
SPANISH FORK CITY

PLANNING COMMISSION AGENDA

WEDNESDAY, MARCH 2, 2005

**Planning
Commissioners**

Paul Bradford
Chairman

Del Robins
Asst. Chairman

David Lewis

Ted Scott

Sherman Huff

Chris Wadsworth
City Council Rep.

6:30 P.M. Agenda Review

7:00 P.M.

- 1. Preliminary Activities**
 - a. Pledge of Allegiance**
 - b. Minutes:**
 - c. Planning Review & Update: projects**

2. Public Hearing(s)

- A. [Zoning Ordinance Amendment
Temporary Signs 17.28.010 E. 4](#)

Applicants(s): Staff

Zoning: N/A

Location: City wide

- B. [Zoning Ordinance Amendment
Residential Treatment Center 17.28.050 D](#)

Applicants(s): Staff

Zoning: N/A

Location: City Wide

3. Other Business -

- A. [General Plan - Land Use Section](#)
- B. [Neighborhood requirements](#)

4. Adjourn

Planning Commissioners if you are unable to attend a meeting please let us know ASAP. Thanks

The public is invited to participate in all Planning Commission Meetings. If you need special accommodations to participate in the meeting, please contact the City Manager's Office at (801) 798-5000.



Spanish Fork Planning Commission Staff Report

To: Planning Commission
From: Emil Pierson, Planning Director
Date: March 2, 2005
Subject: Zoning Ordinance Amendments - Sign
Ordinance 17.28.010

BACKGROUND

The City Council has requested that the Planning Commission and the Development Review Committee make a recommendation on amending the sign ordinance allowing government entities and non-profit organizations to have temporary signage for civic functions and events.

ANALYSIS

In the past, civic events and functions such as the Fiesta Days and Festival of Lights have had signage placed through out the city. This has violated city ordinance which doesn't permit temporary signs for such events even if placed on city property. Therefore, the Council has asked that a recommendation be made for such signage.

During discussions with Matt Champneys (Spanish Fork Community Theater) and other individuals it has been discussed that other events such as the community plays, school events and other community functions play an important role in the quality of life of the residents of the city. Therefore, the recommendation from the Development Review Committee is as follows.

Government entities and non-profit organizations may install signs upon obtaining a special events sign permit to give notice of special events and functions. Such signs may be displayed during holidays or civic functions (i.e. festival of lights, fiesta days, etc..). Signs may be erected thirty (30) days prior to the event or function. All signs must be removed at the conclusion of the event or function.

RECOMMENDATION

APPROVE

Make a motion to give the Zoning Ordinance Amendment - Signs 17.28.010 a **POSITIVE** recommendation to the City Council as listed:

- g) Government entities and non-profit organizations may install signs upon obtaining a special events sign permit to give notice of special events and functions. Such signs may be displayed during holidays or civic functions (i.e. festival of lights, fiesta days, etc.). Signs may be erected thirty (30) days prior to the event or function. All signs must be removed at the conclusion of the event or function.

DENY

Make a motion to give the Zoning Ordinance Amendment - Signs 17.28.010 a **NEGATIVE** recommendation to the City Council for the following reason(s):

TABLE

Make a motion to **TABLE** the Zoning Ordinance Amendment - Signs 17.28.010 for the following reason(s):

Chapter 17.28. General Development Standards.

- 17.28.010. Signs.**
- 17.28.020. Off-Street Parking.**
- 17.28.030. Landscaping, Buffering, Walls and Fences.**
- 17.28.040. Accessory Buildings and Uses.**
- 17.28.050. Uses Subject to Conditions.**
- 17.28.060. Supplementary Regulation & Exceptions**

17.28.010. Signs.

A. Purpose:

The purpose of this section is to regulate the number, type, location, physical dimensions, and design of signs in order to protect the public interest and achieve community objectives as follows:

1. To balance public and private objectives by allowing adequate signage for business identification;
2. To promote the free flow of traffic and protect pedestrians and motorists from injury and property damage which may be caused by cluttered, distracting, and illegible signage;
3. To prevent property damage and personal injury resulting from signs which are improperly constructed or poorly maintained;
4. To promote the use of signs which are well designed, of appropriate scale, and integrated with surrounding buildings and landscape in order to meet the city's desire for quality development

B. General Provisions:

1. All signs shall comply with the city's Clear Vision Area requirements.
2. All signs shall be structurally designed, constructed, and maintained in accordance with all applicable provisions of the International Building Code.
3. Signs shall not be located in a manner which interferes with pedestrian travel or poses a hazard to pedestrians.
4. All signs and sign structures shall be maintained in good order, repair, and appearance at all times so as not to constitute a danger or hazard to the public safety or create a visual blight. If the Building Official/City Planner determines any sign or sign structure to be in an unsafe or unsightly condition, he/she shall immediately notify, in writing, the owner of such sign who shall correct such condition within forty-eight (48) hours. If the correction has not been made within forty-eight (48) hours, the Building Official/City Planner may have the sign removed if it creates a danger to the public safety or welfare, or have any necessary repairs or maintenance performed at the expense of the sign owner, or owner or lessee of the property upon which the sign is located.
5. Signs may be illuminated or non-illuminated, unless otherwise restricted herein. The source of the sign's illumination shall not be visible from any street, sidewalk, or adjacent property. This shall

