord. No. 15-13, Amended 09/03/2013)
(Ord. No. 13-14, Amended 08/19/2014)
(Ord. No. 05-16, Amended 04/05/2016)

Table 2 - Commercial and Industrial Development Standards							
District	Minimum District Size	Minimum Setback[1]				Max Building Height	
		Front	Rear	Side	Corner	Principal Building	Accessory Building[1]
C-O	N/A	20'[4] -25'	0-25'	0-10'	15'	30'	20'
C-UV	5 acres	25'	0-25'	0-20'	15'	35-48'[1]	20'
C-D	N/A	0' (10' max)	0-25'	0'	0' (10' max)	48'	20'
C-1	1 acres (5 acres max)	25'	0-25'	0-20'	15'	30'	20'
C-2	N/A	20'[4] -25'	0-25'	0-20'	15'	35-48'[2]	20-25'[2]
S-C	5 acres	25'	0-25'	0-20'	15'	35-48'[2]	20'
B-P	10 acres	25'	0-25'	0-25'	15'	120'	20'
I-1	10 acres	25'	0-25'	0-25'	15'	None	None
I-2	20 acres	50'	50'	50'	50'	None	None

1 - Where range is indicated, side or rear setbacks are when the adjacent parcel is a residential use or district.
2 - Lower heights shown are for buildings and structures within 50 feet of a residential district or use.
Note: There is no minimum lot size, width, or lot frontage requirements. However, any new building or development must have permanent access on a paved road or driveway with a minimum width of 24 feet, with proper base material. Other improvements, such as curb and gutter, sidewalk, and additional pavement width or thickness may be required depending upon the nature of the business. (Ord. No. 07-04. Amended Industrial Zones Height Restrictions, 05/04/2004)
3 - The setback for self-storage units in the I-2 Industrial Zone may be reduced by the Planning Commission as noted in 15.3.16.130(E)(1).
4 - Twenty feet, provided there is 30 feet from the building to the back of curb, otherwise 25 feet.

(Ord. No. 10-09, Amended 06/17/2009)
(Ord. No. 15-15, Amended 09/15/2015)
(Ord. No. 14-16, Amended 09/20/2016)

15.3.16.050 C-O Commercial Office

This district is intended to provide for general office development. It may serve as a transition between commercial uses and residential areas, or it may be designed as a concentration of similar uses intended as an employment center.

A. Permitted Uses:
   1. Child Care Centers.
   2. Churches.
   3. Financial Institutions.
   4. Funeral Homes.
   5. Instructional Studios.
   6. Medical and Dental Laboratories, Clinics, Emergency Medical Care Facilities.
   7. Municipal Facilities required for local service.
   8. Nursing or Retirement Homes.
   9. Offices.
   10. Supervisory Care Facilities.
   11. Veterinary Offices for small animals with no outside boarding of animals.

B. Uses Subject to Conditional Use Permit (see ' 15.3.08.060):
   1. Emergency Medical Care Facilities.
   2. Hospitals.
   3. Medical and Dental Clinics.
   4. Museums.

5. Restaurants.
6. Retail Stores, personal service businesses, Office Supply Stores, Pharmacies when integrated into the office complex.
7. Veterinary Offices for large animals and/or outside boarding of any animals.
8. Wireless Communication Facilities on existing structures, with the intent to make them Astealth@ 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.

C. Accessory Buildings and Uses (see '15.3.24.090).

D. Development Standards (see Table 2).

E. Site Plan/Design Review (see '15.4.08.010 et seq.).

F. Landscaping, Buffering, Walls (see '15.4.16.130).

G. Signs (see '5.36.010 et seq.).

H. Parking (see '15.4.16.120).

(Ord. No. 12-09, Amended 08/04/2009)

15.3.16.060 <u>C-D Downtown Commercial</u>

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. The outside display of merchandise for sale is allowed between the hours of 7:00 a.m. 9:00 p.m. if the merchandise remains off from the public right-of-way. Merchandise is allowed on the public right-of-way during sidewalk sales, which are allowed every weekend:
   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. Instructional Studios.
   6. Municipal Facilities required for local service.
   7. Office Supply, Copying, Printing businesses.
   8. Offices.
   9. Personal Service businesses.
   10. Residential uses when located above the first floor.
   11. Restaurants.
   12. Retail uses.

B. Uses Subject to Conditional Use Permit (see '15.3.08.060):
   1. Churches.

2. Drive-thru facilities as part of a financial institution.
3. Lube Centers.
4. Parking structures.
5. Tire Centers.
6. Wireless Communication Facilities on existing structures, with the intent to make them Astealth@ 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.

(Ord. No. 12-09, Amended 08/04/2009)
(Ord. No. 18-10, Amended 09/23/2010)
(Ord. No. 06-11, Amended 04/20/2011)
(Ord. No. 12-12, Amended 09/28/2012)

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. Convenience Store.
   3. Financial Institutions.
   4. Instructional Studio.
   5. Municipal Facilities required for local service.
   6. Office Supply, Copying, Printing businesses.
   7. Offices.
   8. Personal Service businesses.
   9. Restaurants.
   10. Retail Uses.

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. Car wash (self or full service).
   2. Wireless Communication Facilities on existing structures, with the intent to make them Astealth@ 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.

(Ord. No. 12-09, Amended 08/04/2009)

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 of merchandise:
   1. Art Galleries and Studios.
   2. Car Wash (full service).
   3. Child Care Centers.
   4. Churches.
   5. Convenience Stores.
   6. Entertainment Uses.
   7. Financial Institutions.
   8. Hotels and Motels.
   9. Instructional Studios.
   10. Lube Centers.
   11. Medical and Dental Laboratories.
   12. Municipal Facilities required for local service.
   13. Office Supply, Copying, Printing businesses.
   14. Offices.
   15. Outdoor display area.
   16. Personal Service businesses.
   17. Private Clubs.
   18. Public Utility Facilities required for local service.
   19. Repair Services for small appliances, bicycles, jewelry, and similar items.
   20. Restaurants.
   21. Retail uses.
   22. Tire Centers.

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, 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 display or storage of materials or merchandise in conjunction with any permitted use.
   2. Wireless Communication Facilities on existing structures, with the intent to make them Astealth@ 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):
   1. Caretaker=s residence.

E. Development Standards (see Table 2).

F. Site Plan/Design Review (see '15.4.08.010 et seq.).

G. Landscaping, Buffering, Walls (see '15.4.16.130).

H. Signs (see '5.36.010 et seq.).

I. Parking (see '15.4.16.120).

(Ord. No. 12-09, Amended 08/04/2009)
(Ord. No. 02-10, Amended 02/16/2010)

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) 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. Art Galleries and Studios.
   2. Car Wash (full service).
   3. Child Care Centers.
   4. Convenience Store.
   5. Entertainment Uses.
   6. Instructional Studios.
   7. Lube Center.
   8. Municipal Facilities required for local service.
   9. Office Supply, Copying, and Printing businesses.
   10. Personal Service businesses.
   11. Restaurants.
   12. Retail Uses.
   13. Tire Center.

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 five percent (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. Hotels and Motels.
2. New Automobile, Motorcycle, Boat, Truck, Recreational Vehicle Sales and Rental Facilities, and Repair Services associated with such facilities.
3. Outdoor display or storage of materials or merchandise in conjunction with any permitted use.
4. Wireless Communication Facilities on existing structures, with the intent to make them Astealth@ 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).

(Ord. No. 12-09, Amended 08/04/2009)
(Ord. No. 15-15, Amended 09/15/2015)

15.3.16.100 <u>C-UV Urban Village Commercial</u>

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. The Planning Commission will review all Site Plans and subdivisions.

A. Permitted Uses:
   1. Dental and Medical Offices.
   2. Financial Institutions with no drive-thru services.
   3. Health, Fitness, and Recreation Facilities.
   4. Instructional Studios.
   5. Laundry and Dry Cleaning.
   6. Multi-family residential.
   7. Museums.
   8. Offices.
   9. Personal Service businesses.
   10. Private Schools, Professional and Vocational.
   11. Restaurants.
   12. Retail Uses.

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. Child Care Centers.
   2. Financial Institutions with drive-thru facilities.
   3. Restaurants with drive-thru facilities.

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

E. Site Plan/Design Review/Performance Standards (see '15.4.08.010 et seq.): These standards are intended to foster the creation of an urban environment that accommodates growth and is compatible with the existing homes and uses in the area:
   1. Outdoor Sales, Display and Storage. The outdoor permanent sales or display of merchandise shall not encroach into areas of required parking, sidewalks, or landscaping.
   2. Lighting. On-site lighting, including parking lot lighting and illuminated signs, shall be located, directed or designed in a manner to prevent glare on adjacent properties and be designed for pedestrians. All lighting should have the same design elements throughout the development.
   3. Location of Service Areas. All loading docks and other service activities shall be located away from view of any public street. Exceptions to this requirement may be approved through the Site Plan Process. If such activities are permitted adjacent to a public street, a visual screening design approved by the Planning Department shall be required.
   4. Urban Design. Designs for this area should envision a Avillage character@ relating to the heritage of the early residents of the community. Safe and efficient pedestrian circulation is a priority:
      a. Architectural Character and Materials.
         i. A differentiated base will provide human scale through change, contrast, and intricacy in facade form. Scaling elements such as insets and projects serve to break up flat or monotonous facades along with color and a change in materials.
         ii. The climate in Spanish Fork City is such that in the summer months shade is preferred, and in the winter months, protection from the snow and wind is necessary. By providing the pedestrian with a sidewalk that is enjoyable to use year round, a pedestrian oriented development is encouraged. Therefore, the following will be encouraged.
         iii. Arcades, Awnings and/or marquees.
      b. Entrance and Visual Access.
         i. The intent in this district is to encourage pedestrian activity between the public street/sidewalk and buildings. Sidewalks shall provide continuous, uninterrupted interest to the pedestrian by providing visual interest and/or amenities. The environment will benefit with increased pedestrian activity, this activity will only occur if opportunities are provided that make walking to a destination a preferred and an enjoyable pursuit. The use of blank building facade walls is discouraged. Therefore, all buildings in this district are subject to the following standards:
            a) Minimum First Floor Glass. The first floor elevation of a commercial building facing a street shall not have less than forty percent (40%) glass surfaces. All first floor glass shall be a non-reflective. Display windows that are three-dimensional and are at least two (2) feet deep are permitted and may be counted toward the forty percent (40%) glass requirement.
            b) Provide at least one (1) operable building entrance per elevation that faces a public street. Buildings that face multiple streets are only required to have one door on either street, if the facades for both streets meet the forty percent (40%) glass requirement.

c) The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level shall be forty (40) feet.
d) All building equipment and service areas, including on-grade and roof mechanical equipment and transformers that are readily visible from the public right-of-way, shall be screened from public view.

c. Public Amenities and Public Art.
i. Amenities and works of art enhance quality of life as well as visual interest. Public amenities and art encourage pedestrian activity and contribute to the Avillage@ experience. A cohesive, unified lighting and amenity policy will help give the district its own distinctive identity. Therefore, all projects will be required to have public amenities and art that are subject to the following standards:
a) Sidewalks and street lamps installed in the public right of way shall be of the type specified in the City=s construction and development standards. All parking lot lights will be required to match the City=s standards.
b) Park benches will be required within the development.
c) Public art (which may include artists= work integrated into the design of the building, and landscaping, sculpture, painting, murals, glass, mixed media or work by artisans), that is accessible or directly viewable to the general public shall be included in all projects. The plan to incorporate public art shall be reviewed and approved by the Spanish Fork Arts Council.
d) All projects will be required to have a minimum of twenty percent (20%) open space and developments with residential units will be required to have thirty-five percent (35%) open space.

5. Conditional Use Approval. A modification to the urban design/performance provisions of this section may be granted as a conditional use, subject to conformance with the standards and procedures.

F. Definitions. For the purpose of this section, the following terms shall have the following meanings.
1. AFacade@ means the front of a building, or any other Aface@ of a building on a street or courtyard given special architectural treatment.

G. Landscaping, Buffering, Walls (see '15.4.16.130) Same as the S-C zone requirements.

H. Signs (see '5.36.101 et seq.). All individual developments (not a planned center) must follow the requirements of the C-O zone.

I. Parking Standards (see '15.4.16.120).
1. Restrictions on Parking Lots. The following regulations shall apply to parking facilities.
a. All parking lots adjacent to a public street will be required to have a twenty-five (25) foot landscape setback and a minimum three (3) foot berm, with trees spaced every thirty (30) feet.

J. Solid Waste Receptacle Areas (see '15.4.16.140).

K. Building Height. Same as the S-C zones requirements.
   1. Height Exceptions: spires, towers, or decorative non-inhabitable elements shall have a maximum height of sixty (60) feet measured from the street grade.

L. Development Standards.
   1. Projects are allowed a density of five (5) to twelve (12) residential units per acre.
   2. Projects will be required to have public art integrated and thirty-five percent (35%) open space area.
   3. Projects with a residential component will be required to have at least thirty percent (30%) of the project=s total building square footage dedicated to commercial or office uses. The City will require that this ratio be maintained with each phase of the development.
   4. Residential units will be required to meet the High Density Residential (R-3) setbacks.
   5. Residential units must be designed in a manner to blend with the urban village and not be a separate element of the area.

(Ord. No. 10-09, Amended 06/17/2009)
(Ord. No. 12-09, Amended 08/04/2009)
(Ord. No. 17-09, Amended 09/15/2009)

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. Car Wash (full service).
   2. Child Care Centers.
   3. Convenience Stores.
   4. Financial Institutions.
   5. Health Clubs.
   6. Hospitals.
   7. Instructional Studios.
   8. Lube Center.
   9. Municipal Facilities required for local service.
   10. Museums.
   11. Office Supply, Copying, Printing businesses.
   12. Offices.
   13. Personal Service businesses.
   14. Research, Development, and Testing services.
   15. Restaurants.
   16. Telecommunication Towers not taller than sixty (60) feet.
   17. Tire Center.
   18. Trade or Business schools.

B. Uses Subject to Conditional Use Permit (see '15.3.08.060):
   1. Hotels and motels.

C. Accessory Buildings and Uses (see '15.3.24.090).

D. Development Standards (see Table 2).

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.

F. Site Plan/Design Review (see '15.4.08.010 et seq.).

G. Landscaping, Buffering, Walls (see '15.4.16.130).

H. Signs (see '5.36.010 et seq.).

I. Parking (see '15.4.16.120).

(Ord. No. 12-09, Amended 08/04/2009)

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. Agriculture, including the Production of Food and Fiber Crops, Tree Farms, Grazing, and Animal Husbandry of Livestock.
   2. Automotive Repair.
   3. Automotive Service, Paint and Body Work, other consumer goods repair.
   4. Car Wash (self or full service).
   5. Contractor Warehouse and Storage Yards.
   6. Financial Institutions.
   7. Funeral Homes.
   8. Indoor Manufacturing, Assembly and Storage of finished products.
   9. Instructional Studios.
   10. Lube Centers.
   11. Lumber and Building Material Yards.
   12. Municipal Facilities required for local service.
   13. New and Used Automobile, Motorcycle, Boat, Truck, Recreational Vehicle Sales and Rental Facilities, and Repair Services associated with such facilities.
   14. Office Supply, Copying, Printing businesses.
   15. Offices.
   16. Outdoor display areas.
   17. Research, Development, and Testing services.
   18. Restaurants.
   19. Retail businesses.

20. Telecommunication Towers not taller than sixty (60) feet.
21. Tire Care Centers.
22. Trade or Business schools.
23. Trucking and Warehousing.
24. Veterinary Offices for large animals and/or outside boarding of animals.
25. Wholesale Trade Businesses except explosives or automobile wrecking or salvage yards.

B. Uses Subject to Conditions:
1. Outdoor storage areas (see '15.3.24.090(I)).
2. Seasonal Sales and Special Events (as described in '15.3.24.050 et seq.).
3. 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. Commercial Kennels, Animal Shelters, and Veterinary Hospitals with outdoor boarding or exercise facilities.
2. Drive-in Theaters.
3. Jails, for County and/or City.
4. Outdoor Commercial Recreation Facilities.
5. Publically owned and operated compost facilities.
6. Publically owned and operated recycling centers.
7. Rehabilitation Treatment Facilities.
8. Residential Treatment Centers (not owner occupied).
9. Shelter Care Facilities.
10. Telecommunication Towers taller than sixty (60) feet.

(Ord. No. 12-09, Amended 08/04/2009)
(Ord. No. 02-10, Amended 02/16/2010)

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. Automotive Repair.
2. Car Wash (self or full service).
3. Contractor Warehouse and Storage Yards.
4. Financial Institutions.
5. Impound Yard.
6. Lube Centers.
7. Lumber and Building Material Yards.
8. Manufacturing and Assembly of finished products except animal fats and oils, ammunition, and those manufacturing uses listed as conditional uses.
9. Municipal Facilities required for local service.
10. Office Supply, Copying, Printing businesses.
11. Offices.

12. Outdoor display areas.
13. Research, Development, and Testing services.
14. Restaurants.
15. Retail businesses.
16. Telecommunication Towers not taller sixty (60) feet.
17. Tire Care Centers.
18. Trade or Business schools.
19. Trucking and Warehousing.
20. Wholesale Trade businesses except explosives or automobile wrecking or salvage yards.

B. Uses Subject to Conditions:
   1. Outdoor Storage Areas (see '15.3.24.090(I)).
   2. 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. Commercial Kennels, Animal Shelters, and Veterinary Hospitals with outdoor boarding or exercise facilities.
   2. Drive-in Theaters.
   3. Manufacture of Concrete Products.
   4. Self-storage Warehouses and/or Recreational Vehicle Storage.
   5. Telecommunication Towers taller than sixty (60) feet.