- not preclude the use of neon sign elements.
6. Freestanding signs shall be incorporated within a landscaped planter area of at least twenty-five (25) square feet.
 7. Sign area shall be measured as follows:
 - a. Sign copy mounted or painted on a background panel or area distinctively painted, textured, or constructed as a background for the sign copy shall be measured as that area contained within the sum of the smallest rectangle(s) that will enclose both the sign copy and the background.
 - b. Sign copy mounted as individual letters or graphics against a wall, fascia, mansard, or parapet of a building or other structure that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy shall be measured as a sum of the smallest rectangle(s) that will enclose each word and each graphic in the total sign.
 - c. For multi-face signs, only the largest single face shall be counted as the area.
 8. Sign height shall be measured as follows:
 - a. Pole or pylon sign(s): The height shall be the vertical distance from the top of the highest element of the sign or sign structure to the top of the curb or crown of the roadway where no curb exists. The height of any monument base or other structure erected to support or ornament the sign shall be measured as part of the sign height.
 - b. Monument signs must have at least a one (1) foot high pedestal, and the illuminated cabinet may not exceed five (5) feet in height for a total of six (6) feet. The height to the top of the sign as measured from the street curb may vary depending upon landscaping, but the combined height of the sign and berming/landscaping may not exceed nine (9) feet unless specifically authorized herein.
 - c. Wall, fascia, mansard, and parapet mounted signs: The height shall be the vertical distance to the top of the sign or sign structure from the base of the wall on which the sign is located.
 9. The maximum height for freestanding signs are as follows:
 - a. Pole or pylon signs: 25 feet except for parcels contiguous to I-15 which the signs may be 35 feet in height.
 - b. Monument signs: 6 feet not including berming/landscaping
 - c. Other freestanding signs: 25 feet
 10. Freestanding signs (pole, pylon and monument) are allowed for any size parcel provided that the parcel has 50 lineal feet of street frontage.
 11. Freestanding signs (size requirements)
 - a. Monument sign area is determined by the following formula: thirty (30) square feet plus one (1) square foot per one (1) lineal foot of street

- frontage over 50 feet, maximum size is 80 square feet unless specifically authorized herein.
- b. A freestanding pole/pylon sign may not exceed 80 square feet unless specifically authorized herein.
12. Reader boards and electronic message centers may be allowed, however, devices shall not exceed 50 percent of the total freestanding sign area.
13. Wall signs should be the primary form of identification for business uses in the City. Each business is entitled to one wall sign if the following criteria are met:
- The sign may not occupy more than 15 percent of the front flat wall area.
 - The 15 percent may be divided into more than one sign.
 - Secondary wall signs may be approved by the city planner if the sign does not exceed 5 percent of that wall.
14. Signs in planned commercial centers that are one (1) and up to five (5) acres in size allow the following:
- One (1) primary multi-tenant freestanding pole or pylon sign per project may have a total of 160 square feet
 - Planned centers with two (2) or more street frontages over 100 feet are allowed one (1) sign on each street frontage. The signs must be separated by at least 100 feet as measured in a straight line between the signs. The second sign must be a monument sign not to exceed 48 square feet.
 - A freestanding building located within a planned center may request a monument sign up to 30 square feet provided that the freestanding building lot is contiguous to a major arterial street and has at least fifty (50) feet of street frontage. The sign must be in architectural harmony with the signage within the project and not be within 50 feet of any other freestanding sign within the development.
 - Planned commercial developments must have a sign theme and plans must be submitted for the overall placement and design for the development.
15. Signs in planned commercial centers that are over five (5) and up to ten (10) acres in size allow the following:
- One (1) primary multi-tenant freestanding pole or pylon sign per project may have a total of 180 square feet, an additional primary multi-tenant freestanding sign may be approved if the project has over 500 feet of frontage. The additional sign must be approved by the Development Review Committee and the signs must be a minimum of 300 feet apart.
 - Planned centers with two (2) or more street frontages over 100 feet are allowed one (1) monument sign on each street frontage. The

signs must be separated by at least 100 feet as measured in a straight line between the signs. The monument sign can not exceed 48 square feet in size.