D. Accessory Buildings and Uses (see §15.3.24.090):
   1. Caretaker's residence.

E. Development Standards (see Table 2):
   1. The setback for self-storage units may be reduced to as little as ten (10) feet, at the discretion of the Planning Commission, based on the creation of an adequate buffer between the self-storage units and the adjacent property. The adequate buffer shall include landscaping, architectural upgrades, and any other measures deemed necessary by the Commission.

F. Site Plan/Design Review (see §15.4.08.010 et seq.).

G. Landscaping, Buffering, Walls (see §15.4.16.130).

H. Signs (see §5.36.010 et seq.).

I. Parking (see §15.4.16.120).

(Ord. No. 12-09, Amended 08/04/2009)
(Ord. No. 02-10, Amended 02/16/2010)

15.3.16.140. I-3 Heavy Industrial

This district is intended to provide for employment related uses including heavy manufacturing, assembling, warehousing, and wholesale activities.
Residential uses are not allowed.

A. Permitted Uses:
   1. Contractor Warehouse and Storage Yards.
   2. Impound Yard.
   3. Lumber and Building Material Yards.
   4. Manufacture of Concrete Products.
   5. Manufacturing and Assembly of finished products.
   6. Municipal Facilities required for local service.
   7. Offices Incidental to an industrial use.
   8. Outdoor Storage area.
   9. Research, Development, and Testing services.
   10. Trucking and Warehousing.
   11. Wholesale Trade businesses except explosives or automobile wrecking or salvage yards.

B. Uses Subject to Conditions:
   1. Large Wind Energy Systems (15.3.24.090(H)).
   2. Rock Crushers with Surface Mining Overlay approval (see '15.4.20.040).

C. Uses Subject to Conditional Use Permit (see '15.3.08.060):
   1. Self-storage Warehouses and/or Recreational Vehicle Storage.
   2. Telecommunication Towers taller than sixty (60) feet.
   3. Transfer Facilities.

(Ord. No. 07-06, Repealed 07/18/2006)
(Ord. No. 02-10, Enacted 02/16/2010)

15.3.16.150 Recreation Facilities (R-F)

(Ord. No. 12-09, Repealed 08/04/2009)

15.3.16.160. Public Facilities (P-F)

This district is intended to provide for structures and uses that are owned, leased, or operated by a governmental entity for the purpose of providing governmental services to the community. Allowed uses will be necessary for the efficient function of the local community or may be desired services which contribute to the community's cultural or educational enrichment. Other allowed uses will be ancillary to a larger use that provides a direct governmental service to the community.

A. Permitted Uses:
   1. Automotive Repair.
   2. Campgrounds.
   3. Car Wash (self or full service).
   4. Cemeteries.
   5. Child Care Centers.
   6. Court Buildings and Related Facilities.
   7. Golf Courses and Related Facilities.
   8. Government Maintenance Shops and Related Facilities.
   9. Government Owned Nurseries and Tree Farms.
   10. Government Storage Buildings.
   11. Government Storage Yards.

12. Gun Clubs and Firing Ranges.
13. Libraries.
14. Lube Centers.
15. Municipal Facilities required for local service.
16. Museums.
17. Offices.
18. Parking structures.
19. Public Art Galleries.
20. Public Parks and Recreational Facilities.
21. Public Safety Facilities.
22. Publicly Owned Stadiums and Arenas.
23. Publicly Owned Zoos.
24. Solid Waste Transfer Facilities, provided all operating aspects of the facility are fully enclosed within a building and the grounds are completely fenced.
25. Temporary Office and Construction Trailers.
26. Theaters.
27. Transit Centers and Related Facilities.
28. Wireless Communication Facilities on light stanchions in public parks, playgrounds, schools, golf courses and related facilities so long as the structure height does not exceed twenty (20) feet above the existing structure and is a monopole.

B. Uses Subject to Conditions:
   1. Outdoor Storage Areas (see '15.3.24.090(I)).

C. Uses Subject to Conditional Use Permit (see '15.3.08.060):
   1. Hospitals.
   2. Restaurants.
   3. Wireless Communication Facilities on existing structures, with the intent to make them Astealth@ 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.
   1. The maximum height of any building or structure shall be limited to 65 feet.
   2. Setbacks shall be as follows for all main buildings:
      a. Front Yard, 20 feet.
      b. Corner side yard, 20 feet.
      c. Interior Side Yard, 10 feet.
      d. Rear yard, 20 feet.

F. Site Plan/Design Review (see '15.4.08.010 et seq.).

G. Landscaping, Buffering, Walls (see '15.4.16.130).

H. Signs.

1. Signage shall be permitted in accordance with '5.36.010. Substitute or additional signage shall be permitted if it is deemed essential to providing a government service.

I. Parking (see '15.4.16.120).

(Ord. No. 12-09, Amended 08/04/2009)
(Ord. No. 02-10, Amended 02/16/2010)
(Ord. No. 13-14, Amended 08/19/2014)

PART 3 COMPREHENSIVE ZONING ORDINANCE

Chapter 20 Overlay District Regulations

15.3.20.010 Airport Impact Overlay (reserved for future use)
15.3.20.020 Floodplain Hazard Overlay (reserved for future use)
15.3.20.030 Geologic Hazards Overlay (reserved for future use)
15.3.20.040 Surface Mining Overlay
15.3.20.050 Self Storage Overlay

15.3.20.040 Surface Mining Overlay

This district is intended to provide for the extraction of earth products using surface mining methods while protecting the rights of neighboring properties and while protecting public facilities, such as roads, from unusual wear or damage. This is an interim use of the land, with the ultimate intent being to rehabilitate the site and convert the property to a use or uses compatible with the surrounding area. This district shall overlay other zoning district(s) where it is applied.

A. Permitted Uses:
   1. Extraction of sand, gravel, clay, topsoil, rock, or other minerals by an open pit method.
   2. Offices and related buildings and structures necessary to the surface mining operation.

B. Application: Applications to establish a Surface Mining Overlay 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. An area map showing adjacent property owners and locations of all buildings and existing uses within 600 feet of the property.
   2. Description of any environmental impacts of the proposed use, including air pollution, noise, or impacts on the public infrastructure in the surrounding area.
   3. Legal description of the property.
   4. Narrative and site plan description of the proposed operation including phasing plans, proposed buildings or structures, landscaping, lighting, and other site improvements.
   5. Proposed circulation system showing access to and along public streets and highways to potential users of the resource material.
   6. Proposed duration of the operation prior to site rehabilitation.
   7. Proposed hours of operation.

C. Performance Standards: All surface mining operations must comply with the following standards. The City Council may also impose additional conditions on an operation if necessary to minimize potential detrimental effects on adjoining properties.
   1. The operable portion of the pit or site of extraction shall be an area no larger than ten (10) acres at any one time. The pit, or portions of it, shall be closed, rehabilitated, and approved by the City Engineer as meeting the standards of this ordinance before further areas are excavated.

2. Dust generated in the extraction and processing of the earth products shall be contained on site by paving main roads in the pit, wetting extractions areas and loaded trucks, chemical treatment, placing landscaped berms, and other similar measures.
3. All cuts and fills shall be set back from the property boundary or approved extraction site a distance of at least five (5) feet.
4. The operation shall be in compliance with all State and Federal regulations.
5. The Rehabilitation Plan must show that the site will be smoothed and evenly contoured with no slope steeper than twenty-five (25) degrees, nor with any undrained hole, bowl, depression, pond, or intermittent lake of the floor of the rehabilitated site.

D. Findings: The following findings must be made before granting any Surface Mining Overlay District:
1. That the proposed use will not disrupt the development character of the adjacent properties.
2. That the proposed use will not be materially detrimental to the health, safety, or general welfare of persons residing or working within the neighborhood of the proposed use, when consideration is given to the character and size of the use, noise, dust, and hours of operation.
3. That the proposed site is adequate in size and shape to accommodate the intended use, and that all requirements for the zoning district, including but not limited to: setbacks, walls, landscaping and buffer yards are met.
4. That the proposed site has adequate access to public streets to carry the type and quantity of traffic which may be generated by the use.
5. That adequate conditions or stipulations have been incorporated into the approval of the operation to insure that any anticipated detrimental effects can be minimized.

E. Bond:
1. A cash or surety bond in the amount set by City Council, but not less than $2,500 per acre shall be posted by the applicant to guarantee compliance with the performance standards and any other conditions imposed by the City Council.
2. The bond shall be forfeited if rehabilitation has not been completed within one (1) year of cessation of operation in the pit.

(Ord. No. 12-09, Amended 08/04/2009)

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.

(Ord. No. 17-15, Enacted 12/15/2015)

PART 3 COMPREHENSIVE ZONING ORDINANCE

Chapter 24 General Development Standards/ Uses Subject to Conditions/ Supplementary Regulations

15.3.24.010 Treatment Facilities
15.3.24.020 Billboards
15.3.24.030 Master Planned Development (PUD)
15.3.24.040 Manufactured Homes
15.3.24.050 Seasonal Sales and Special Events
15.3.24.060 Subdivision Model Home
15.3.24.070 Temporary Office or Construction Trailers
15.3.24.080 Sexually Oriented Businesses
15.3.24.090 Supplementary Regulations

15.3.24.010 Treatment Facilities

A. Residential Facility for Persons with a Disability. The following conditions must be met:
   1. A valid Spanish Fork City Business License shall be obtained.
   2. The facility must comply with the development standards of the zoning district.
   3. The building character and landscaping shall be of the same general character of those of other residences and yards in the neighborhood.
   4. No facility shall be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or result in substantial physical damage to the property.
   5. Prior to the occupancy of any facility, the person or entity licensed or certified by the Department of Human Services or the Department of Health to establish and operate the facility shall:
      a. Provide a copy of such license or certification to the City.
      b. Be classified as Level 1 or Level 2 as set forth in the Small Health Care Facility Rules as promulgated by the State of Utah, Department of Health Care Licensing.
         i. Persons placed in a Level 2 facility shall be deemed non-violent or non-threatening and shall be permitted with no further requirements.
         ii. Individuals placed in a Level 1 facility shall produce, through the operator of the facility, a certificate issued by the appropriate medical or other licensed mental health professional ie: LCSW, D.O., PhD. or M.D., M.F.T., MSW, and based upon professional evaluations such as, but not limited to, the ICAP, MMPI, DSM, and/or such other resources, including a potential patient=s behavioral history, as may be available to the medical or other mental health professional, which certificate shall indicate that the person is not violent, nor a direct threat to the safety of the property or any other person at the time of placement. Production of the certificate required by this section shall be a prerequisite to the obtaining of the business license required by this chapter. Each new resident shall also provide said certificate in order for the facility to be eligible to renew its business license.
   6. The facility shall comply with all health and safety codes applicable to that type of

building and use.

7. The operator of any facility shall be required to provide supervision in accordance with the rules and regulations of the State of Utah Department of Social Services or Department of Health, which care shall be on a twenty-four (24) hour basis if so required by the aforementioned rules and regulations.
8. Off-street parking shall be provided to accommodate staff and one (1) visitor space for every three (3) residents.
9. No facility licensed for the housing of more than eight (8) disabled persons, shall be established or maintained within 660 feet measured in a straight line between the closest property lines of the lots or parcels, of the following facilities:
   a. Another residential facility for persons with a disability licensed for the housing of more than eight (8) persons.
   b. A residential facility for the elderly with more than eight (8) elderly persons in residence.
   c. Any of the following facilities: shelter care facility, assisted living center, and residential treatment center.
10. The use permitted by this section is non-transferrable and shall be terminated if:
    a. The facility is devoted to a use other than a residential facility for persons with a disability.
    b. The license or certification issued has been terminated or revoked, or the facility fails to comply with these conditions.

B. Residential Facility for Elderly Persons. The following conditions must be met:
   1. A valid Spanish Fork City Business license shall be obtained.
   2. The facility must comply with the development standards of the zoning district.
   3. The building character and landscaping shall be of the same general character of those of other residences and yards in the neighborhood.
   4. No facility shall be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or result in substantial physical damage to the property.
   5. Prior to the occupancy of any facility, the person or entity licensed or certified by the Department of Human Services or the Department of Health to establish and operate the facility shall:
      a. Provide a copy of such license or certification to the City.
      b. Certify in a sworn affidavit to the City that no person will reside or remain in the facility whose tenancy would likely:
         i. Constitute a direct threat to the health or safety of other individuals.
         ii. Result in substantial physical damage to the property of others.
   6. The facility shall comply with all health and safety codes applicable to that type of building and use.
   7. No facility licensed for the housing of more than eight (8) elderly persons, shall be established or maintained within 660 feet measured in a straight line between the closest property lines of the lots or parcels, of the following similar facilities:
      a. Another residential facility for elderly persons licensed for the housing of more than eight (8) persons.
      b. A residential facility for the disabled with more than eight (8) persons in residence.

c. Any of the following facilities: shelter care facility, assisted living facility and residential treatment center.

8. The use permitted by this section is non-transferrable and shall be terminated if:
   a. The facility is devoted to a use other than a residential facility for elderly persons.
   b. The license or certification issued has been terminated or revoked.
   c. The facility fails to comply with these conditions.

C. Assisted Living Facility. The following conditions must be met:
1. A valid Spanish Fork City Business License shall be obtained.
2. The facility must comply with the development standards of the zoning district.
3. Lot Size:
   a. Twenty (20) beds or less - 1,000 square feet per bed (ratio 10 beds = 10,000 square feet).
   b. More than twenty (20) beds - one (1) acre minimum plus 1,000 square feet per bed over the twenty (20).
4. The building character and landscaping shall be of the same general character of those of other residences and yards in the neighborhood.
5. Off-street parking shall be provided to accommodate staff and one (1) visitor space for every three (3) residents for facilities larger than fifteen (15) beds.
6. No facility shall be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or result in substantial physical damage to the property.
7. Prior to the occupancy of any facility, the person or entity licensed or certified by the Department of Human Services or the Department of Health to establish and operate the facility shall:
   a. Provide a copy of such license or certification to the City.
   b. Certify in a sworn affidavit to the City that no person will reside or remain in the facility whose tenancy would likely:
      i. Constitute a direct threat to the health or safety of other individuals.
      ii. Result in substantial physical damage to the property of others.
8. The Assisted Living Facility shall comply with all health and safety codes applicable to that type of building and use.
9. No Assisted Living Facility licensed for the housing of more than eight (8) persons, shall be established or maintained within 660 feet measured in a straight line between the closest property lines of the lots or parcels, of the following similar facilities:
   a. Another assisted living facility for more than eight (8) persons.
   b. A residential facility for the disabled with more than eight (8) persons in residence.
   c. Any of the following facilities: shelter care facility and residential treatment center.
10. The use permitted by this section is non-transferrable and shall be terminate if:
   a. The facility is devoted to a use other than an assisted living facility.
   b. The license or certification issued has been terminated or revoked.
   c. The facility fails to comply with these conditions.

D. Residential Treatment Center. The following conditions must be met:

1. A valid Spanish Fork City Business License shall be obtained.
2. The facility must comply with the development standards of the zoning district.
3. The facility must be located on at least a two (2) acre parcel or larger:
   a. Twenty (20) beds or more - two (2) acre parcel minimum plus 1,000 square feet per bed over the twenty (20) to a maximum of forty (40) beds.
4. The building character and landscaping shall be of the same general character of those of other residences/structures and landscaping in the area of the facility.
5. Off-street parking shall be provided to accommodate staff and one (1) visitor space for every three (3) residents or met the requirement of the zoning district.
6. No facility shall be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals in the facility or result in substantial physical damage to the property.
7. Prior to the occupancy of any facility, the person or entity licensed or certified by the Department of Human Services or the Department of Health to establish and operate the facility shall:
   a. Provide a copy of such license or certification to the City and the facility shall be classified as Level 1 or Level 2 as set forth in the Small Health Care Facility Rules as promulgated by the State of Utah, Department of Health Care Licensing.
      i. Persons placed in a Level 2 facility shall be deemed non-violent or non-threatening and shall be permitted with no further requirements.
      ii. Individuals placed in a Level 1 facility shall produce, through the operator of the facility, a certificate issued by the appropriate medical or other licensed mental health professional ie: LCSW, D.O., PhD. or M.D., M.F.T., M.S.W., and based upon professional evaluations such as the ICAP, MMPI, DSM, and/or such other resources, including a potential patient=s behavioral history, as may be available to the medical or other mental health professional, which certificate shall indicate that the person is not violent, nor a direct threat to the safety of the property of any other person at the time of placement. Production of the certificate required by this section shall be a prerequisite to the obtaining of the business license required by this chapter. Each new resident shall also provide said certificate in order for the facility to be eligible to renew its business license.
8. The facility shall comply with all health and safety codes applicable to that type of building and use.
9. Must meet the Design and Separation requirements in paragraph E of this section if located in a residential zone.
10. Any Residential Treatment Facility located in a residential zone must be supervised twenty-four (24) hours a day seven (7) days a week which shall include, but not necessarily be limited to, house parents who are on site twenty-four (24) hours a day, and video monitoring in all common areas, including entrances and exits. Other surveillance measures may be included which are designed to protect the health and safety of residents therein.
11. The use permitted by this section is non-transferrable and shall be terminated if:
    a. The facility is devoted to a use other than a Residential Treatment Center.
    b. The license or certification issued has been terminated or revoked.
    c. The facility fails to comply with these conditions.

12. Any Residential Treatment Facility shall be 660 feet from any public or private school or church measured from the shortest point from structure to structure.
13. The conditions will be reviewed annually by the DRC to assure conformance.

E. Design and Separation
1. All Residential Facilities for Persons with a Disability, Residential Treatment Center, and Supervisory Care Facility must meet these requirements.
    a. Any new or remodeled facility shall comply with the following design standards:
        i. The design, exterior materials and colors of the facility shall match the principal structures in the neighborhood (area).
        ii. The facility shall be constructed in a manner as to blend in and not draw attention.
        iii. A facility located in a residential zone is required to have a two car garage facing the street or a side entry garage. Any additional parking will be paved and located behind the facility.
        iv. The facility shall not exceed the square footage of the average of the twenty (20) nearest residential homes.
        v. The facility shall meet all zoning requirements of the zone in which it is proposed.
        vi. The facility shall have a fully fenced rear yard of either masonry or vinyl materials six (6) feet in height.
2. No facility listed in subsection 1 may be located within 660 feet from another.
3. An existing building which has been vacant for over one year may be converted to a residential treatment facility, if it meets all other criteria of '15.3.24.010(D) and (E), but shall be exempt from the criteria found in subsection (E)(2) and shall, in lieu thereof, meet the following criteria:
    a. Provide a report from a licensed structural engineer indicating the building is safe, or can be made safe, for its intended use. The City Building Official and Fire Inspector will have the final say on what must be done to meet current codes.
    b. Veneer finishes to the exterior of the building may be required, depending on the exterior material of the building and the other buildings in the neighborhood, to match the type and color of existing materials on other residences within the neighborhood.
    c. Bring the building up to current standards on all codes (building, fire, safety, energy, etc.).
    d. Provide a landscaping plan prepared by a landscape architect which shows a minimum of 50% of the entire site to be green landscaped, unless the size of the vacant building makes it impossible or very difficult, then a landscape plan shall be approved by the Planning Commission.
    e. Provide off-street parking for all staff members on duty at the highest shift, plus one (1) additional stall for each three (3) residents.
    f. At the discretion of the Electric Division, remove any overhead electric lines and place them underground.
    g. The facility shall have a fully fenced rear yard of either masonry or solid vinyl materials six (6) feet in height.

h. The only signage shall conform to that permitted for a home occupation §5.40.040.
i. Security lighting shall be adjusted such that no overflow light falls onto adjoining properties.
j. Windows shall be non-reflective.

(Ord. No. 04-12, Enacted 04/17/2012)

15.3.24.020 Billboards

A. Billboards are permitted in the following locations and subject to the following restrictions:
   1. Billboards are permitted:
      a. Along Interstate 15 from 3100 North to 1600 North and mile post number 259 to mile post number 258 (heading south) these billboards must be at least 500 feet from any other billboard on the same side of the interstate highway and located in an industrial zone.
      b. Along Highway 6 from the junction with Highway 89 southeasterly for 0.84 miles. These billboards must be at least 750 feet from any other billboard on the same side of the highway and must be located in an industrial zone.
   2. Must be within 100 feet of Interstate 15 or US Highway 6.
   3. Must be at least 400 feet from any residential zoning district.
   4. Cannot exceed a height of fifty (50) feet, or twenty-five (25) feet above roadway grade level, whichever is less.
   5. May be double-faced or back-to-back if the separation of panels does not exceed five (5) feet.
   6. Each side may have a sign area not to exceed 675 square feet.
   7. Footing and structure details must be furnished to the City Building Official prior to issuance of a building permit.
   8. Must be monopole.
   9. The Utah Department of Transportation must issue a permit for the proposed location prior to commencing construction, or prior to the City conducting any inspections pursuant to its permit.

(Ord. No. 10-12, Amended 08/22/2012)
(Ord. No. 04-14, Amended 04/01/2014)
(Ord. No. 14-16, Amended 09/20/2016)

15.3.24.030 Master Planned Developments

A. Purpose: The purpose of the Master Planned Development concept is to:
   1. Allow for designs that provide for more efficient utilization of public infrastructure than what is achieved in a standard subdivision.
   2. Allow for deviations from typical zoning standards in order to permit uniquely configured or situated properties to be developed in a functional manner that enhances the City.
   3. Allow developments to include a total number of units that matches the base density found in the underlying zone as identified in Table 1 - Residential Development Standards of Title 15.
   4. Establish residential neighborhoods with a distinct character and convey a sense of unity.

B. Permitted Uses:
   1. All uses listed in R-1 and R-3 Districts, subject to the same restrictions or limitations of the use.
   2. Multi-family dwellings with more than four (4) attached units.

C. Subdivision Design:
   1. For purposes of calculating base density, sensitive lands shall be excluded from the calculation.
   2. The minimum size of a Master Planned Development is five (5) contiguous acres, except in R-1-6 and R-3 zones, where one (1) contiguous acre is required. School and church sites are to be excluded from the acreage calculation..
   3. Density Calculations - Church sites, school sites, and sites for other non-residential uses may not be counted in the density calculations.
   4. Street Design - Local streets shall not exceed 600 feet in length without an intersecting street.

D. Architecture:
   1. Minimum House Sizes; finished area (square feet). For the purposes of calculating required finished area, square footage in basements shall not qualify. For split level homes, finished area on floors that are at least fifty percent (50%) below the finished grade of the lot shall not count towards the required finished area.

Minimum House Sizes - Finished Area		
Minimum Lot Size and Multi-family	**One Story**	**Multi-Level**
80,000 sq. ft.	1,600 sq. ft.	2,400 sq. ft.
60,000 sq. ft.	1,600 sq. ft.	2,400 sq. ft.
40,000 sq. ft.	1,600 sq. ft.	2,400 sq. ft.
30,000 sq. ft.	1,500 sq. ft.	2,200 sq. ft.
20,000 sq. ft.	1,500 sq. ft.	2,200 sq. ft.
15,000 sq. ft.	1,500 sq. ft.	2,200 sq. ft.
12,000 sq. ft.	1,400 sq. ft.	2,000 sq. ft.
9,000 sq. ft.	1,300 sq. ft.	1,600 sq. ft.
8,000 sq. ft.	1,200 sq. ft.	1,500 sq. ft.
6,000 sq. ft.	1,100 sq. ft.	1,400 sq. ft.
Multi-family	1,000 sq. ft. (one level)	1,200 sq. ft. (multi-level)

   2. Distinct Designs - Master Planned Developments shall provide a variety of home styles to ensure a diverse and interesting streetscape. Neighborhoods that have repetitive homes constructed along the same street are not allowed. In order to ensure that the neighborhood is non-repetitive, the same street facing elevation shall not be built on adjacent lots on the same street or on lots directly or diagonally across the street from one another. Different elevations shall be characterized by elements such as, but not limited to, distinct footprints, rooflines, cladding materials or architectural features which contribute to home designs that are easily

distinguishable from other home designs along the same street. The City Council may waive this requirement for developments which include multi-family housing that present specific architectural designs for the multi-family portion of the development at the time of project approval.

3. Parking - Master Planned Developments shall provide at least a two car garage for each single family residence. Townhomes and multi-family units must have one attached or detached garage (minimum 12 feet x 20 feet) per unit. Developments shall include no less than zero point five (0.5) guest parking spaces per dwelling unit. Developments that include, with each dwelling unit, a two (2) car garage and driveway space for two vehicles shall not be required to provide additional guest parking. When required, at least one space for guest parking shall be located within 200 feet of each dwelling unit.
4. Roofing - Homes in the development shall have at least a 6/12 pitched roof on the main portion of the roof unless it is determined by the Community Development Department that a lesser pitch roof is essential to maintain the integrity of a particular architectural style and that the style is a substantial improvement to what would be built in a standard subdivision.
5. Exterior Materials - Homes in Master Planned Developments shall be clad in masonry, or masonry based materials or a chemically-treated, wood-based, nail-on, lap siding that has at least a fifty-year (50) warranty. The City Council may grant a waiver of this requirement based upon superior architectural design plans which involve other materials.

E. Landscaping:
1. Front and side yard landscaping shall be installed in Master Planned Developments prior to receiving a Certificate of Occupancy. Exceptions to this rule include the installation of yards between October 15 and April 15. Provisions shall be made to allow bonds to be posted for required landscaping between October 15 and April 15 when homes are otherwise ready for occupancy. For phased multi-family Master Planned Developments, landscaping shall be installed according to the approved phasing plan. Minimum landscaping shall include sod or hydroseed, one (1), two-inch (2) caliper tree, measured two feet from the ground, and automated sprinkler system. The City Council has the discretion to modify the minimum landscaping requirements if a conservation (xeriscaping) landscape plan is proposed.

F. Application. Applications to establish a Master Planned Development shall be processed as a subdivision if any new lots are to be created. If no new lots are proposed, such as for an apartment project, an application will be processed according to the Site Plan procedures. All applications must include the following information in addition to normal filing requirements for a subdivision or Site Plan project:
1. Complete description of the intended nature and character of the development.
2. Description of all proposed private or public open space areas, including improvements, ownership, and maintenance provisions.
3. Proposed project phasing.
4. Plans representing proposed landscaping, fences, walls, entry treatments, signage and lighting.
5. Preliminary conditions, covenants, and restrictions (CC&R's).

6. Any variations from the non-Master Planned Development standards.
7. Any proposed amended development standards, including such things as variations in setbacks, heights, and lot sizes.
8. Proposed street cross sections, and proposed ownership and maintenance provisions, if the streets are proposed to be private.
9. 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.

G. Phases. All residential subdivisions shall include a phasing plan that specifies the timing of public improvements and residential construction. This plan must be submitted at the submission of the Preliminary Plat. If the sequence of construction of various portions of the development is to occur in stages then the bonus density amenities shall be developed, or committed thereto, in proportion to the number of dwelling units intended to be developed during any given stage of construction.

H. 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:
   1. 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.
   2. The proposed development will not be materially detrimental to the health, safety, or general welfare of persons residing or working within the neighborhood.
   3. 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.

(Ord. No. 07-06, Amended 07/18/2006)
(Ord. No. 08-09, Enacted 05/19/2009)
(Ord. No. 11-13, Amended 07/16/2013)
(Ord. No. 15-13, Repealed; Re-enacted 09/03/2013)
(Ord. No. 04-14, Amended 04/01/2013)
(Ord. No. 15-15, Amended 09/15/2015)

15.3.24.040 Manufactured Homes

A. Are permitted subject to the following:
   1. The minimum width of the home shall be twenty (20) feet and the minimum length shall be forty (40) feet, exclusive of any garage, porch or awning area.
   2. Transportable sections shall be at least ten (10) feet wide, unless transportable in three (3) or more sections, in which case only one (1) section must be ten (10) feet wide.
   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.
   4. The dwelling shall be permanently connected to all required utilities.
   5. The dwelling shall be taxed as real property and appropriate affidavit filed with the Utah State Tax Commission.

(Ord. 07-06, Amended 07/18/2006)

15.3.24.050 Seasonal Sales and Special Events

Temporary sales or display of goods or special events are allowed only if they are related to a particular seasonal, cultural, traditional, or community activity or event for a period not to exceed sixty (60) calendar days, as determined by the City Planner. In making a determination, the City Planner shall consider the following criteria:

A. The nature, location, and manner of operation of the activity or event does not constitute a health or safety hazard to the public;

B. The goods or services displayed are customarily and traditionally related to a widely celebrated or observed seasonal activity, event, or holiday;

C. The activity or event is consistent with other uses permitted in the zoning district;

D. The use does not interfere with pedestrian access-ways, fire lanes, driveways, or traffic visibility;

E. Parking on the property is adequate to serve any existing permanent uses and the seasonal sale or special event use.

The sale or special event possesses a valid City Business License.

15.3.24.060 Subdivision Model Home

A. A model home may be provided in conjunction with residential subdivisions subject to the following:
   1. The model is used only to market homes being built in the subdivision or Master Planned Development in which it is located. No off-site sales are allowed.
   2. A model home plan is required, which shows the lot(s) to be used, parking areas, fencing, lighting, and signage. The Community Development Director shall review and approve the plan prior to the issuance of building permits for models.
   3. Prior to occupancy as a residential unit, all model homes must conform to all provisions of this ordinance, and any temporary parking, office, lighting, fencing, signage, and similar improvements shall be removed.

(Ord. No. 14-16, Amended 09/20/2016)

15.3.24.070 Temporary Office or Construction Trailers

A. Temporary office trailers are allowed in conjunction with new development projects subject to the following:
   1. The office trailer is allowed only after building permits have been issued for the permanent building(s) to occupy the site.
   2. May be authorized for use exclusively as a temporary office or construction shed incidental to a construction project for a period of twelve (12) months. The Community Development Director may authorize extensions of additional six (6) month increments where construction within the project site is proceeding in a timely manner.
   3. May be authorized for use as a home sales office subject to submitting a home complex plan which shows the parking areas, fencing, lighting, and signage.

(Ord. No. 14-16, Amended 09/20/2016)

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 of Interstate 15, with the following restrictions:

A. 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.
B. 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).
C. They may not be located within 1000 feet of a church, school, library, park, or residence (measured from property line to property line).
D. They may not be located within 1000 feet of another sexually oriented business (measured from property line to property line).
E. 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, Apark@ 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.

15.3.24.090 Supplementary Regulations

Accessory Buildings, Structures, or Satellite Earth Stations.
Swimming Pools
Yard/Garage Sales
Irregular Lots
Accessory (basement, mother-in-law) Apartments
Awnings, Carports or Covered Decks
Animals
Wind Turbines (WT)
Outdoor Storage Areas
Public Rights-of-Way

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 Interstate 15 or U.S. Highway 6, accessory structures have no required set back from the Interstate 15 or Highway 6 right-of-ways.
      d. The combined square footage of all detached accessory structures shall not exceed 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 setback for detached accessory structures shall conform to the minimum front setback for the existing principal structure and shall be set at least five (5) feet, measured from eave to eave, from all structures on the property.

h. Accessory structures that meet the setback requirement for the principal building may be allowed to meet the maximum height allowed in that zone.

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.

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.

k. Where a property's side yard abuts another property's rear yard, no setback is required for structures that are open on at least two (2) sides so long as though the structure is attached to the principle structure and is constructed of materials that are aesthetically consistent with the principle structure.

l. The structure must be constructed so all water runoff from the accessory structure does not flow onto adjoining properties.

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. 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.

B. Swimming Pools:
   1. Swimming Pools not completely enclosed within a building must maintain a minimum of six (6) feet to side or rear property line and be completely surrounded by a fence or wall with a height of at least six (6) feet. There shall be no openings in said fence or wall larger than thirty-six (36) square inches, except for gates, and such gates shall be equipped with self-closing and self-latching devices.

C. Yard/Garage Sales:
   1. Yard sales are permitted for no more than three (3) events of forty-eight (48) hours or less within a twelve (12) month period at the same residence or street address. No signage related to such events shall be placed in the public right-of-way (e.g. no placement of signs on telephone and light poles).

D. Irregular Lots:
   1. All dwelling structures and other main buildings located on an irregular lot shall be set back an average of twenty-five (25) feet from the rear property line provided that no portion of the building is closer than fifteen (15) feet to the property line.

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.

F. Awnings, Carports or Covered Decks:
   1. Awnings or structures that are open on three (3) sides on the rear portion of a home may extend within fifteen (15) feet of the rear property line.
   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. A building permit must be obtained for all awnings.

G. Animals:
   1. 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:
      a. The portion of the property on which the animals, except for household pets, are kept must be at least one-half (1/2) acre in size. 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 (1/2) parcel, two (2) horses may be kept, or four (4) sheep, or one (1) horse and two (2) sheep, but two (2) horses and four (4) sheep are not allowed.

b. All requirements set forth in Title 6, Animals, must be met. The keeping of chickens and potbellied pigs in any zone other than the A-E, R-R, I-1, or I-2 is governed by Title 6.

c. No animal shall be kept in a residential zone for purpose of commercial production.

Animal	Maximum# Per 2 Acre
Cattle	2
Horses	2
Sheep, Goats, Llamas, Ostriches	4
Rabbits	10
Pigeons	12
Ducks, Geese	8
Game Birds*	8
*with appropriate permits	

H. Wind Turbines (WT):

1. It is the purpose of this section to promote the safe, effective, and efficient use of large wind energy systems installed to provide electricity to utilities and to promote the adoption of renewable energy resources to reduce dependence on fossil fuel power generation.

   a. Requirements:

      i. Minimum parcel size: A large wind energy system consisting of one (1) tower must be located on a parcel that is a minimum of five (5) acres in size. An additional acre of property is required for each additional tower.

      ii. Onsite structures may be located up to the foundation of the tower.

      iii. Setback from a residential zone or use: The tower base must be setback a minimum of 500 feet from residential zoning districts.

      iv. Distance from rights-of-way and property lines: None; but all tower bases must be located on leased or owned property. The blade sweep cannot encroach upon adjoining properties or rights-of-way without easements providing for their encroachment. The easement must be a recorded document.

      v. Height: Tower height is not to exceed 270 feet. Provided that, in all cases, the system shall comply with all applicable Federal Aviation Administration (FAA) requirements.

      vi. Height of Blade (tip at low point of blade sweep from ground): No closer than fifty (50) feet.

      vii. Braking Device: All WT devices shall have braking systems when winds reach speeds in excess of sixty-five (65) miles per hour.

      viii. Sign: One project identification warning sign is permitted containing a telephone number for emergency calls, no larger than sixteen (16) square feet in size.

      ix. Color/Finish: white or other non-reflective color.

x. Interference with Broadcast Signals: The system shall not create electromagnetic interference and shall be filtered and/or shielded to prevent interference with broadcast signals.
xi. Compliance with International Building Code (IBC): Building Permit applications for large wind energy systems shall be accompanied by standard drawings of the WT structure, including the tower, base, and footings. An engineering analysis of the tower and WT showing compliance with the Building Code and certified by a professional engineer licensed in the state of Utah shall also be submitted.
xii. Compliance with FAA Regulations: Large wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
xiii. Utility Notification: A letter shall be provided from any interconnecting utility companies confirming approval for any interconnection.
xiv. Zoning Districts: Large wind energy systems are permitted only in the I-3 Heavy Industrial zoning district.
xv. Wind Study: A wind or feasibility study must be conducted and recommend a specific location for the WT. The study must also recommend an optimal height for the WT and if the location is feasible for a WT.
xvi. The tower shall not be climbable from the exterior.