- A freestanding building located within a planned center may request a monument sign up to 30 square feet provided that the freestanding building lot is contiguous to a major arterial street and has at least fifty (50) feet of street frontage. The sign must be in architectural harmony with the signage within the project and be 50 feet from any other sign within the development.
 - Planned commercial developments must have a sign theme and plans must be submitted for the overall placement and design for the development.
16. Signs in planned commercial centers that are ten (10) or more acres in size allow the following:
- One (1) primary freestanding pole or pylon multi-tenant sign is permitted per project. Additional primary multi-tenant freestanding sign(s) may be approved for each additional 700 feet of frontage. The additional sign(s) must be approved by the Development Review Committee and be a minimum of 500 feet from any other primary freestanding sign. Freestanding sign(s) must meet the following:
 - 10 to 39 acres may have up to 200 square feet of signage.
 - 40 to 69 acres may have up to 260 square feet of signage.
 - 70 and over acres may have up to 320 square feet of signage.
 - Planned centers with two (2) or more street frontages over 100 feet are allowed one (1) monument sign on each street frontage not to exceed 48 square feet in size. The signs must be separated by at least 100 feet as measured in a straight line between any freestanding signs for the development.
 - A freestanding building located within a planned center may request a monument sign up to 30 square feet in size provided that the freestanding building lot is contiguous to a major arterial street and has at least fifty (50) feet of street frontage. The sign must be in architectural harmony with the signage within the project and not within 50 feet of any other signs for the project.
 - Planned commercial developments must have a sign theme and plans must be submitted for the overall placement and design for the development.

C. Prohibited Signs:

Any sign not specifically listed as permitted by this ordinance is prohibited, including, but not limited to the following:

- Signs located within, or projecting over any public street, right-of-way, or other public property except shingle signs as provided in Section D(3a). The City or other governmental

entities may install signs on their own property to identify public buildings and uses and to provide necessary traffic control.

2. Roof signs, except those in the C-2 commercial zone, which must meet the following criteria:
 - a. Located below the peak of the roof; not permitted on a flat roof
 - b. Located on the side or back of the building
 - c. Non-illuminated
 - d. Under five (5) percent of the flat wall area for that side of the building
 - e. No secondary wall sign shall be permitted
 - f. No parcels over 2 acres in size or planned commercial centers over 1 acre shall be permitted a roof sign.
3. Projecting signs.
4. Any sign which interferes with or confuses traffic, or presents a traffic hazard.
5. Signs emitting sound, except for approved drive-up menu boards as provided for in Section D(3d).
6. Signs with intermittent or flashing illumination and animated or moving signs, except for time and temperature signs and electronic message boards.
7. Awning mounted signs, unless painted directly on the face of the awning.
8. Signs mounted, attached, or painted on trailers, boats, or motor vehicles when parked, stored, or displayed in a manner intended to attract the attention of the public for advertising purposes.
9. Pennants, banners, balloons, flags, and similar displays except as provided in Section E(3).
10. Temporary signs which advertise a business, commodity, service, entertainment, product, or attraction, except as permitted in Section E.
11. Reader panel and electronic message signs that are portable, exceed 50 percent of a permanent sign, unless specifically authorized herein.
12. Portable signs except as provided in Section E.
13. Signs which extend below the bottom edge of a fascia board or mansard roof.
14. Off-premise signs except as allowed herein.

D. Permitted Permanent Signs:

1. Agriculture, Residential, and Residential Office Districts.
 - a. All signs must meet the general provisions section and the additional requirements listed below.
 - b. General:
 - i. Monument signs shall not exceed a height of five (5) feet, measured from the top of the pedestal.
 - ii. Wall signs shall not exceed a height of fifteen (15) feet measured from the base of the wall.
 - c. Identification Signs:
 - i. Residence signs: One (1) or more wall signs not to exceed a total aggregate area of three (3) square

feet which may include the name of the residence, the name of the occupant, and the street address.

- ii. Nonresidential uses:
 - The maximum aggregate area of all identification signs shall be forty-eight (48) square feet.
 - One (1) monument sign not to exceed twenty-four (24) square feet except for churches who may use up to forty-eight (48) square feet.
 - d. Reader panel signs:
 - i. Churches may use up to one-half ($\frac{1}{2}$) of the allowed monument sign area for a reader panel.
 - ii. Public and private schools may have one (1) freestanding reader panel sign not to exceed thirty-two (32) square feet in area and fourteen (14) feet in height.
 - e. Temporary signs in accordance with Section E.
2. Commercial Office and Business Park Districts:
 - a. All signs must meet the general provisions section and the additional requirements listed below.
 - b. Wall, fascia, mansard, and parapet identification signs:
 - i. The maximum sign area permitted for each business is fifteen percent (15%) of the flat wall area or forty-eight (48) square feet, whichever is greater.
 - c. Freestanding identification signs:
 - i. One (1) monument sign shall be permitted per project, except on parcels with two (2) or more street frontages over 100 feet in length, which are allowed one (1) monument sign per frontage. The signs must be separated by at least 100 feet as measured in a straight line between the signs.
 - ii. The maximum monument sign area is forty-eight (48) square feet.
 - d. Reader panel signs:
 - i. Churches may use up to one-half ($\frac{1}{2}$) of the allowed monument sign area for a reader panel.
 - e. Directional signs when required to assist the flow of traffic not to exceed six (6) square feet in area or a height of three (3) feet.
 - f. Directory signs when required to identify the location of the various buildings or offices located within the project not to exceed eighteen (18) square feet and a maximum height of six (6) feet.
 - g. Temporary signs in accordance with

Section E.