I. Outdoor Storage Areas. The following conditions must be met:
1. The storage area must be paved with asphalt or concrete or be covered with gravel. In situations where gravel is utilized, no less than four inches of: inch untreated base course shall be installed. Additional improvements may be required by the City Engineer in accordance with the findings of a site-specific geotechnical report. Where a paving material other than asphalt or concrete is utilized, a drive apron shall be installed at all points of vehicular access. The drive apron shall be twenty-six (26) feet wide and no less than sixty (60) feet long.
2. The outdoor storage area must be screened from surrounding properties with a six (6) foot tall masonry wall, except where the adjoining property is a railroad right-of-way, Interstate 15 or SR-6.adjacent to industrial zones. Where the outdoor storage area abuts a public street, a ten (10) foot wide landscaped planter shall be installed between the masonry wall and the sidewalk or right-of-way. Landscaping shall be installed and maintained in accordance to the requirements found in '15.4.16.130.
3. Lighting shall be provided in outdoor storage areas. A photometric lighting plan shall be submitted with the Site Plan application. The lighting plan shall demonstrate the capacity of the proposed lighting to uniformly illuminate the storage area without creating undue spillover onto surrounding properties.
4. Material kept in an outdoor storage area cannot be stacked or piled to a height that exceeds twelve (12) feet.

J. Public Rights-of-Way:
1. It is not permitted to store or display merchandise or any other material, excepting those signs permitted in '5.36.050(9), within any public right-of-way. In certain locations designated by Spanish Fork City, outdoor seating may be permitted in accordance with restrictions provided in the City=s Development Standards.

(Ord. No. 08-05, Enacted 06/07/2005)
(Ord. No. 02-10, Amended 02/16/2010)
(Ord. No. 23-10, Amended 11/16/2010)
(Ord. No. 06-11, Enacted 04/19/2011)
(Ord. No. 05-12, Amended 04/17/2012)
(Ord. No. 10-12, Amended 08/21/2012)
(Ord. No. 11-13, Amended 07/16/2013)
(Ord. No. 04-14, Amended 04/01/2014)
(Ord. No. 02-15, Amended 02/03/2015)
(Ord. No. 11-15, Amended 06/16/2015)
(Ord. No. 15-15, Amended 09/15/2015)
(Ord. No. 17-15, Amended 12/15/2015)

PART 4 DEVELOPMENT

Chapter 04 Subdivisions
Chapter 08 Site Plans
Chapter 12 Impact Fees
Chapter 16 Design and Development Standards
Chapter 20 Flood Damage Prevention

15.4.04.010 Sale of Plats or Parcels Prior to Approval and Recordation Prohibited
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15.4.04.010 Sale of Plats or Parcels Prior to Approval and Recordation Prohibited

No person shall subdivide any tract of land which is located wholly or in part within the corporate limits of the City, nor shall any person sell, exchange, offer for sale, purchase, or offer to purchase any parcel of land which is any part of a subdivision of a larger tract of land as hereinafter described, nor shall any person offer for recording any deed conveying such parcel of land or any interest therein unless there is first recorded a plat of such land which has been prepared and recorded in compliance with the requirements of this Title, or a waiver granted in accordance with Utah Code Ann. '10-9a-605.

15.4.04.020 Approval Required

A. Subdividing Land. It shall be unlawful for any person to create a subdivision or subdivide for the purpose of transferring, selling, conveying, or assigning any tract or

parcel of land, which is located wholly or in part in the City except in compliance with this Title.

B. Subdivisions. It shall be unlawful for any person to sell or exchange or to offer to sell or exchange any parcel of land which is part of a subdivision of land, or recorded in the office of the Utah County Recorder as a subdivision unless the subdivision has been approved by the City and complies with the provisions of this Title.

C. Building Permit Conditions. No building permit shall be issued until the final subdivision plat has been recorded by the City at the office of the Utah County Recorder and the following improvements are installed and accepted by the City:
   1. All required underground utilities or conduit for them.
   2. Curb, gutter, sidewalk, and cross-gutters.
   3. Six (6) inches of compacted road base in all areas where asphalt will be placed.

The City Engineer or his/her designee is hereby designated as the responsible official to accept the improvements. Once acceptance has been granted, a building permit may be issued.

15.4.04.030 Endangering Health or Property Prohibited

No subdivision shall be developed in the City which, in the opinion of the City Council, is incompatible to the health or well-being of the citizens of Spanish Fork and the future lot owners when the subdivision is completed.

15.4.04.040 Amended Plats

In all subdivisions which have been recorded and in which changes have been made which changed the subdivision materially, an Amended Plat must be filed and recorded in accordance with the provisions of this Title. In situations where modifications are limited to the adjustment of lot lines and all affected property owners consent to the modifications, an applicant shall apply to have a Minor Plat Amendment approved. The information required with an application for Minor Plat Amendment approval shall match those found with Final Plat applications. The fee for Minor Plat Amendment approval shall be set forth by the City Council in the City's budget. The DRC may waive individual submittal requirements as the DRC finds appropriate. Upon finding that all applicable standards have been met, the DRC shall approve the Minor Plat Amendment. Once all requirements have been met and any required bonds have been posted, the Plat will be submitted to the Utah County Recorder's Office for recordation.

(Ord. No. 04-14, Amended 04/01/2014)

15.4.04.050 Exceptions to Avoid Hardship

Whenever the tract to be subdivided is, in the opinion of the City Council, of such unusual shape or size or is surrounded by such development or unusual conditions that the strict application of the requirements contained herein would result in real difficulties and substantial hardships or injustices, the City Council may vary or modify such requirements so that the subdivider is allowed to develop his or her property in a reasonable manner but so, at the same time, the public welfare and interests of the City and surrounding area are protected and the general intent and spirit of this Title is preserved.

15.4.04.060 Filing of Preliminary Plats

A. Prior to filing a Preliminary Plat, the developer should review conceptual plans with the Community Development Department. To apply for a Preliminary Plat approval, applicants must follow instructions on the electronic form provided by the Community Development Department and submit all required materials. Plans submitted for Preliminary Plat approval shall be provided in this format:
   1. A pdf and computer aided design (CAD) file of the plat in a dwg or dxf format. The CAD file of the subdivision must be in the 1927 North American Datum (NAD27) or 1983 North American Datum (NAD83) State Plane.
   2. All fees for the Preliminary Plat are due upon filing the application.

B. The City will review the submission and notify the developer of any changes that must be made. The developer shall have a written response to all redlines corrected. Once these changes are made, a Portable Document Format (PDF) file of the plat must be submitted to the Community Development Department. Ten bound subdivision packets must also be submitted for master planned developments.

C. All drawings, CAD files, and packets must be updated and re-submitted to the City with any changes made that were required by the DRC, Planning Commission, or City Council after each meeting.

D. In the event a pending ordinance, which has been formally initiated, would prohibit the Plat approval, the application need not be accepted, unless the pending ordinance has not been adopted within 180 days of its formal initiation. A subdivision application shall meet the requirements in place at the time of submittal, or the requirements of any ordinance which has been formally initiated at the time of submittal.

(Ord. No. 04-14, Amended 04/01/2014)
(Ord. No. 14-16, Amended 09/20/2016)

15.4.04.070 Form and Content of Preliminary Plats

A. Each Preliminary Plat shall be accompanied by a filing fee in the amount established by the City Council in the annual budget. Each Preliminary Plat of a subdivision shall contain the following information:
   1. The proposed name of the subdivision.
   2. The names and addresses of the Developer and the Civil Engineer of the subdivision.
   3. The names of all adjacent subdivisions and property owners.
   4. The location of the subdivision as a part of some larger subdivision or tract of land referred to in the records of the County Recorder. In such case, a sketch of the prospective street system of the un-platted parts of the subdivider's land shall be submitted and the street system of the part submitted shall be considered in light of existing master street plans or other commission street studies.
   5. A tie to a section corner. All horizontal data shall be based on the 1927 North American Datum (NAD27) or 1983 North American Datum (NAD83) State Plane Coordinate System, Utah Central Zone, US Foot. Horizontal datum shall be clearly written on all plat drawings.

6. A contour map with vertical intervals not to exceed two feet. Contours shall be clearly labeled. All vertical data shall be based on the 1929 North American Vertical Datum (NAVD29) or 1988 North American Vertical Datum (NAVD88). Vertical datum shall be written on plat.
7. Show all existing and proposed streets, alleys, easements, watercourses including flood zone areas, irrigation ditches, fence lines, utilities, buildings, public areas and any other important features within 200 feet of the tract to be subdivided.
8. Phasing plan showing how proposed development will function until the subdivision is completed.
9. A table including: total acreage of area proposed for development, acreage of individual phases, total acreage in lots, total acreage in open space, percent of open space, total number of lots, and density in lots per acre, and total acreage in flood zone.
10. The date of preparation, a standard engineering scale of not more than 100 feet to the inch, a north arrow, and a vicinity map.
11. A stamp and signature of a Civil Engineer licensed in the state of Utah.

B. The following documents must accompany the Preliminary Plat:
1. Soils Report. The developer must provide a detailed soils report addressing the following issues for the subdivision: hill stabilization, road design including CBR of existing soils, foundation design, groundwater impacts, and general soil stability. The report must be stamped and signed by a Civil Engineer licensed in the state of Utah. Whenever the soils report for a development requires foundation drains, a storm drain system with laterals to each foundation drain must be installed. In such cases, the storm drain system shall be lower than the sewer system.
2. Storm Water Plan. The developer must provide a detailed storm water plan for the subdivision according to the Storm Water Drainage Design Manual. This plan shall include all calculations showing that it meets all the requirements of the Construction Standards and the Drainage Design Manual. Plans and calculations must be stamped and signed by a civil engineer licensed in the state of Utah.
3. Traffic Impact Study. The developer must submit a traffic impact study performed by a professional engineer licensed in the state of Utah, unless waived by the City Engineer.
4. Wetland Delineation Study. The developer must submit a wetland delineation study, unless waived by the City Engineer.
5. Title Report. The developer shall provide the City with a title report showing clear title for all of the properties in the proposed development.
6. Other Jurisdictional Approvals. The developer shall acquire approvals from any agency or company having affected properties or utilities.
7. In addition to the above, a MPD subdivision packet shall include a project overview, plat drawings, product elevations, landscape plan, description and design of amenities, CC&R's, and soil reports. The description and design of amenities shall include detailed drawings and pictures of proposed playgrounds, open space, trails, streetscapes, architectural variety, fencing, and any other items deemed necessary by the City Planner.

(Ord. No. 14-12, Amended 09/28/2012)
(Ord. No. 04-14, Amended 04/01/2014)

15.4.04.080 Approval or Disapproval - Procedure

A. Each plat submitted to the City shall be referred to the DRC for review to insure conformity to the present ordinances and standards and for adequacy and availability of public facilities. The applicant must hold a meeting, for residential subdivisions, prior to a meeting with the DRC, inviting all property owners within 500 feet of the proposed project. The notice, names of those invited, those who attended, conceptual drawings, presentations, and minutes from the meeting must be submitted to the Community Development Department prior to the DRC meeting.

B. Approval of a preliminary subdivision plat shall not be granted until such time as the applicant has provided information, to the satisfaction of the City Engineer, to establish that adequate public facilities exist in the areas affected by the development to accommodate the development.

C. The public facilities to which the preceding paragraph applies shall include the following:
   1. The City culinary water system, including quantity, quality, treatment, storage capacity, transmission capacity, and distribution capacity.
   2. The City sanitary sewer system, including treatment, overall capacity, outfall lines, laterals, and collector lines.
   3. The City electric power system, including generation, transformation, transmission, and distribution.
   4. The storm water system, including drainage and flood control facilities.
   5. Streets and roads, including arterial and collector roads, sidewalks, curb and gutter, and related transportation facilities.
   6. City pressurized irrigation system, including transmission and distribution capacity.

D. The adequacy of public facilities shall be determined in accordance with the Spanish Fork City Development Standards, the various Master Plans and the Comprehensive General Plan of the City, and at the discretion of the City Engineer. In the event that the City Engineer determines that adequate public facilities are not available and will not be available by the time of Final Plat approval, so as to assure that adequate public services are available at the time of occupancy, the following alternatives may be elected, at the discretion of the City Council:
   1. Allowing the developer to voluntarily construct those public facilities which are necessary to service the proposed development and provide adequate facilities as determined by the City Engineer and by entering into an appropriate form of connector's or development agreement, which may include, as deemed appropriate by the City Engineer, provisions for recoupment of any expenses incurred above and beyond those reasonably necessary for or related to the need created by or the benefit conferred upon the proposed development, and the method and conditions upon which recoupment is to be obtained. Any connector’s agreement authorized by this paragraph must be requested within ninety (90) days of the completion and acceptance by City of the improvements. A request for a connector’s agreement shall be made on forms provided by the City. An application fee in an amount to cover the City’s expenses in preparing the connector’s agreement shall be included.

The amount of the fee shall be established by the City Council in the annual budget or by resolution.

2. Requiring the timing, sequencing, and phasing of the proposed development consistent with the availability of adequate public facilities.
3. Deferring Final Plat approval and the issuance of building permits until all necessary public facilities are adequate and available.
4. Denying plat approval and allowing the applicant to reapply when adequate public facilities are available.

E. If the plat is not in conformity with the Design and Development Standards of this Title, the DRC shall refer it back to the subdivider or developer with a list of items necessary to bring the plat into compliance. If the plat is in conformity, it will be submitted to the Commission with suggestions and comments noted thereon. The Commission may table the matter to further study the issues presented. The Commission may recommend approval, rejection, or approval with conditions to the City Council. After considering the recommendation of the Commission, the Council may approve, reject, or grant approval upon the conditions stated. If approved, the City Council shall express its approval with whatever conditions are attached. If any conditions are attached, the Preliminary Plat shall be amended to reflect such changes and an accurate Preliminary Plat shall be submitted to the City. Changes made in the Preliminary Plat by the DRC, Commission, or Council must be made before proceeding to the next step. One 24x36 inch copy, one 11x17 inch copy and a CAD file of the revised plat must be submitted to the Planning Department.

Receipt of this accurate copy shall be authorization for the developer to proceed with the preparation of plans and specifications for the minimum improvements hereinafter required by this Title and with the preparation of the Final Plat. Original Preliminary Plats are subject to the standards, policies, and regulations that are in effect at the time of approval for each of the Final Plats.

(Ord. No. 11-13, Amended 07/13/2013)
(Ord. No. 15-14, Amended 10/07/2014)

15.4.04.090 Duration of Preliminary Approval

A Preliminary Plat expires if it is not approved by the Council within twelve (12) months from the time its application is submitted and accepted.

Approval of the Preliminary Plat by the City Council shall be valid for a period of twelve (12) months after approval unless, upon application by the developer, the City Council grants an extension. An extension may not exceed six (6) months. A Preliminary Plat remains active if a Final Plat is recorded at least every twelve (12) months. If a Final Plat has not been recorded within the twelve (12) month period or an extension granted, the Preliminary Plat must again be submitted to the City Council for re-approval.

Preliminary approval of a large tract shall not be voided if the Final Plat of the first section thereof is submitted for final approval within one (1) year and no more than twelve (12) months have expired between the recording of each consecutive Final Plat or an extension of time is granted as to the remainder thereof.

15.4.04.100 Filing of Final Plats - When

Within one (1) year after approval of the Preliminary Plat or within the time for which an

extension to make such filing has been granted, the applicant must follow instructions on the electronic form provided by the Community Development Department and submit all required materials with the following:

A. A Computer Aided Design (CAD) file in a dwg or dxf format and a Portable Document Format (PDF) file of the plat. The CAD file of the subdivision must be in the 1927 North American Datum (NAD27) or 1983 North American Datum (NAD83) State Plane Coordinate System, Utah Central Zone, US Foot, with a tie to a section corner.
B. All fees for the Preliminary Plat are due upon filing the application.

The City will review the submission and notify the developer of any changes that must be made. The developer shall have a written response to all redlines corrected. Once these changes are made, a Portable Document Format (PDF) file of the plat must be . submitted to the Community development department.

Each Final Plat shall be accompanied by a filing fee established by the City Council in its annual budget, together with any impact, inspection, testing, connection, or other fees which are due before recording.

(Ord. No. 04-14, Amended 04/01/2014)
(Ord. No. 14-16, Amended 09/20/2016)

15.4.04.110 Form and Contents of Final Plats

A. The developer must submit a mylar of the Final Plat to the City in a format approved by the City and County. The Final Plat of a subdivision shall contain the following:
   1. A tie to a section corner and the state plane coordinates of each point. All horizontal data shall be based on the 1927 North American Datum (NAD27) or 1983 North American Datum (NAD83) State Plane Coordinate System, Utah Central Zone, US Foot. Horizontal datum shall be clearly written on the plat.
   2. Accurate dimensions for all lines, angles and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use, and other important features; the lines, angles, dimensions, state plane coordinates, bearings, areas and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All dimensions shall be determined by an accurate field survey which shall balance and close as required by the county.
   3. All lots and blocks are to be numbered, addressed, and named in accordance with the street numbering and naming system assigned by the City Engineer.
   4. A statement that AAll drinking water and pressurized irrigation lines up to and including the meter, all sanitary sewer mains, all electric meters, and all electric and SFCN communication service lines up to the mast on overhead installations and to the top of the meter base for underground installations are dedicated to Spanish Fork City.@.
   5. Plats and signatures shall be in waterproof ink on a 24x36 inch mylar sheet. There shall be an unencumbered margin of one and one-half (1 1/2) inches on the left-hand side of the sheet and not less than a half (1/2) inch margin around the outer three (3) sides of the sheets. The scale shall be a standard engineering scale of no more than 100 feet to the inch.
   6. A stamp and signature of a surveyor licensed in the state of Utah.
   7. A statement that AAll public utility easements platted hereon are in perpetuity for installation, maintenance, repair, and replacement of public utilities, sidewalks, and

appurtenant parts thereof and the right to reasonable access to grantor=s easement shall run with the real property and shall be binding upon the grantor and the grantor=s successors, heirs and assigns.@.