3. Commercial Districts:

- a. All signs must meet the general provisions section and the additional requirements listed below.
- b. Wall, fascia, mansard, parapet, awning, and shingle identification signs:
 - i. Are allowed only on the exterior elevation of the space occupied by the business, or, for shingle signs, immediately adjacent to the business it identifies.
 - ii. The maximum sign area permitted for each business is fifteen percent (15%) of the flat wall area.
 - iii. The maximum aggregate wall sign area is 300 square feet.
 - iv. The minimum clearance between the bottom of a shingle sign and the nearest grade or sidewalk is eight (8) feet.
- c. Freestanding identification signs not part of a planned commercial center:
 - i. One (1) freestanding sign shall be permitted per project, or on parcels with multiple street frontages, one (1) monument sign may be permitted for each street if the frontage adjacent to the site is at least 100 feet and the signs are over 100 feet apart.
 - ii. The maximum area for a pole or pylon sign is eighty (80) square feet on parcels up to ten (10) acres and 120 square feet for parcels over ten (10) acres.
- d. Reader panel signs:
 - i. Churches may use up to one-half (½) of the allowed monument sign area for a reader panel.
 - ii. Automotive service stations may use up to twenty-four (24) square feet of the allowed freestanding sign area for a reader panel only to identify the current price of fuel being sold.
- e. Menu boards for drive-thru restaurants:
 - i. One (1) preview menu board and one (1) ordering menu board is allowed per business. Such signs may be freestanding or wall mounted.
 - ii. The maximum aggregate area for a preview and an ordering menu board shall not exceed twenty-four (24) square feet with a maximum height of six (6) feet.
- f. Directional signs when required to assist the flow of traffic not to exceed six (6) square feet in area or three (3) feet in height.

- g. Directory signs when required to identify the location of the various buildings or offices located within the project not to exceed eighteen (18) square feet and a maximum height of six (6) feet.
- h. Temporary signs in accordance with Section E.
- i. No freestanding signs are allowed in the C-D zoning district.

5. Industrial Districts:

- a. All signs must meet the general provisions section and the additional requirements listed below.
- b. Wall, fascia, mansard, and parapet identification signs:
 - i. Are allowed only on the exterior elevation of the space occupied by the business.
 - ii. The maximum sign area permitted for each business is fifteen percent (15%) of the flat wall area.
 - iii. The maximum aggregate wall sign area is 300 square feet.
- c. Freestanding identification signs:
 - i. One (1) monument sign shall be permitted per project, or on parcels with multiple street frontages, one (1) monument sign may be permitted for each street if the frontage adjacent to the site is at least 100 feet and the signs are over 100 feet apart.
 - ii. For developments that are considered as planned industrial centers (over 25 acres in size and have multi-tenant signs) the Planning Commission may increase the size and height of the monument sign.
- d. Reader panel signs:
 - i. Automotive service stations may use up to twenty-four (24) square feet of the allowed freestanding sign area for a reader panel only to identify the current price of fuel being sold.
- e. Directional signs when required to assist the flow of traffic not to exceed six (6) square feet in area or three (3) feet in height.
- f. Directory signs when required to identify the location of the various buildings or offices located within the project not to exceed eighteen (18) square feet and a maximum height of six (6) feet.
- g. Temporary signs in accordance with Section E.

E. Permitted Temporary Signs:

- 1. Sale, lease, or rent signs.
Signs shall be non-illuminated, with one (1) sign permitted for each street frontage, with a

maximum of two (2) signs per parcel or building.

a. Agricultural, Residential, and Residence Office Districts:

i. Vacant land: Less than five (5) acres, each sign shall have a maximum area of twelve (12) square feet and a maximum height of six (6) feet. Five (5) acres or more, each sign shall have a maximum area of thirty-two (32) square feet, and a maximum height of eight (8) feet.

ii. Buildings: Each sign shall have a maximum area of twelve (12) square feet and a maximum height of six (6) feet

b. Commercial Office, Commercial, and Industrial Districts:

i. Vacant land: Each sign shall have a maximum area of thirty-two (32) square feet and a maximum height of eight (8) feet.

ii. Buildings: Each sign shall have a maximum area of twelve (12) square feet and a maximum height of six (6) feet

2. Off-site open house or other directional signs.

a. A maximum of two (2) signs is permitted for each open house or directional sign for the sale of property.

b. Each sign shall have a maximum area of six (6) square feet and a maximum height of three (3) feet.

c. Signs must be placed on private property and with the permission of the owner or lessee of the property.