8. All building permits for the subdivision shall comply with the Development Soils Report and Mass Grading Plan. Elevation certificates shall be reviewed and approved by the City Engineer or his/her designee as required.
9. The date of preparation, a standard engineering scale of not more than 100 feet to the inch, a north arrow, and a vicinity map.
10. All offsite easements required to provide services or utilities to the project shall be recorded with the Utah County Recorder=s office prior or in conjunction with the Final Plat recordation.

B. The following documents must accompany the Final Plat:
   1. Construction Plans. A complete set of construction plans must accompany the Final Plat. Construction plans must meet the requirements of this Title as well as the standards found in Chapter 39.20 Improvement and Design Requirements of the Construction Standards.
   2. Soils Reports. A Final Plat Soils Report shall provide a detail of lot by lot summary addressing finished floor elevation including basements. The report shall include a minimum height factor for peak month in a wet year, and also address all Hillside Development Standards.
   3. Storm Water Plan. The developer shall provide a final drainage plan and report according to the Storm Water Drainage Design Manual.
   4. Mass Grading Plan. The developer shall provide a final subdivision grading plan showing each individual property. The site shall be designed to eliminate flooding or standing water on any private property.

(Ord. No. 14-12, Amended 09/18/2012)

15.4.04.120 Review and Approval Procedure of Final Plats

Final plat and construction drawings shall be submitted to the City for review to insure conformity to the present ordinances and standards and for the adequacy and availability of public facilities. If the Final Plat or construction drawings are not in conformity, the City shall refer it back to the subdivider or developer with a list of items necessary to bring the Final Plat or construction drawings into compliance. If the Final Plat and construction drawings are in conformity, the plat or complete drawings will be submitted to the DRC with suggestions and comments noted thereon. The DRC shall act as the land use authority for Final Plat approval.

After considering the recommendation of the City Engineer, the DRC may table the matter, approve, or grant approval upon conditions stated. If approved, the City Manager, Community Development Director, and City Engineer shall sign the Final Plat. If any conditions are attached, the Final Plat or construction drawings shall be amended to reflect such changes and an accurate Final Plat shall be submitted to the City, prior to signing.

Original and Preliminary Plats are subject to the standards, policies, and regulations that are in effect at the time of approval for each of the Final Plats.

(Ord. No. 14-16, Amended 09/20/2016)

15.4.04.130 Recordation - Copy to be Supplied to City Engineer

Following acceptance by the DRC, the Final Plat, bearing all official approvals, shall be deposited in the office of the Utah County Recorder for recording by the City. Only the City may record Final Plats. The Final Plat must be recorded within 180 days after approval by the DRC. Approval expires and the plat must be resubmitted if the Final Plat is not recorded within 180 days.

All inspection, testing and/or connection fees required by ordinance shall be paid and permits required shall be obtained prior to the recording of the Final Plat.

(Ord. No. 15-14, Amended 10/07/2014)

15.4.04.140 Commencement/Completion Time Frame

A. Prior to the construction of any improvements required by this Title, the subdivider shall furnish to the City Engineer the following:
   1. Approved sets of construction plans.
   2. Full security deposit (bond) required by this Title (' 15.4.16.110).
   3. Inspection fee deposit.
   4. Subdivision Development Agreement.
   5. Hold a preconstruction meeting.
   6. Meet all conditions for approval as established by the Council.

B. All improvements within subdivisions must be completed within one (1) year of the date of the pre-construction meeting. If improvements are not completed within the time limitation imposed herein, the City may forfeit any bond or surety, which shall have been posted by the owner or subdivider.

15.4.04.150 Amendments to Final Plat

The City Engineer may approve minor amendments to approved Final Plats before the Final Plat is recorded, if he/she finds that the proposed amendments do not jeopardize the interest of the City or adjoining property owners. The types of minor amendments contemplated by this section may include, but not be limited to, legal description mistakes, minor boundary changes, and items that should have been included on the original Final Plats. Major amendments to unrecorded approved Final Plats shall go back through the approval process. Amendments to record the Final Plat shall be in accordance with State law and any policies or procedures adopted by the City.

15.4.04.160 Building Permits

The City may issue a building permit upon application and compliance with the requirements of law and once all improvements are installed, accepted by the City Engineer, and in service for the entire plat. In the event asphalt pavement plants are closed for the winter, building permits may be issued before paving if there is six inches of compacted road base in all areas to be paved.

15.4.04.170 Appeals

Any decision of the DRC approving a Final Plat may be appealed to the Appeal Authority. Any appeal must be taken within fifteen (15) days of the final decision of the DRC. Appeals must follow the procedures set forth in §15.1.04.050. Any decision by the Appeal Authority concerning a Final Plat shall be final and non-appealable.

15.4.04.180 Filing of Minor Subdivision Plat

Minor Subdivision Plats may be approved for subdivisions of five (5) or fewer lots where those lots conform to applicable zoning standards and where all required infrastructure is adjacent to the subject property. Application for Minor Subdivision Plat approval can be made by completing an application form and submitting the following materials to the Community Development Department:

Seven 24x36 inch copies of the Minor Subdivision Plat and construction drawings;

Two 11x17 inch copies of the Final Plat and construction drawings;

A Computer Aided Design (CAD) file and a Portable Document Format (PDF) file of the plat must be submitted on a CD or by e-mail in a dwg or dgn format. The CAD file of the subdivision must be in the 1927 North American Datum (NAD27) or 1983 North American Datum (NAD83) State Plane Coordinate System, Utah Central Zone, US Foot, with a tie to a section corner.

The City will review the submission and notify the applicant of any changes that must be made. Once these changes are made, a Portable Document Format (PDF) file of the plat must be submitted to the Community Development Department. Once approved by the DRC, four 24x36 inch copies, one clearly legible 11x17 inch copy, and a CAD file of the plat must be submitted to the Community Development Department. Two 24x36 inch copies will be retained by the City, the other two 24x36 inch copies will be signed and stamped by the City and returned to the Developer. The applicant must insure that a copy of the signed and approved construction plans is on site at all times during construction. Each Minor Subdivision Plat shall be accompanied by a filing fee established by the City Council in its annual budget, together with any impact, inspection, testing, connection or other fees which are due before recording.

15.4.04.190 Form and Contents of Minor Final Plats

A. The developer must submit a mylar of the Minor Subdivision Plat to the City in a format approved by the City and County. The Minor Subdivision Plat shall contain the following:
   1. A tie to a section corner and the state plane coordinates of each point. All horizontal data shall be based on the 1927 North American Datum (NAD27) or 1983 North American Datum (NAD83) State Plane Coordinate System, Utah Central Zone, US Foot. Horizontal datum shall be clearly written on the plat.
   2. Accurate dimensions for all lines, angles and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use, and other important features; the lines, angles, dimensions, state plane coordinates, bearings, areas and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All dimensions shall be determined by an accurate field survey which shall balance and close as required by Utah County.
   3. All lots and blocks are to be numbered, addressed and named in accordance with the street numbering and naming system assigned by the City Engineer.
   4. A statement that “All drinking water and pressurized irrigation lines up to and including the meter, all sanitary sewer mains, all electric meters, and all electric and SFCN communication service lines up to the mast on overhead installations and to the top of the meter base for underground installations are dedicated to Spanish Fork City.”.

5. Plats and signatures shall be in waterproof ink on a 24x36 inch mylar sheet. There shall be an unencumbered margin of one and one-half (1 1/2) inches on the left-hand side of the sheet and not less than a half (1/2) inch margin around the outer three (3) sides of the sheets. The scale shall be a standard engineering scale of no more than 100 feet to the inch.
6. A stamp and signature of a surveyor licensed in the state of Utah.
7. A statement that "All public utility easements platted hereon are in perpetuity for installation, maintenance, repair, and replacement of public utilities sidewalks and appurtenant parts thereof and the right to reasonable access to grantor's easement shall run with the real property and shall be binding upon the grantor and the grantor's successors, heirs and assigns.".
8. All Building Permits for the subdivision shall comply with the Development Soils Report and Mass Grading Plan. Elevation certificates shall be reviewed and approved by the City Engineer or his/her designee as required.
9. The date of preparation, a standard engineering scale of not more than 100 feet to the inch, a north arrow, and a vicinity map.
10. All offsite easements required to provide services or utilities to the project shall be recorded with the Utah County Recorder's office prior to or in conjunction with the Minor Subdivision Plat recordation.

B. The following documents must accompany the Minor Subdivision Plat:
   1. Construction Plans. A complete set of construction plans must accompany the Minor Subdivision Plat. Construction plans must meet the requirements of this Title as well as the standards found in Chapter 39.20 Improvement and Design Requirements of the Construction Standards.
   2. Soils Reports. A soils report shall provide a detail of lot by lot summary addressing finished floor elevation including basements. The report shall include a minimum height factor for peak month in a wet year, and also address all Hillside Development Standards.
   3. Storm Water Plan. The developer shall provide a final drainage plan and report according to the Storm Water Drainage Design Manual.
   4. Mass Grading Plan. The developer shall provide a final subdivision grading plan showing each individual property. The site shall be designed to eliminate flooding or standing water on any private property.

15.4.04.200 <u>Review and Approval Procedure of Minor Final Plats</u>

Minor Subdivision Plat and construction drawings shall be submitted to the City for review to insure conformity to the present ordinances and standards and for the adequacy and availability of public facilities. If the Minor Subdivision Plat or construction drawings are not in conformity, the City shall refer it back to the subdivider or developer with a list of items necessary to bring the Minor Subdivision Plat or construction drawings into compliance. If the Minor Subdivision Plat and construction drawings are in conformity, the plat or complete drawings will be submitted to the DRC with suggestions and comments noted thereon. The DRC shall act as the Land Use Authority for Minor Subdivision Plat approval. If approved, the City Manager, Community Development Director and City Engineer shall sign the Minor Subdivision Plat. If any conditions are attached, the Minor Subdivision Plat or construction drawings shall be amended to reflect such changes and an accurate Minor Subdivision Plat

shall be submitted to the City, prior to signing.

15.4.04.210 Recordation of Minor Final Plats

Following acceptance by the DRC, the Minor Subdivision Plat bearing all official approvals shall be deposited in the office of the County Recorder for recording by the City. Only the City may record Minor Subdivision Plats. The Minor Subdivision Plat must be recorded with Utah County within 120 days after approval by the DRC. Approval expires and the plat must be resubmitted if the Minor Subdivision Plat is not recorded within 120 days. All inspection, testing and/or connection fees required by ordinance shall be paid and permits required shall be obtained prior to the recordation of the Minor Subdivision Plat.

15.4.04.220 Commencement/Completion Time Frame for Minor Final Plats

A. Prior to the construction of any improvements required by this Title, the subdivider shall furnish to the City Engineer the following:
   1. Approved sets of construction plans.
   2. Full security deposit (bond) required by this Title (15.4.16.110).
   3. Inspection fee deposit.
   4. Subdivision Development Agreement.
   5. Hold a preconstruction meeting.
   6. Meet all conditions for approval as established by the Council.

B. All improvements within subdivisions must be completed within one (1) year of the date of recordation. If improvements are not completed within the time limitation imposed herein, the City may forfeit any bond or surety, which shall have been posted by the owner or subdivider.

15.4.04.230 Amendments to Minor Final Plats

The City Engineer may approve minor amendments to approved Minor Subdivision Plat before the Minor Subdivision Plat is recorded, if he/she finds that the proposed amendments do not jeopardize the interest of the City or adjoining property owners. The types of minor amendments contemplated by this section may include, but not be limited to, legal description mistakes, minor boundary changes and items that should have been included on the original Minor Subdivision Plat. Major amendments to unrecorded approved Minor Subdivision Plat shall go back through the approval process.

15.4.04.240 Building Permits for Minor Final Plats

The City may issue a Building Permit upon application and compliance with the requirements of law and once all improvements are installed, accepted by the City Engineer, and in service for the entire plat. In the event asphalt pavement plants are closed for the winter, Building Permits may be issued before paving if there is six (6) inches of compacted road base in all areas to be paved.

(Ord. No. 04-14, Amended 04/01/2014)

PART 4 DEVELOPMENT

Chapter 08 Site Plans

15.4.08.010 Purpose
15.4.08.020 Site Plan Required
15.4.08.030 Application and Review Process
15.4.08.040 Approval or Disapproval - Procedure
15.4.08.050 Duration of Approval
15.4.08.060 Amendments to Site Plan
15.4.08.070 Appeals

15.4.08.010 Purpose

The Site Plan review process is established in order to assure that development proposed for Spanish Fork City will comply with all zoning and development standards. The general appearance of developments shall contribute to an orderly, sustainable, and harmonious appearance and a safe and efficient development.

It is not the purpose of this Chapter that design should be so rigidly controlled so as to stifle creativity or individual expression, or that substantial additional expense be incurred; rather, it is the intent of this Chapter that any control exercised be the minimum necessary to achieve the objectives as stated above.

15.4.08.020 Site Plan Required

A. Requirement. Site Plan review shall be required for the following:
   1. All proposed new commercial or industrial developments.
   2. All additions to commercial or industrial structures.
   3. Any change of use of an existing commercial or industrial site or structure.
   4. All Conditional Use Permits or Uses Subject to Conditions.
   5. Some projects such as minor additions to non-residential structures may not need a complete review.
   6. The Community Development Director may waive full Site Plan review, including fees, if it is determined that such review will not further the purpose of the City=s development standards.

15.4.08.030 Application and Review Process

A. A Site Plan shall go through the following process. Pre-application conference with the Community Development Director and City Engineer, staff review, and then to the DRC.
   1. Pre-application conference for Site Plan Review. Persons intending to undertake development need to arrange with the City Planner for a pre-application meeting. The purpose of this meeting is to acquaint the applicant with the requirements of the code; to provide for an exchange of information regarding to applicable elements of the General Plan and development requirements, to arrange such technical and design assistance as will aid the applicant, and to otherwise identify policies and regulations that create opportunities or pose significant constraints for the proposed development.
   2. Staff Review.

a. An application provided by the City shall be filled out in completeness and submitted to the Community Development Department together the following:
   i. Seven 24x36 copies folded to a 9x12 size so that the name of the plan is visible.

Two clearly legible11x17 copies of the site plan.

   ii. A computer aided design (CAD) file of the plans on a CD, or by an e-mail in a dwg or dxf format. The CAD file of the subdivision must be in the 1927 North American Datum (NAD27) or 1983 North American Datum (NAD83) State Plane Coordinate System, Utah Central Zone, US Foot, with a tie to a section corner.

If anything is submitted by e-mail, the Community Development Department must be contacted for the proper e-mail address and for confirmation the e-mail was received.

A. Each Site Plan shall be accompanied by a filing fee in the amount established by the City Council in the annual budget.

B. Information required for Staff Review including the following:
   1. Proposed name of Site Plan at lower right hand corner.
   2. Name and address of developer on the lower right hand corner.
   3. Name and address of engineer/architect/surveyor at the lower right hand corner.
   4. Date of preparation.
   5. Statement that A All drinking water and pressurized irrigation lines up to and including the meter, all sanitary sewer mains, all electrical meters, and all electric and SFCN communication service lines up to the mast on overhead installations and to the top of the meter base for underground installations are dedicated to Spanish Fork City.@.
   6. Licensed Land Surveyor/Engineer Stamp and Signature.
   7. Title block with name and location.
   8. Vicinity map and north arrow.
   9. Standard engineered scale B 1" = 100' or less.
   10. Description of boundary of development.
   11. Section tie/bearing of section line based on NAD27 or NAD83 State Plane Coordinates. Horizontal datum shall be clearly marked on all plat drawings.
   12. Adjacent property owners names and buildings within 200 feet of proposed development.
   13. Existing and proposed fences.
   14. Existing and proposed streets with names and widths within 200 feet of site.
   15. Existing and proposed water courses, culverts, and irrigation ditches.
   16. Flood zones or wetlands as per NWI wetland map.
   17. Existing and proposed power lines (labeled), gas lines, water mains, fire hydrants and valves with pipe size.
   18. Existing and proposed sewer mains and manholes with pipe sizes.
   19. Existing and proposed storm drains.
   20. Existing and proposed public utility easements.
   21. Minimum of 2-foot contours of existing elevations, with note that all vertical data is based on NAVD29 or NAVD88. Vertical datum shall be written on the plan.
   22. Typical street cross section.
   23. Building setbacks dimensioned on the Site Plan.

24. Parking stalls (9'x18') and calculations identifying the required number of handicapped and non-handicapped parking spaces in the development.
25. Photometric lighting plan.
26. Dumpster location, height and materials used.
27. Location and screening plan for mechanical equipment.
28. Note on Site Plan if building is to be sprinkled.
29. Finish floor elevation.
30. Type of building and occupancy per International Building Code.
31. Project phasing (if applicable).
32. Table with the following:
    a. Total acreage of area proposed for development.
    b. Total area and percent of site in landscaping (open space).
    c. Total building area and dimensions - separate areas for different uses (office, warehouse, shop, etc.).
    d. Total developed and undeveloped area.
    e. Total number of parking spaces required and proposed (including ADA parking stalls).
    f. Total impervious area.
33. Landscaped plan prepared by a licensed landscape architect:
    a. Planting schedule showing plant material and sizes.
    b. Planting plan.
    c. Irrigation plan.
34. Off-street parking plan showing circulation and number and size of spaces.
35. Vehicular and pedestrian circulationBingress, egress, and internal movement.
36. Location and function of any loading and servicing facilities.
37. Scale drawings of exterior building elevations and an indication of building materials to be used. Architectural drawings shall be drawn to a scale of no smaller than 1/8" = 1-foot.
38. Elevations and/or architectural renderings of building facades facing public right-of-way. Said elevations or renderings must be sufficiently complete to show building heights and roof lines, the location and height of any walls, signs, light standards, openings in the facade, and the general architectural character of the building.
39. All existing and proposed signs for the development.
40. Grading plan with detailed elevations showing the drainage of the property. Sites shall be designed to eliminate drainage of water to adjacent properties. Site Grading Plan shall address soil types of material on the project site to ensure it is suitable for growth of landscaping and adequate percolation rates which are applicable to the design.
41. Construction plans which conform to the standards found in section 39.20 Improvement and Design Requirements of the Spanish Fork City Construction Standards.
42. Soils report addressing the following issues for the site: hill stabilization, road design, foundation design, groundwater impacts, and general soil stability. Report must be stamped and signed by a civil engineer licensed in the state of Utah.

    Whenever a soils report for development requires foundation drains, a storm drain system with laterals to each foundation drain must be installed. Storm drain system must be at a lower elevation than the sewer system. The report shall

include a minimum height factor for a peak month in a wet year for the lowest buildable floor elevation. All ground drain systems shall be approved by the City Engineer.

43. Public Utility Easement documents and/or deeds for all utilities or public facilities required by the City.
44. Detailed storm water plan for the site according to the Storm Water Drainage Design Manual. This plan shall include all calculations showing that it meets the requirements of the Construction Standards and the Drainage Design Manual. Plans and calculations required by of Chapter 39.20 of the Construction Standards must be stamped and signed by a civil engineer licensed in the state of Utah.
45. Approvals from any agency or company having affected properties or utilities.
46. Other data or plans or reports deemed necessary by the Planning, Public Works, or Fire and Police Departments. In the event that a traffic study, environmental study or other technical study is required, the applicant may be required to pay additional review fees. The additional review fees will be utilized to prepare studies deemed necessary by the City Engineering Department or to perform a peer review of work submitted on behalf of the applicant.

C. The City will review the submission and notify the developer of any changes that must be made. The developer shall have a written response to all redlines corrected.

Once these changes are made, a Portable Document Format (PDF) file of the plat must be submitted to the Community Development Department.

D. Once accepted by the DRC, four 24x36 inch copies, one clearly legible 11x17 inch copy, and a CAD file of the plat must be submitted to the Engineering Department. Two 24x36 inch copies will be retained by the City, the other two 24x36 inch copies will be signed and stamped by the City and returned to the Developer. The Developer must insure that a copy of the signed and approved construction plans is on site at all times during construction.

(Ord. No.14-12, Amended 10/18/2012)
(Ord. No. 14-16, Amended 09/20/2016)

15.4.08.040 Approval or Disapproval - Procedure

Each Site Plan submitted to the City shall be referred to the DRC, for review to insure conformity to the present ordinances and standards and for adequacy and availability of public facilities. The DRC may table the matter to further study the issues presented. The DRC may approve, reject, or grant approval upon the conditions stated. If approved, the DRC shall express its approval with whatever conditions are attached. If any conditions are attached, the Site Plan shall be amended to reflect such changes and an accurate Site Plan shall be submitted to the City. Receipt of this accurate copy shall be authorization for the developer to proceed with the preparation of plans and specifications for the minimum improvements hereinafter required by this Title. Original Site Plans are subject to the standards, policies, and regulations that are in constraints for the proposed development.

A. Staff Review.
   1. Application for Site Plan approval can be made by following instructions on the electronic form provided by the Community Development Department and by submitting a in a computer aided design (CAD) file of the plans on a CD, or by an e-

mail in a dwg or dxf format. The CAD file of the subdivision must be in the 1927 North American Datum (NAD27) or 1983 North American Datum (NAD83) State Plane Coordinate System, Utah Central Zone, US Foot, with a tie to a section corner.

If anything is submitted by e-mail, the Community Development Department must be contacted for the proper e-mail address and for confirmation the e-mail was received.
(Ord. No. 04-14, Amended 04/01/2014)

15.4.08.050 Duration of Approval

A Site Plan expires if it is not approved by the DRC within twelve (12) months from the time a complete application is submitted and accepted. Approval of the Site Plan by the DRC shall be valid for a period of twelve (12) months after approval unless, upon application by the developer, the DRC grants an extension. An extension may not exceed six (6) months.

All City improvements required for a Site Plan approval must be completed within one (1) year of the date of approval by the DRC. Improvements which are not completed within the time limitation imposed herein shall work a forfeiture of any bond or surety which shall have been posted by the owner or subdivider.

(Ord. No. 14-12, Amended 09/18/2012)

15.4.08.060 Amendments to Site Plan

The Community Development Director may approve minor amendments do not jeopardize the interest of the City or adjoining property owners. The types of minor amendments contemplated by this section may include, but not be limited to, legal description mistakes, minor boundary changes, and items that should have been included on the original Site Plan. Major amendments to the final Site Plan shall go back through the approval process.

(Ord. No. 14-16, Amended 09/20/2016)

15.4.08.070 Appeals

Any decision of the DRC approving a Site Plan may be appealed to the Appeal Authority. Any appeal must be taken within fifteen (15) days of the final decision of the DRC. Appeals must follow the procedures set forth in '15.1.04.050. Any decision by the Appeal Authority concerning a Site Plan shall be final and non-appealable.

PART 4 DEVELOPMENT

Chapter 12 Impact Fees

15.4.12.010 Impact Fees, Authorization
15.4.12.020 Purpose of Impact Fees, Limitations
15.4.12.030 Determination
15.4.12.040 Method of Assessing
15.4.12.050 Special Exceptions
15.4.12.060 Existing Structures

15.4.12.010 Impact Fees, Authorization

Spanish Fork City is hereby authorized to establish and collect impact fees as a condition of granting subdivision plat approval and/or as a condition of the issuance of a building permit.

15.4.12.020 Purpose of Impact Fees, Limitations

The purpose of impact fees is to provide necessary funding for capital improvements to public facilities incurred due to new development. Impact fees may be assessed for water, sewer, pressurized irrigation, electric power, storm drainage, streets and roads, recreation, and public safety.

(Ord. No. 07-11, Amended 05/17/2011)

15.4.12.030 Determination

The Council may set impact fees based on studies and analyses of the anticipated costs to provide adequate public facilities to new developments. The amount of the impact fee shall not exceed the anticipated cost of providing adequate public facilities which become necessary as a result of the development. In setting the amount of the fee, the Council shall take into consideration the following factors:

A. The cost of existing capital facilities.

B. The manner of financing existing facilities.

C. The relative extent to which newly developed property and other properties within the City have already contributed to the costs of existing capital facilities.

D. The relative extent to which newly developed properties and other properties within the City will contribute to the cost of existing capital facilities in the future.

E. The relative extent to which newly developed properties are entitled to a credit because the City may be requiring owners or developers to provide common facilities that have historically been provided by the City and financed through general taxation or other charges in other parts of the City.

F. The extraordinary costs, if any, in servicing newly developed properties.

G. The time-price deferential inherent in fair comparison of amounts paid at different times.

15.4.12.040 Method of Assessing

The Council may establish and assess impact fees by an impact fee enactment and by complying with the notice and hearing provisions of State law.

(Ord. No. 14-16, Amended 09/20/2016)

15.4.12.050 Special Exceptions

A. The Council retains the authority to adjust any impact fee imposed in order to respond to unusual circumstances in specific cases and to insure that impact fees are fairly imposed. Economic hardship shall not be considered an unusual circumstance justifying an adjustment to the impact fee.

B. The Council may, at its sole discretion, adjust any impact fee, on the basis of justice and equity, based upon studies and data submitted by the developer.

C. The Council may, at its sole discretion, waive any impact fee for governmental development or other development activities with broad public purposes. Any development undertaken to gain a profit, whether or not a profit is realized, does not qualify as a broad public purpose.

D. The Council may, at its sole discretion, allow a full or partial credit against impact fees for any system improvements provided by the developer that are required as a condition of approval of the development activity.

15.4.12.060 Existing Structures

Where the following conditions are met, credit will be given towards the impact fees for replacement structures:

A. The subject property was located within Spanish Fork City limits on July 1, 1995.

B. A dwelling or business was located on the subject property on July 1, 1995.

C. Municipal services such as water, sewer, or power were being provided to the subject property on July 1, 1995.

Credit towards impact fees will be limited to the services provided to the property for the existing service size.

(Ord. No. 04-14, Enacted 04/01/2014)

15.4.12.070 Reimbursable Projects

Growth related infrastructure that does not have local connections shall be eligible for 100% reimbursement through impact fees. If there are local connections, the difference between the regional and local infrastructure cost shall be eligible for reimbursement from impact fees. 600 amp and larger electric lines are fully reimbursable from impact fees. Street lights are included in the cost of the street cross-section.

(Ord. No. 14-16, Enacted 09/20/2016)

PART 4 DEVELOPMENT

Chapter 16 Design and Development Standards

15.4.16.010 Availability of Adequate Public Facilities
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15.4.16.010 Availability of Adequate Public Facilities

A. Approval of a Preliminary Plat or Site Plan shall not be granted until such time as the applicant has provided information, to the satisfaction of the City Engineer, to establish that adequate public facilities exist in the areas affected by the development to accommodate the development.

B. The public facilities to which the preceding paragraph applies shall include the following:
   1. The City Culinary Water System, including quantity, quality, treatment, storage capacity, transmission capacity, and distribution capacity.
   2. The City Sanitary Sewer System, including treatment, overall capacity, outfall lines, laterals, and collector lines.
   3. The City Electric Power System, including generation, transformation, transmission, and distribution.
   4. The Storm Water System, including drainage and flood control facilities.
   5. Streets and Roads, including arterial and collector roads, sidewalks, curb and gutter, and related transportation facilities.
   6. Recreational Facilities, including ballparks, playgrounds, and trails.
   7. Secondary Irrigation, including transmission and distribution capacity.

C. The adequacy of public facilities shall be determined in accordance with the Spanish Fork City Design and Development Standards, the various master plans and the Comprehensive General Plan of the City, and at the discretion of the City Engineer.

15.4.16.020 Unavailability of Adequate Public Facilities

A. In the event that the City Engineer determines that adequate public facilities are not available and will not be available by the time of approval, so as to assure that adequate public services are available at the time of occupancy, the following alternatives may be elected, at the discretion of the City Council:
   1. Allowing the developer to voluntarily construct those public facilities which are necessary to service the proposed development and provide adequate facilities as determined by the City Engineer and by entering into an appropriate form of connector's, or developers agreement, which may include, as deemed appropriate by the City Engineer, provisions for recoupment of any expenses incurred above and beyond those reasonably necessary for or related to the need created by or the benefit conferred upon the proposed development, and the method and conditions upon which recoupment is to be obtained. Any connector's agreement authorized by this paragraph must be requested within thirty (30) days of the completion and acceptance by the City of the improvements.
   2. Requiring the timing, sequencing, and phasing of the proposed development consistent with the availability of adequate public facilities.
   3. Deferring approval and the issuance of building permits until all necessary public facilities are adequate and available.
   4. Denying approval and allowing the applicant to reapply when adequate public facilities are available.

B. In the event the City installs infrastructure improvements which benefits specific properties, it may also recover reimbursement on a pro-rata basis from the benefitted properties when they develop, on the same basis as a developer would recover reimbursement with a connector's agreement as set forth in paragraph A.

C. When a connector's agreement is granted, or the City installs infrastructure for which it will be reimbursed, the City will record a notice against the benefitted properties so that a future owner/developer will be on notice of development costs associated with that parcel.

(Ord. No. 9-13, Amended 06/18/2013)

15.4.16.030 Improvement Installations

A. No improvements may be installed until the Final Plat is recorded. Thereafter, all improvements shall be installed in accordance with the Design and Development Standards unless waived by the City Engineer for unique conditions. A waiver is intended to be extremely difficult to obtain and is to be based on rare and unusual circumstances. Any waiver, variation, or substitution from the standards must be authorized in writing by the City Engineer or his/her designee. The expense of all such improvements and installations, including but not limited to expenses for all of the foregoing items and for area-wide topographical drainage, engineering, ecological or other work or study, shall be borne by the owner or subdivider or developer subject to such terms and conditions as may be required by the City Council by way of ordinance, resolution, contract, or otherwise. The failure of any owner or subdivider to comply with the terms of this provision or his/her failure to complete the installation of all of the foregoing installations, fixtures or improvements or such others as may be required by

the City Council from time to time, shall result in the forfeiture pro tanto of the bond or other security posted. Any developer or subdivider forfeiting a bond may jeopardize his/her/its ability to do future projects in the City, following a hearing before the City Council. Any subdivision not in full compliance with this section shall not be connected to or receive any of its municipal services, including but not limited to water, sewer, irrigation, electricity, or refuse removal services.

B. The developer or subdivider shall be responsible for the protection of any existing improvements on public or private property at the start of work or placed there during the progress of the work. Existing improvements shall include but are not limited to permanent surfacing, curbs, ditches, driveways, culverts, fences, walls and landscaping. Any surface improvements damaged as a result of construction shall be restored or replaced to an equal or better condition than before. This shall be accomplished in a timely manner.

C. The developer or subdivider shall be responsible for maintaining existing road surfaces suitable for travel by the public. The developer or subdivider shall be responsible for all dust and mud control and all claims and damages resulting from failure to maintain the construction area.

D. New residential developments shall not be designed to allow direct access from individual lots or dwelling units to arterial streets or major collector streets. Masonry walls shall be provided along the sides of residential developments, which have reverse or side frontage to arterial streets, major collector streets, or interstates. The walls will be of decorative block, brick, or similar materials together with design elements such as columns, capping, inlays, and variations in materials. The material, style, and color of the wall must be reviewed and approved by the City. The wall shall be constructed according to a design stamped by a licensed professional civil engineer. The Council may waive this requirement in those instances where the height of the interstate, arterial street, or major collector street is significantly higher than the top of the wall. The Council may also waive the requirement for a masonry wall if a park or open space area is adjacent to such streets. The Council may waive all fencing requirements or impose non-sight obscuring fencing, at their sole discretion.

(Ord. 14-05, Amended 11/15/2005)

15.4.16.040 Fees

Fees may be charged by the City for the purpose of defraying expenses of all work performed by the City or its agents in connection with processing or approving the application for a subdivision, reviewing a Preliminary Plat and a Final Plat or for inspecting or installing a fixture or apparatus in any subdivision. Such fees shall in no case be less than the fee charged for similar services provided by the City to persons who are not subdividers.

15.4.16.050 Utility Connection

It shall be the responsibility of the developer to connect to all available utilities or improvements wherever they are located and extend those improvements to and through the development to obtain approval of said subdivision.

The developer or subdivider shall provide easements for all utility extensions through

private property. The developer or subdivider shall also provide a ten foot public utility easement along public rights-of-way or streets and along one side of all other property lines. If setbacks are less than ten feet then public utility easements shall be the extent of the setback.

(Ord. 14-05, Amended 11/15/2005)

15.4.16.060 Sewage Facilities

A. Five (5) acre parcels or larger may be approved with a septic system sanitary sewer, at the discretion of the Council, when the following minimum requirements are met:
   1. The owner signs a recordable instrument waiving the right to protest or otherwise object to the creation of a special improvement district to be created for the purpose of providing the City sanitary sewer system.
   2. Including a requirement that the City sanitary sewer system be connected to each residence at the owner=s expense at such time that the City sanitary sewer system is within 500 feet of the lot line.
   3. The septic system sanitary sewer meets all requirements of Federal, State, County or municipal law and regulations at the time of installation.
   4. No more than one building containing a septic system sanitary sewer may be constructed on each lot.

15.4.16.070 Foundation Drains

Whenever the soils report for a development requires foundation drains, a storm drain system with laterals to each foundation drain must be installed. The storm drain system must be at a lower elevation than the sewer system.

15.4.16.080 Water Transfer

Each developer of a subdivision shall transfer to the City the quantity and type of water rights as determined and established from time to time by resolution of the City Council. The purpose of the section is to assure the City has an adequate water supply to provide water to the development, or to replace water which is provided to the development.

15.4.16.085 Street Improvements

A. General. The developer or subdivider shall construct all streets and appurtenances required for the development as specified by the Council in accordance with the City Construction Standards and/or other policies adopted by the City. The design and all street work shall be done as directed and under the supervision of the City Engineer or his/her designee.

B. Cul-de-sacs. The maximum length of a cul-de-sac is 400 feet measured from the nearest right-of-way line of the adjoining street to the center of the cul-de-sac, and the minimum radius of the cul-de-sac is sixty (60) feet at the property line.

C. Curbs, Gutters, and Sidewalks. Curbs, gutters, and sidewalks shall be built along all public streets according to the Construction Standards. All curbs, gutters, and sidewalks shall connect to existing curbs, gutters, and sidewalks within a reasonable area as determined by the City Engineer or his/her designee.

D. Partial-Streets Widths. In certain conditions, and when special approval is given, partial

road widths may be allowed. A partial road width shall include half the road plus ten (10) feet. The road shall also include a two (2) foot shoulder along the unfinished portion of the street with a minimum three percent (3%) slope away from the edge of pavement. All City improvements must be made in dedicated City right-of-way or public utility easements.