3. Subdivision Advertising Signs.

a. One (1) sign is permitted at each major entry with a maximum of four (4) signs per subdivision.

b. Each sign shall have a maximum area of thirty-two (32) square feet and a maximum height of eight (8) feet.

c. No sign permit shall be issued until a final plat has been recorded.

d. Such signs may be maintained until ninety percent (90%) of the lots in the subdivision are sold or the sales office closes, whichever occurs first.

4. Special Events, Seasonal Sales, Grand Openings.

a. These displays may be used to advertise grand openings, a change of business ownership, special sales, seasonal sales, new products or services, and other similar promotions.

b. These displays may include such displays as pennants, banners, flags, inflatable structures, search lights, character or product likeness, and other similar attention attracting media and devices.

c. Such displays shall be allowed for a maximum of ten (10) consecutive days no more than four (4) times per year except Christmas tree sales lots which may have signage from Thanksgiving to December 31.

d. Grand opening displays are allowed for thirty (30) consecutive days. The grand opening display requires a new business, change in business name, or new management.

e. There shall be a minimum of thirty (30) days between each display.

f. Holiday periods. A business may advertise a special service, product or sale during the following holiday periods. One banner sign only is allowed during these periods. The sign must be mounted on the building. The sign must be removed by the end of the first working day after the holiday period ends.

President's Day - February for 5 days

Easter - March or April for 5 days

Memorial Day - May for 5 days

July 4th for 5 days

July 24th for 5 days

Labor Day - September for 5 days

Thanksgiving - November for 7 days

December 15th to Jan. 2 for 21 days

g. Government entities and non-profit

organizations may install signs upon obtaining a special events sign permit to give notice of special events and functions. Such signs may be displayed during holidays or civic functions (i.e. festival of lights, fiesta days, etc.). Signs may be erected thirty (30) days prior to the event or function. All signs must be removed at the conclusion of the event or function.

5. Construction and Development Signs.

a. One (1) non-illuminated sign is allowed on a construction site with a maximum area of thirty-two (32) square feet and a maximum height of eight (8) feet.

b. The sign may identify the name of the project, the names of the developer, contractor, architect, subcontractor, and financier of the project, and the projected completion date.

c. The sign may only be installed after building permits have been issued for the project.

d. The sign shall be removed prior to the issuance of a Certificate of Occupancy for the project.

6. Window Signs.

a. May be used for business identification and advertising of any service, product,

person, business, place or activity on the premises.

7. Non-commercial Signs including political signs.
 - a. In agricultural, residential, and residence office districts such signs shall have a maximum area of six (6) square feet and a maximum height of five (5) feet.
 - b. In commercial office, commercial, and industrial districts such signs shall have a maximum area of thirty-two (32) square feet and maximum height of eight (8) feet.
 - c. Political signs advocating a position for a specific candidate or measure shall be removed within ten (10) days following the appropriate election.



Spanish Fork Planning Commission Staff Report

To: Planning Commission
From: Emil Pierson, Planning Director
Date: March 2, 2005
**Subject: Zoning Ordinance Amendments -Residential
Treatment Center 17.28.050**

BACKGROUND

The Planning Commission over the last couple of months has reviewed the Residential Treatment Ordinance. The recommendations are listed in the Ordinance.

Current Ordinance

17.28.050. Uses Subject to Conditions.

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 professionals and based upon professional evaluations such as the ICAP, MMPI, and/or such other resources as may be available to the medical 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; or
 - 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, or
 - b. the license or certification issued has been terminated or revoked, or
 - c. 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 and
 - 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, or
 - 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; or
 - 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, or
 - b. the license or certification issued has been terminated or revoked, or
 - 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 foot).
 - b. More than twenty (20) beds - one (1) acre minimum plus 1,000 square feet per bed over the 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 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 and
 - 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, or
 - 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; or
 - c. any of the following facilities: shelter care facility and residential treatment center.
10. The use permitted by this section is non-transferable and shall be terminate if:
 - a. the facility is devoted to a use other than an assisted living facility, or
 - b. the license or certification issued has be terminated or revoked, or
 - 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 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 professionals and based upon professional evaluations such as the ICAP, MMPI, and/or such other resources as may be available to the medical 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 17.28.050 E if located in a residential zone.

10. Any residential treatment facility located in a residential zone must be owner occupied.
 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, or
 - b. the license or certification issued has been terminated or revoked, or
 - 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 Development Review Committee (DRC) to assure conformance.
- E. Design and Separation**
1. All residential facilities for persons with a disability, residential facility for elderly persons, residential treatment center (owner occupied), supervisory care facility, and assisted living facility must meet these requirements.
 2. Any new or remodeled facility shall comply with the following design standards:
 - a. The design, exterior materials and colors of the facility shall match the principal structures in the neighborhood (area).
 - b. The facility shall be constructed in a manner as to blend in and not draw attention.
 - c. 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.
 - d. The facility shall not exceed the square footage of the average of the twenty (20) nearest residential homes.
 - e. The facility shall meet all zoning requirements of the zone in which it is proposed.
 - f. The facility shall have a fully fenced rear yard of either masonry or vinyl materials six (6) feet in height.
 3. No facility listed in subsection 1 may be located within 660 feet from another.

RECOMMENDATION

APPROVE

Make a motion to give the Zoning Ordinance Amendment - Residential Treatment Centers 17.28.050 **POSITIVE** recommendation to the City Council as listed in the attached ordinance:

DENY

Make a motion to give the Zoning Ordinance Amendment - Residential Treatment Centers 17.28.050 a **NEGATIVE** recommendation to the City Council for the following reason(s):

TABLE

Make a motion to **TABLE** the Zoning Ordinance Amendment - Residential Treatment Centers 17.28.050 for the following reason(s):

ORDINANCE NO. _____

ROLL CALL

VOTING	YES	NO
MAYOR DALE R. BARNEY <i>(votes only in case of tie)</i>		
MATTHEW D. BARBER <i>Councilmember</i>		
PAUL M. CHRISTENSEN <i>Councilmember</i>		
SETH V. SORESENSEN <i>Councilmember</i>		
CHRIS C. WADSWORTH <i>Councilmember</i>		
EVERETT KELEPOLO <i>Councilmember</i>		

I MOVE this ordinance be adopted: _____

I SECOND the foregoing motion: _____

ORDINANCE _____

AN ORDINANCE AMENDING VARIOUS PROVISIONS OF THE ZONING
ORDINANCE DEALING WITH RESIDENTIAL FACILITIES FOR PERSONS
WITH DISABILITIES AND RESIDENTIAL TREATMENT CENTERS

WHEREAS, Spanish Fork City has adopted a zoning ordinance setting forth various permitted uses subject to conditions in order to protect the health, safety and welfare of the residents of the City; and

WHEREAS, a residential facility for persons with a disability is one such use which requires a certificate issued by a medical professional which allows evaluation tools of the ICAP and MMPI which fails to include the Diagnostic and Statistical Manual of Mental Disorders (DSM), which is also a widely recognized tool; and

WHEREAS, residential treatment centers also have the same requirement; and

WHEREAS, clarification of medical providers to include other mental health professionals is also appropriate given the diagnostic tools which include the ICAP, MMPI, and DSM; and

WHEREAS, residential treatment centers are required to be owner occupied; and

WHEREAS, the Division of Child and Family Services prohibits residential treatment center from being owner occupied; and

WHEREAS, the Spanish Fork City Planning Commission held a public hearing on the 2nd day of March, 2005 whereat public comment was received; and

WHEREAS, the Spanish Fork City Council held a public hearing on the 5th day of April, 2005 whereat public comment was received; and

WHEREAS, in order to protect the health, safety and welfare of the residents of the City it is necessary to make various changes in the zoning ordinance;

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

I.

Section 17.28.050(A)(5)(b)(ii) of the Spanish Fork Municipal Code is hereby amended to read as follows:

individuals placed in a level 1 facility shall produce, through the operator of the facility, a certificate issued by appropriate medical or other licensed mental health professional ie: LCSW, D.O., Ph.D., 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 as may be available to the medical or other licensed mental health professional, which certificate shall indicate that the person is not violent, nor a direct threat to the safety or 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.

II.

Section 17.28.050(D)(7)(a)(ii) of the Spanish Fork City Municipal Code is hereby amended

to read as follows:

individuals placed in a level 1 facility shall produce, through the operator of the facility, a certificate issued by appropriate medical or other licensed mental health professional ie: LCSW, D.O., Ph.D. 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 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 or 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.

III.

Section 17.28.050(D)(10) of the Spanish Fork City Municipal Code is hereby amended to read as follows:

Any residential treatment facility located in a residential zone must be ~~owner occupied~~ supervised 24 hours a day 7 days a week which shall include, but not necessarily be limited to, house parents who are on site 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.

IV.

Section 17.28.050(E)(1) of the Spanish Fork City Municipal Code is hereby amended to read as follows:

All residential facilities for persons with a disability, residential facility for elderly persons, residential treatment center (~~owner occupied~~), supervisory care facility, and assisted living facility must meet these requirements.

V.

Section 17.20.020(C)(6) of the Spanish Fork City Municipal Code is hereby amended to read as follows:

Residential treatment center (~~owner occupied~~) must meet minimum conditions of 17.28.050.

VI.

Section 17.20.030(C)(5) of the Spanish Fork City Municipal Code is hereby amended to read as follows:

Residential treatment center (~~owner occupied~~) must minimum conditions of 17.28.050.

VII.

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

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK,
UTAH, this _____ day of _____, 2005.