E. Turn-arounds. Temporary turn-arounds are to be provided on all streets which extend more than one (1) lot from an intersection. These are to be recorded as easements. These easements may be abandoned when a permanent street is extended and dedicated. They shall be ninety-six (96) feet in diameter and consist of a minimum of eight (8) inches of compacted road base.

F. Grades. The maximum grade allowed for any City street is eight percent (8%) unless otherwise approved by the City Engineer. In no case shall grades greater than fourteen percent (14%) be allowed. The minimum grade allowed for any City street is zero point forty-five percent (0.45%). The maximum grade allowed for any private driveway is twelve percent (12%).

G. Pedestrian Connections. Pedestrian connections may be required in situations where the DRC finds that the design creates an impediment for pedestrian travel within a development or neighborhood. Particular attention will be paid to providing pedestrian access to public spaces such as schools and parks. Pedestrian access corridors will be twelve (12) feet in width or wider.

Sidewalks may be required on non-residential sites to connect buildings with sidewalks in public streets, to connect one site with adjacent sites or to provide a connection between two public streets.

H. Two Points of Access. Two points of vehicular access may be required for developments if the DRC finds they are necessary to create a functional street network or to help ensure access for public safety personnel and equipment.

I. Local Street Connections. Where parallel or nearly parallel streets are 600 feet or longer, a local street connection between those two streets shall be required, unless this requirement is expressly waived by the DRC.

(Ord. No. 14-05, Amended 11/15/2005)
(Ord. No. 14-12, Amended 09/18/2012)
(Ord. No. 04-14, Amended 04/01/2014)

15.4.16.090 Time Limitation for Completion

A. All improvements listed in the Chapter must be completed within one (1) year from the date of recordation, unless the City Engineer requires an earlier completion date. An extension for completion of improvements may be granted by the City Council for up to an additional one (1) year. A request for an extension must be submitted to the City Council, in writing, explaining the reasons for the requested extension.

B. The City Engineer may require certain of the improvements to be completed prior to the one (1) year period. The City Engineer shall have the discretion to designate what

improvements shall be completed and within what time frame. Ten (10) days after written notice of the failure to complete improvements is given, the City may proceed to have the improvements completed and may execute upon the security posted in order to pay for the same.

(Ord. No. 15-14, Amended 10/07/2014)

15.4.16.100 Conflict of Interest

No employee or agent of the City shall work for or be employed by any contractor or subdivider for the purpose of installing any plumbing or sewer fixture, pipes or connections, or for the purpose of installing or supervising the installation of any curb, gutter, street or sidewalk, or for the purpose of surveying any portion of the subdivision or proposed subdivision, or for the purpose of installing or supervising the installation of any electrical wiring, connections, apparatus or fixture, provided that this section shall not apply to independent engineering contractors employed by the City.

15.4.16.110 Security for Improvements Required

The owners and/or developers of property shall deposit security with the City to guarantee proper installation of all required improvements in accordance with the plans, specifications, time limitations, and conditions relating thereto as meets with the approval of the Council or such personnel as the Council shall designate. The amount of the security shall be 110% of the City's estimated costs of the improvements. Security shall be in form of cash in the minimum amount of ten percent (10%) of the City's bond amount. The balance of the security shall be in the form of cash, an irrevocable letter of credit or an escrow bond.

Irrevocable letters of credit or escrow bonds shall be executed by financial institutions acceptable to the City and authorized to conduct business in the State of Utah, and must be in the form approved by the City. The bond or letter of credit, as required by this section, must be posted prior to recording of the plat. Upon completion, inspection, approval, and acceptance of the improvements, the security, less ten percent (10%), shall be released to the developer. Ten percent (10%) of the security amount shall be held for a period of one (1) year following final inspection and acceptance to warrant improvements for this time period.

The ten percent (10%) retained for the warranty period shall be in cash. The cash amount may be released one (1) year after installation, final inspection, and acceptance by City, if no repairs or replacement are required to the infrastructure installed.

(Ord. No. 09-13, Amended 06/18/2013)
(Ord. No. 04-14, Amended 04/01/2014)

15.4.16.120 Off-Street Parking

A. Purpose: To provide adequate, but not excessive, parking to meet the needs of residents, employees, and business patrons, in a manner this is functional, safe, and aesthetically pleasing.

B. General Requirements:
   1. Off-street parking is not required for permitted uses in the Downtown Commercial (C-D) district, except for residential uses, which must meet the requirements that are otherwise prescribed in subparagraph C.
   2. Each parking space shall be at least nine (9) feet wide and eighteen (18) feet deep (See parking design standards in the Construction and Development Standards for

details on aisle widths, maneuvering areas, and fire lanes).

3. Tandem parking (front to rear) shall not be permitted.
4. All parking spaces and driveway areas serving such parking spaces shall be surfaced with concrete, asphalt, or paving blocks except that portions of driveway areas located farther than 200 feet from a public road and which service a single residence dwelling in the R-R or A-E zoning districts may be constructed and surfaced to an all-weather standard as approved by the City Engineer. Such surfacing may include gravel, slag, or similar materials.
5. Required parking shall be provided on-site or on contiguous lots.
6. Backing and maneuvering areas shall be provided on-site for all uses other than single family, twin homes, and duplexes.
7. For the purpose of identifying required parking, square feet shall mean the gross floor area of the building.
8. No part of any vehicle may overhang onto a public sidewalk or within five (5) feet of a street curb where no sidewalk exists.
9. All parked vehicles must comply with the City's clear vision area requirements.
10. Parking of commercial vehicles in residential districts is limited to one (1) commercial vehicle with a one ton chassis, having a capacity of not more than 10,000 pounds gross vehicle weight rating (GVWR).
11. Landscaping and screening of parking lots shall be in accordance with the requirements of '15.4.16.130, Landscaping, Buffering, Walls, and Fences.

C. Parking Requirements by Use:

USE	MINIMUM # OF SPACES
Auditorium, Stadium, Public Assembly, Private Clubs, Health Clubs, Theaters	1:100 sq. ft. or 1:5 seats
Auto Repair	1:100 sq. ft.
Automobile Service Station	1:200 sq. ft.
Banks, Financial Institutions	1:250 sq. ft.
Barber Shop or Beauty Shop	1:100 sq. ft.
Churches	1:5 seats or 90 lineal inches per pew
Child Care Center	1:employee, plus 1:10 children
Home Furnishings, Major Appliances	1:500 sq. ft.
Hospitals	1:bed
Lube and Tire Centers	1:300 sq. ft.
Manufacturing/Assembly/ Wholesale/Warehouse	1:employee on the highest shift
Mixed Uses or Unlisted Uses	To be determined by Community Development Director
Motels/Hotels Restaurants Banquet/Meeting Rooms	1:room 1:200 sq. ft. 1:200 sq. ft.
Office: General/Professional Medical/Dental	 1:300 sq. ft. 1:200 sq. ft.
Indoor Recreation Facility: Amusement Center/Arcades Bowling Alley	 1:100 sq. ft. 4:lane
Outdoor Recreation Facility: Golf Course	 6:hole

Miniature Golf Course Batting Cages Water Park, Theme Parks	2:hole 1:cage To be determined by Planning Director
Residential Single-family	A garage with space for at least one vehicle and additional space so that a minimum of two parking spaces per unit are provided.
Residential Multi-family	A garage with space for at least one vehicle and additional space so that a minimum of two parking spaces per unit are provided. In addition, one guest parking space is required for every three dwelling units.
Restaurant - freestanding	1:100 sq. ft.
Retail/Shopping Center (including up to 10% restaurant, health club, beauty shops; additional percentages calculated at rate for each use)	1:250 sq. ft.
Retirement/Senior Housing/Nursing Home	1:employee on highest shift plus 0.4:unit
Schools: Elementary Middle or Junior High High School College Vocational/Technical	 2:classroom 3:classroom 7:classroom 10:classroom 1:2 students
Storage Building/Space	0.5 per 1,000 sq. ft. of storage space

(Ord. No. 04-14, Amended 04/01/2014)
(Ord. No. 11-15, Amended 06/16/2015)
(Ord. No. 14-16, Amended 09/20/2016)

15.4.16.130 Landscaping, Buffering, Walls and Fences

A. Purpose: The purpose of these requirements is to enhance, conserve, and stabilize property values by encouraging pleasant and attractive surroundings and to provide proper separations between uses. Landscaping should also contribute to the reduction of heat and glare through the proper placement of plants and trees.

B. Residential Uses:
   1. Multi-family Uses:
      a. Minimum of thirty percent (30%) on-site landscaping as a percentage of total site area.
      b. 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.
      c. 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 percent (50%) of the required street trees must be planted in the park strip.

d. 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.
   i. The DRC may waive or modify this requirement, if it is determined that this requirement does not further the intent of this ordinance.
e. 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.
f. 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.

2. Single Family and Twin Home Uses:
   a. All single family residential lots shall have the front yard, side-street yards for corner lots and park strips landscaped within one (1) year of receiving a certificate of occupancy. Interior side and back yards must be landscaped within two years of receiving a certificate of occupancy.
   b. 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.
   c. 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.
   d. 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.

C. Professional Office and Non-residential or Non-commercial Uses:
   1. Minimum of twenty-five percent (25%) 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 percent (50%) of the required street trees must be planted in the park strip.

4. Minimum of ten (10) foot wide planter area and six (6) foot high decorative block wall, where the site abuts a 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.

D. Commercial Uses:
1. Minimum of fifteen percent (15%) 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 one street tree for each thirty (30) feet of frontage along all public streets. 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 percent (50%) of the required street trees must be planted in the park strip.
4. Minimum of ten (10) foot wide planter area and six (6) foot high decorative masonry wall, where the site abuts a 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.

E. Industrial Uses:
1. Minimum of ten percent (10%) 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. The planter area may be partially or completely within the street right-of-way area.
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 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 percent (50%) of the required street trees must be planted in the park strip.

4. Minimum of ten (10) foot wide planter area and six (6) foot high decorative block wall, where the site abuts a residential use or district. The planter area shall include trees with a maximum spacing of thirty (30) feet.
   1. The DRC may waive or modify this requirement, if it is determined that this requirement does not further the intent of this ordinance.
5. All other landscaped areas shall include at least one (1) non-ornamental tree and ten (10) shrubs for each 1,000 square feet of landscaped areas. Natural vegetation may be included if materials are appropriate for the setting and location. The total number of required trees and shrubs for each 1,000 square feet of required landscaping shall equal one (1) non-ornamental tree and ten (10) shrubs; and
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.

Spanish Fork City Tree List for Public Street Frontage		
May 7, 2014		
Common Name/Alternate Name		Botanical Name
Beech	European	Fagus sylvatica
Catalpa	Northern	Catalpa speciosa
Elm	Chinese	Ulmus parvifolia
Elm	Frontier	Ulmus 'Frontier'
Ginko		Ginko biloba
Hackberry	common	Celtis occidentalis
Horsechestnut	common	Aescules hippocastanum
Linden	American	Tilia americana
Linden	Silver	Tilia tomentosa
Oak	Bur	Quercus macrocarpa
Oak	English columnar	Quercus robur 'Fastigiata'
Oak	Swamp White	Quercus bicolor
Sycamore	London Planetree	Platanus x acerfolia
Zelkova	Japanese	Zelkova serrata 'Green Vase'
Zelkova	Japanese	Zelkova serrata 'Village Green'
Zelkova	Japanese	Zelkova serrata 'Musashino'

Spanish Fork City Tree List for Parking Lots		
May 7, 2014		
Common Name/Alternate Name		Botanical Name
Beech	European	Fagus sylvatica
Buckeye	Ohio	Aesculeus glabra
Catalpa	Northern	Catalpa speciosa
Catalpa	umbrella	Catalpa bignonioides 'Nana'
Crabapple	Malas	Malus x 'Spring Snow'
Elm	Chinese	Ulmus parvifolia
Elm	Frontier	Ulmus 'Frontier'
Fringetree		Chionanthus virginicus
Ginko		Ginko biloba
Goldenchain	Waterer Laburnum	Laburnum x watereri
Goldenraintree		Koelreuteria paniculata
Hackberry	common	Celtis occidentalis
Hawthorn	Cockspur	Crataegus crus-galli
Hawthorn	English	Crataegus laevigata
Hawthorn	Lavalle	Crataegus x lavallei
Hawthorn	Washington	Crataegus phaenopyrum
Honeylocust		Gleditsia triacanthos var. inermis 'Shademaster'
Honeylocust		Gleditsia triacanthos var. inermis 'Imperial'
Honeylocust		Gleditsia triacanthos var. inermis ‘Skyline’
Coffee Tree	Kentucky Coffee Tree	Gymnocladus dioicus
Linden	Silver	Tilia tomentosa
Oak	Bur	Quercus macrocarpa
Oak	English columnar	Quercus robur 'Fastigiata'
Oak	Swamp White	Quercus bicolor
Pear	Flowering Aristocrat	Pyrus calleryana 'Chanticleer'
Redbud	Eastern	
Serviceberry	Shadblow	Amelanchier canadensis
Smoketree	common	Cotinus coggyria
Sweetgum	American	Liquidambar styraciflua
Sycamore	London Planetree	Platanus x acerfolia
Tuliptree		Liriodendron tulipifera
Yellow Wood		Cladrastis kentukea (lutea)
Zelkova	Japanese	Zelkova serrata 'Green Vase'
Zelkova	Japanese	Zelkova serrata 'Village Green'
Zelkova	Japanese	Zelkova serrata 'Musashino'

F. Standards and Maintenance:
   1. All deciduous trees shall have a minimum of two (2) inch caliper trunk. All evergreen trees shall be a minimum of five (5) feet in height.
   2. All shrubs shall be a minimum of one (1) gallon size.
   3. Planting areas shall be separated from parking areas and driveways by a six (6) inch concrete curb.
   4. Landscaped areas shall be maintained with an automatic sprinkler system.
   5. Landscaped areas shall be maintained in a neat, clean, and orderly condition. This in meant to include proper pruning, lawn mowing, weeding, removing of litter, fertilizing, replacing of dead plants, and regular watering of all landscaped areas.

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 six and one-half (6 1/2) feet in height. The Council may waive the height requirement at its sole discretion.
   2. The maximum height of a solid fence within the front yard setback area is three (3) feet. Substantially open fences such as chain link, or wrought iron may be four (4) feet high.
   3. Barbed wire fencing is allowed in A-E, R-R, I-1 and I-2 districts.
   4. Razor wire and other similar type fencing are allowed in C-2, I-1 and I-2 districts when located above a height of six (6) feet, subject to DRC approval. Additional screening of any such fence with plant materials may be required.
   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.

(Ord. No. 23-10, Amended 11/16/2010)
(Ord. No. 10-14, Amended 05/20/2014)
(Ord. No. 15-15, Amended 09/15/2015)
(Ord. No. 05-16, Amended 04/05/2016)
(Ord. No. 14-16, Amended 09/20/2016)

15.4.16.140 Solid Waste Receptacle Areas

Multi-family dwellings, and non-residential uses shall provide solid waste receptacle areas screened on three (3) sides with a masonry wall having a height at least one (1) foot above any receptacle or container. A steel site-obscuring gate at least six (6) feet in height is required. This requirement may be waived or modified by the DRC when it is determined that a Aroll-out@ residential style container is sufficient for the type of operation proposed, or, the screen wall requirement may be waived when solid waste receptacle areas are sufficiently screened or otherwise located within the project to not be visible by or adversely impact adjoining properties.

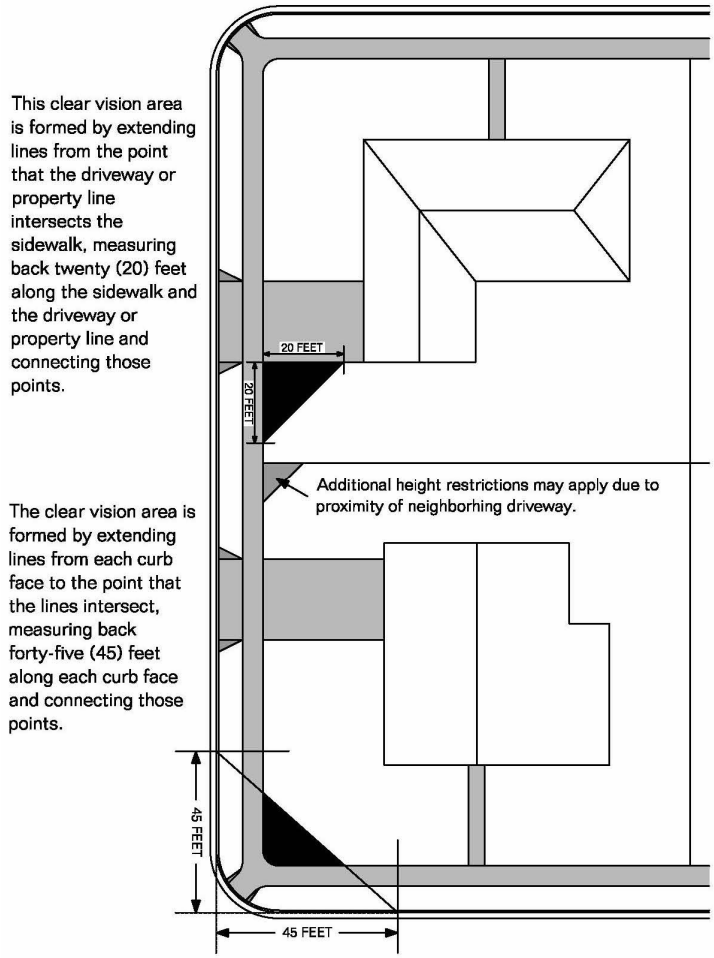
15.4.16.150 Clear Vision Area

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 solid fence shall exceed a height of three (3) feet, measured from the curb. Open fences such as chain link and wrought iron may be as tall as four (4) feet in the clear vision area, measured from the curb.
2. Trees in park strips shall be pruned to maintain a clear area below fourteen (14) feet in height.
3. Trees on private property must be pruned to maintain a clear area below eight (8) 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



(Ord. No. 05-05, Enacted 06/07/2005)

(Ord. No. 12-08, Amended 09/16/2008)
(Ord. No. 23-10, Amended 11/16/2010)
(Ord. No. 14-12, Amended 09/18/2012)
(Ord. No. 15-13, Amended 09/03/2013)

15.4.16.160 Site Reclamation

Upon redevelopment of sites which have concrete products from prior uses available on site, limited to old gravel pits or construction dump sites, and the concrete products are of use in constructing new improvements in the new development, portable rock crushers may be allowed to help prepare the material that is on-site for reuse in the new development. Crushed material shall neither be exported from the site, nor shall material be brought to the site from another location to be crushed. The crushing operation shall only be permitted for a limited and specified duration of time. The crushing operation shall only operate during the hours of 8:00 a.m. to 6:00 p.m., Monday through Saturday. Appropriate measures for that site shall be imposed by the Community Development Director to limit the impact of noise and dust on surrounding land uses.

(Ord. No. 16-14, Enacted 11/18/2014)

15.4.16.170 Hillside Development

A. Slopes. Any land or parcel having a slope greater than ten percent (10%) shall be deemed to be land having a "steep slope" within the meaning of this section. Close proximity to a steep slope shall be defined as the horizontal distance from the slope which is less than or equal to the vertical distance from the crest of the slope to the toe of the slope. No person shall be permitted to grade, excavate, fill, or to erect any structure on undisturbed hillside areas that exceed a slope of thirty percent (30%). Any person proposing to grade, excavate, fill or to erect any structure on any slope or hillside with a slope between ten percent (10%) and thirty percent (30%), or within close proximity to a slope greater than ten percent (10%), shall be required to submit a site specific geotechnical report. The geotechnical report shall include sufficient subsurface exploration (soil borings), laboratory testing, and geotechnical engineering analysis, as outlined in the Construction Standards, to render professional recommendations and opinions regarding slope stability and required mitigation to protect planned or future construction above and below the slope(s) from earth deformations and other adverse soil or geologic conditions on or adjacent to the lot. The City will have that report reviewed by its own geotechnical engineer. The cost of that review will be borne by the applicant.

Prior to any excavation, cutting, or filling on slopes in excess of ten percent (10%), a land disturbance permit shall be obtained from the City. Prior to issuing the permit, the City will have qualified professionals review the plans to assure public safety and to take precautions against potential slides. The type and number of professionals will be determined by the City Engineer on a case by case basis. The cost of the professional review will be borne by the applicant. In no case will construction be allowed in, above, below, or laterally within 200 feet of a landslide, debris flow, or potential debris flow.

Cut and fill slopes shall be constructed to eliminate sharp angles of intersection with the existing terrain and shall be rounded and contoured as necessary to blend with existing topography to the maximum extent possible, as determined in the sole discretion of the City Engineer. The City will not accept the dedication and maintenance of cut and fill slopes except those within the required street right-of-way.

Maintenance of cut and fill slopes outside of street rights-of-way are the responsibility of the individual property owner. Where a cut or fill slope occurs between two lots, the slope shall normally be made a part of the downhill lot. Cut and fill slopes shall not be allowed to disrupt existing drainage channels.

The current version of the Building Code adopted by the Utah Uniform Building Code Commission regulating excavation and grading shall be complied with.

B. Building Sites. Each building lot shall contain a buildable area of not less than 4,000 square feet with a natural slope that is less than thirty percent (30%). The buildable area shall have minimum length and depth dimensions of fifty (50) feet.

No structure, primary or accessory, shall be located within ten (10) feet of a thirty percent (30%) slope. No slope in excess of ten percent (10%) shall be disrupted without first obtaining a land disturbance permit, described in paragraph A.

An exception to these building site requirements is granted for existing building lots in platted and recorded subdivisions, provided that each lot, prior to construction, provide the geotechnical report required in paragraph A, and as described in more detail in the Construction Standards.

C. Drainage. Required storm water runoff collection facilities shall be designed so as to retain storm water runoff on development sites for a sufficient length of time so as to prevent flooding and erosion during storm water runoff flow periods. Retainage amounts and times shall mirror historical amounts and times.

Required storm water runoff collection facilities shall be so designed as to divert surface water away from natural slopes, cut faces, or sloping surfaces of a fill. French drains are not acceptable.

Storm water detention or retention facilities should not be placed near the crest of natural or manmade slopes.

Curb, gutter, and pavement designs shall be such that water on roadways is prevented from flowing off the roadways.

Natural drainage shall be rip-rapped or otherwise stabilized to the satisfaction of the City Engineer below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion.

Waste material from construction, including soil and other solid materials, shall not be deposited within a natural or manmade drainage course nor within irrigation channels.

Sediment catchment ponds shall be constructed downstream from each development, unless sediment retention facilities are otherwise provided.

D. Vegetation and Revegetation. Every effort shall be made to conserve topsoil which is removed during construction for later use on areas requiring vegetation or landscaping, e.g., cut and fill slopes.

Areas not contained within lot boundaries shall be protected with adapted, fire-resistant species of perennial vegetation cover after all construction is completed. New planting shall be protected with organic cover.

All disturbed soil surfaces shall be stabilized before final acceptance of the development by the City. The developer shall be fully responsible for any destruction of native vegetation which is required to be retained in all areas under the ownership and

control of the developer. The developer shall carry the responsibility for such areas both for the developer's own employees and for all subcontractors from the first day of construction until final acceptance of the development by the City. The developer shall be responsible for replacing such destroyed vegetation.

Prior to the termination of the development improvements bond, any dead plant materials required to be installed by the developer shall be replaced and a new bond issued to assure establishment of the replaced materials.

E. Streets and Driveways. All streets within a hillside area shall be designed to meet the standards required for streets in all other areas of the City. Street and driveway grades shall not exceed eight percent (8%), unless authorized by the City Engineer. The City Engineer may not authorize street or driveway grades in excess of twelve percent (12%).

F. Fire Protection. Lot size and potential placement of buildings thereon shall be such that adequate clearance from combustible materials is provided, as determined by the City's Fire Marshal.

All easements for firebreaks for safety of built-up areas shall encompass access for firefighting personnel and equipment and such easements shall be dedicated for this specific purpose by being recorded with the plat, or by easement if there is no plat.

The inability to provide water pressure at fire hydrants consistent with the standards set by the Insurance Service Organization for fighting fires shall be justification for denial of a development request.

(Ord. No. 07-15, Enacted 02/17/2015)

PART 4 DEVELOPMENT

Chapter 20 Flood Damage Prevention

15.4.20.010 Warning and Disclaimer of Liability
15.4.20.020 General Provisions
15.4.20.030 Administration
15.4.20.040 Provisions For Flood Hazard Reduction
15.4.20.050 Penalties for Violation

15.4.20.010 Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

15.4.20.020 General Provisions

A. The ordinance shall apply to all areas with defined flood hazards within the jurisdiction of the City.

B. The flood hazard areas, for the purposes of this ordinance, are those flood hazard areas in the City that are identified by the current Federal Emergency Management Agency on Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto and any accompanying scientific and engineering Flood Insurance Study Report are hereby adopted by reference and declared to be a part of this ordinance.

C. Preliminary Plat approval, Site Plan approval, or a Building Permit shall be required to ensure conformance with the provisions of this ordinance.

D. No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

E. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

F. In the interpretation and application of this ordinance, all provisions shall be:
   1. Considered as minimum requirements.
   2. Liberally construed in favor of the governing body.
   3. Deemed neither to limit nor repeal any other powers granted under State statutes.

G. All properties adjacent to the Spanish Fork River shall dedicate forty (40) feet of land adjacent to the River for access and the installation, maintenance, repair, and replacement of roadway access for the following public purposes:
   1. Access to the Spanish Fork River.
   2. The right to do necessary work in and adjacent to the Spanish Fork River to preserve the river corridor buffer in an effort to reduce erosion and potential future flooding.
   3. The right to install and maintain armor along the Spanish Fork River bank.
   4. The right to maintain and repair the river bank and bed, and monitor river flow capacities.
   5. The right to survey the area as needed for installation of armor and for periodic monitoring of the River.
   6. The right to construct a trail for public access and use.

The City may require additional land be dedicated to provide an access corridor from developed areas to the River.

(Ord. No. 14-12, Amended 09/18/2012)
(Ord. No. 04-14, Amended 04/01/2014)

15.4.20.030 Administration

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

B. The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:
   1. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
   2. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding from both surface and groundwater as well as from flood-related erosion.
   3. Review, approve or deny all applications for development permits required by adoption of this ordinance.
   4. Review permits for proposed development to assure that all necessary City permits have been obtained.
   5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
   6. Notify, in riverine situations, adjacent communities and the State Engineer=s office prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
   7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

8. When base flood elevation data has not been provided in accordance with '030(B) the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of '050.
9. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on City's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City.

C. Application for a Preliminary Plat, Site Plan, or Building Permit within a special floodplain hazard area shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, and the construction of fences, and the location of the foregoing in relation to areas of special flood hazard and areas of special erosion hazard. Additionally, the following information is required:
1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures.
2. Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed.
3. A certificate from a licensed professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of '050(B)(2).
4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
5. A bank stability/erosion hazard analysis performed by a licensed professional engineer, including site photographs, that evaluates potential flood-related erosion hazards and identifies appropriate erosion hazard mitigation measures to protect any structural improvements proposed in the area of special erosion hazard.
6. A geotechnical report that includes: at least one (1) measurement of the ambient groundwater surface elevation on the site of proposed development collected between May 1 and May 31 (unless otherwise approved by the Floodplain Administrator); an engineer=s estimate of the maximum anticipated groundwater elevation anticipated on the site during periods of flooding on the Spanish Fork River, referencing nearby base flood elevations on the current FIRM and all other available sources; and an engineer=s recommendation with regard to the lowest elevation(s) that the lowest floor(s) (including basement) of all new and substantially improved structures should be constructed to be protected from flooding from groundwater and groundwater that could be influenced by surface water during periods of flooding.
7. A grading permit shall be obtained from the Floodplain Administrator before any excavation or fill work that could modify the flood hazards defined on the community=s FIRM is completed in the area of special erosion hazard area.
8. Maintain record of all such information in accordance with '040(B)(1).

D. Approval or denial of a Preliminary Plat, Site Plan, or any permit required by City shall be based on all of the provisions of this ordinance and the following relevant factors:
   1. The danger to life and property due to flooding or erosion damage.
   2. The susceptibility of the proposed facility and its contents to flood and/or erosion damage and the effect of such damage on the individual owner.
   3. The danger that materials may be swept onto other lands to the injury of others.
   4. The safety of access to the property in times of flood for ordinary and emergency vehicles.
   5. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems.
   6. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
   7. The necessity to the facility of a waterfront location, where applicable.
   8. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
   9. The relationship of the proposed use to the Comprehensive General Plan for that area.

(Ord. No. 23-10, Amended 11/16/2010)

15.4.20.040 Provisions For Flood Hazard Reduction

A. General Standards.
   1. In all areas of special flood hazards the following provisions are required for all new construction or substantial improvements:
      a. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
      b. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
      c. All new construction or substantial improvements shall be constructed with materials resistant to flood damage.
      d. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
      e. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
      f. All new construction shall be required to connect to City=s sanitary sewer system.
      g. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
      h. No solid walls, solid fences, or other structures that could disrupt flowing water in an area of special flood hazard shall be constructed in a position or direction contrary to the direction of flowing water.

2. In all areas of special erosion hazards the following provisions are required for all new construction or substantial improvements:
   a. No new construction or substantial improvements shall be designed or constructed until a licensed professional engineer certifies that no erosion hazard exists on the reach of open channel adjacent to or upstream from the proposed site for a distance of at least 150 feet or until any potential erosion hazard is mitigated by measures designed by a registered professional engineer and accepted by the Floodplain Administrator.
   b. All permanent structures shall be set back a minimum of sixty (60) feet from the top of bank of the nearest open channel that conveys runoff water.
   c. No excavation or fill that could modify the flood hazards defined on the FIRM shall be performed without applying for and receiving a grading permit from the Floodplain Administrator.
   d. No solid walls, solid fences, or other structures that could disrupt flowing water in an area of special erosion hazard shall be constructed in a position or direction contrary to the direction of flowing water.
3. In all areas of special flood hazard, all areas of special erosion hazard, and areas with potentially high groundwater levels, the following provisions are required for all new construction or substantial improvements:
   a. As part of the building or development permit process, a geotechnical report shall be completed that includes a licensed professional engineer=s recommendation with regard to the lowest elevation(s) that the lowest floor(s) (including basement) of all new and substantially improved structures should be constructed to be protected from flooding from groundwater and groundwater that could be influenced by surface water during periods of flooding, in accordance with '040(C)(6).

B. Specific Standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (I) '030(B); (ii) '040(B)(8); or (iii) '050((C)(3), the following provisions are required:

1. Residential Construction - new construction or substantial improvement of any residential structure shall have the lowest floor (including basement), elevated a minimum of two feet above the base flood elevation. A licensed professional engineer or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in '040(C)(1), is satisfied.
2. Nonresidential Construction - new construction or substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated a minimum of two feet above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes

the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained by the Floodplain Administrator.

3. Enclosures - new construction or substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement, and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or meet or exceed the following minimum criteria:
   a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
   b. The bottom of all openings shall be no higher than one foot above grade.
   c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
4. Manufactured Homes.
   a. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
   b. Require that manufactured homes that are placed or substantially improved on a permanent foundation such that the lowest floor of the manufactured home is elevated a minimum of two feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
   c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph four (4) of this section be elevated so that either:
      i. The lowest floor of the manufactured home is at least two (2) feet above the base flood elevation.
      ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
5. Recreational vehicles, trailers, or motor homes placed on sites within Zones A1-30, AH, and AE on the community's FIRM must meet one of the following criteria:
   a. Be on the site for fewer than thirty (30) consecutive days.
   b. Be fully licensed and ready for highway use.
   c. Meet the permit requirements of '040(C)(1), and the elevation and anchoring requirements for "manufactured homes" in paragraph four (4) of this section. A recreational vehicle, trailer, or motor home is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type

utilities and security devices, and has no permanently attached additions.

C. Standards for Subdivision Proposals.
   1. All subdivision proposals shall be consistent with this ordinance.
   2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet the Development Permit requirements of '030, '040and the provisions of '050 of this ordinance.
   3. Base flood elevation data shall be generated for subdivision proposals and other proposed development (including the placement of manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant to '030(B), or '040(B)(8) of this ordinance.
   4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards form both surface water and groundwater.
   5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

D. Standards for Areas of Shallow Flooding.
   1. Located within the areas of special flood hazard established in '030(B), are areas designated as shallow flooding (AO and AH Zones). These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:
      a. All new construction or substantial improvements of residential structures shall have the lowest floor (including basement) elevated at least two (2) feet above the base flood level.
      b. All new construction or substantial improvements of non-residential structures:
         i. Have the lowest floor (including basement) elevated at least two (2) feet above the base flood level.
         ii. Together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
      c. A licensed professional engineer shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in '040(C)(5) and '040(C)(6), are satisfied.
      d. Require within Zones AH or AO adequate drainage paths around structures on sloping ground, to guide flood waters around and away from proposed structures.
   2. City=s FIRM may also identify areas of shallow flooding hazards with an average depth less than on (1) foot deep (shaded Zone X), as established in '030(B). These areas may be between the flood hazard boundaries defined for the 1 - and 0.2-percent-chance-annual-flood or associated with base flood depths less than one (1) foot where a clearly defined channel does not exist and where the path of

flooding is unpredictable and where velocity may be evident. Such flooding is generally characterized by sheet flow; therefore the following provisions apply:

a. All new construction or substantial improvements of residential and non-residential structures.
   i. All new construction or substantial improvements have the lowest floor (including basement) elevated above the estimated depth of the base flood and above the highest groundwater level that is anticipated to occur during periods of flooding.
   ii. Require within shaded X Zones positive ground slopes away from structures and adequate drainage paths around structures on sloping ground to guide flood water around and away from proposed structures.
   iii. A registered professional engineer shall submit certification to the Floodplain Administrator that the standards of this Section, as proposed in '040(C)(5) and '040(C)(6)are satisfied.

E. Floodways. Floodways (located within areas of special flood hazard established in '030(B)) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:
   1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
   2. If '050(A)(7) above is satisfied, all new construction or substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.

F. Standards for Areas of Special Erosion Hazard. In order to prevent damage to structures in areas subject to special erosion hazards, the following provisions shall apply:
   1. No structural development will be allowed to be constructed in an area of special erosion hazard unless the potential erosion hazards have been evaluated and mitigated and buildings meet minimum setback requirements in accordance with '050(A)(2).
   2. No excavation or fill that could modify flood hazard boundaries defined on the FIRM shall be performed in areas of special erosion hazard without a grading permit, in accordance with '050(C)(7).
   3. No solid walls, solid fences, or other structures that could disrupt flowing water in an area of special flood hazard or special erosion hazard shall be constructed in a position or direction contrary to the direction of flowing water to create additional flooding and erosion hazards.

15.4.20.050 <u>Penalties for Violation</u>

A. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations.

B. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a class B misdemeanor. In addition to any fine, a violator shall pay all costs and expenses involved in the case.

C. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. 07-09, Enacted 02/20/2009)