DALE R. BARNEY, Mayor

ATTEST:

KENT R. CLARK, City Recorder

General Plan Areas



1 Inch equals 1,196 Feet

Legend

- Roads**
- Other Roads
 - Not Paved
 - Paved
 - Rivers
 - Property Lines
- Spanish Fork Boundary**
- General Plan**
- 1 U/40 Acres
 - 1 U/5+ Acres
 - 1 U/5+ Acres / 1-2.5 U/A
 - 1 U/5+ Acres / 2.5-3.5 U/A
 - 1 U/5+ Acres / 3.5-5 U/A
 - 1 U/5+ Acres / Business Park
 - 1 U/5+ Acres / General Commercial
 - 1 U/5+ Acres / Light Industrial
 - 1 U/5-12 Acres / Residential Office
 - 1-2.5 U/A
 - 2.5-3.5 U/A
 - 3.5-5 U/A
 - 5-8 U/A
 - 5-8 U/A / Professional Office
 - 5-8 U/A / Residential Office
 - 5-12 U/A
 - Downtown
 - Professional Office
 - Shopping Center
 - General Commercial
 - General Commercial / Business Park
 - Light Industrial
 - Light Industrial / Commercial
 - Light Industrial / Business Park
 - Medium Industrial
 - Heavy Industrial
 - Parks, Schools, Open Space
 - Recreation

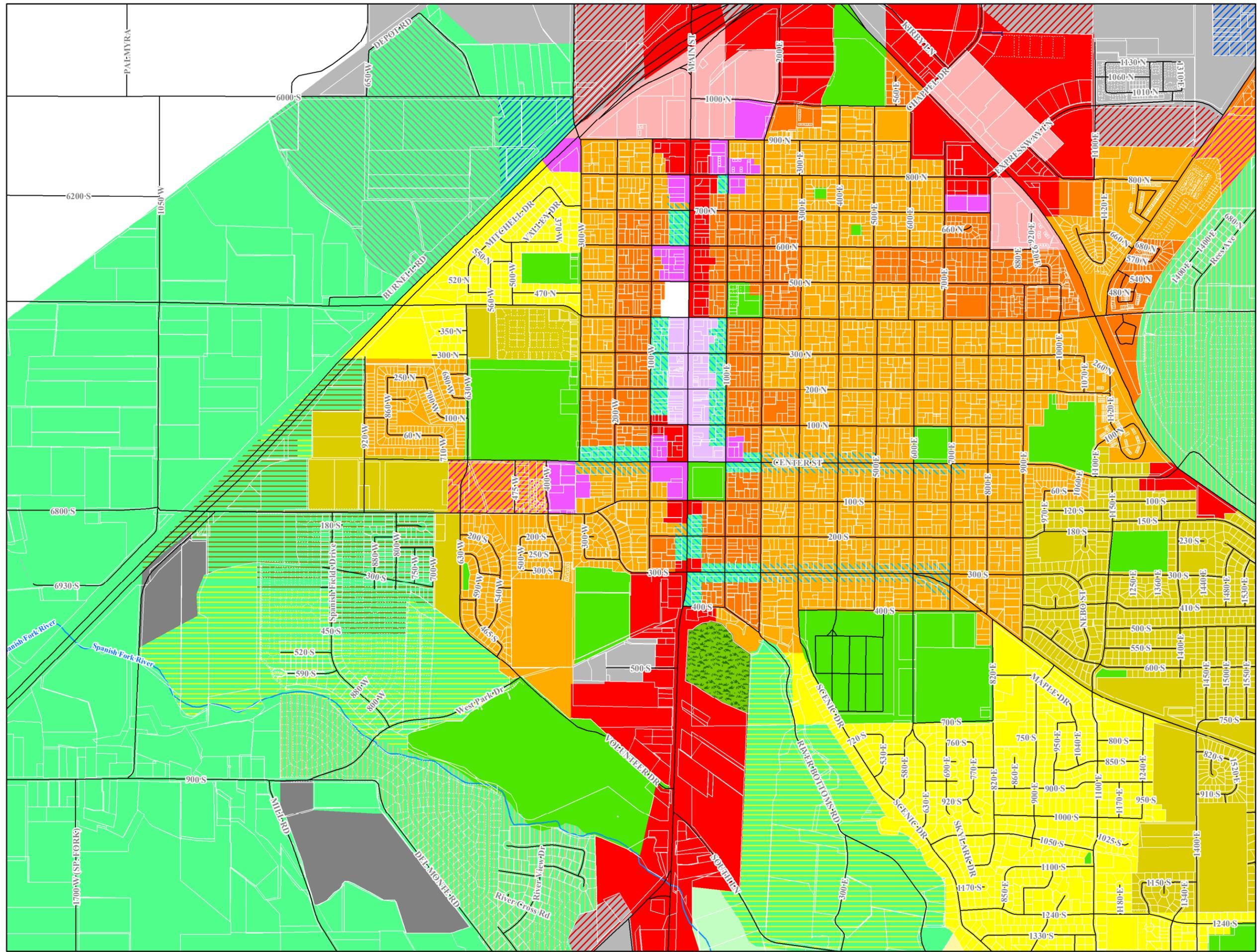
2/23/2005



Geographic Information Systems

Spanish Fork City GIS
40 South Main Street
Spanish Fork, UT 84660
(801) 798-5000

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General Plan Areas



1 Inch equals 1,382 Feet

Legend

- Roads**
- Other Roads
 - Not Paved
 - Paved
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 - Spanish Fork Boundary
- General Plan**
- 1 U/40 Acres
 - 1 U/5+ Acres
 - 1 U/5+ Acres / 1-2.5 U/A
 - 1 U/5+ Acres / 2.5-3.5 U/A
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 - Professional Office
 - Shopping Center
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 - Heavy Industrial
 - Parks, Schools, Open Space
 - Recreation

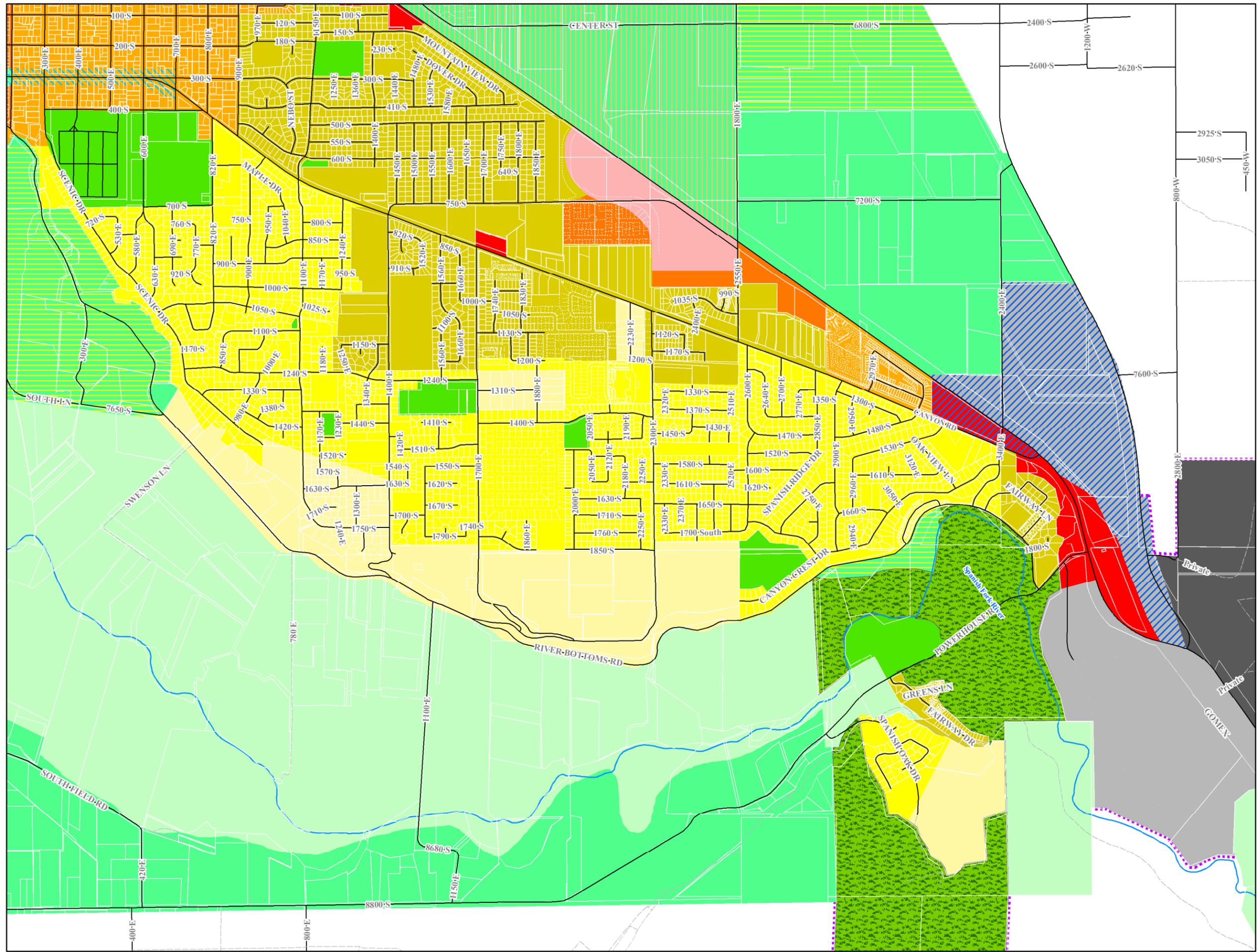
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General Plan Areas



1 Inch equals 1,336 Feet

Legend

- Roads**
- Other Roads
 - Not Paved
 - Paved
 - Rivers
- Property Lines**
- Spanish Fork Boundary
- General Plan**
- 1 U/40 Acres
 - 1 U/5+ Acres
 - 1 U/5+ Acres / 1-2.5 U/A
 - 1 U/5+ Acres / 2.5-3.5 U/A
 - 1 U/5+ Acres / 3.5-5 U/A
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