



## Planning Commission Agenda November 3, 2010

- Planning Commissioners** 6:00 P.M.
1. Preliminary Activities
    - a. Approval of Minutes: September 22, 2010
    - b. Pledge of Allegiance
  2. I-Core Presentation
  3. Ordinance Amendments
    - a. **Title 15 Amendment – Accessory Buildings**  
Applicant: Spanish Fork City and Byron Wann  
General Plan: City wide  
Zoning: City wide  
Location: City wide
    - b. **Title 15 Amendment – Fence and Clear Vision requirements**  
Applicant: Spanish Fork City  
General Plan: City wide  
Zoning: City wide  
Location: City wide
    - c. **Title 15 Amendment – Setback requirements**  
Applicant: Jose Ferreyros  
General Plan: City wide  
Zoning: City wide  
Location: City wide
  4. Discussion on General Plan Update

**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 at 40 South Main Street, Room 140, Spanish Fork. If you need special accommodations to participate in the meeting, please contact the City Manager's Office at (801) 804-4530.



# TEXT AMENDMENT

## REPORT TO THE PLANNING COMMISSION ACCESSORY STRUCTURE TEXT AMENDMENT

**Agenda Date:** November 3, 2010.

**Staff Contacts:** Dave Anderson, Community Development Director.

**Reviewed By:** Development Review Committee.

**Request:** The attached ordinance would modify the requirements for the construction of accessory structures.

**Zoning:** City-wide.

**General Plan:** City-wide.

**Project Size:** City-wide.

**Number of lots:** Not applicable.

**Location:** Not applicable.

### Background Discussion

The proposed Text Amendment would accomplish five main things.

1. The Text Amendment would permit accessory structures to be constructed within 20 feet of the public right-of-way on corner lots so long as the accessory structure is architecturally compatible with the home.
2. The Text Amendment would change the setback requirement between structures from six feet to five feet.
3. The Text Amendment would require applicants to obtain a Building Permit for accessory structures regardless of the size of the structure. Permits obtained for structures that are less than 200 square feet would be free of charge.
4. The proposed changes clarify the fact that it would be the responsibility of the property owner to move or modify an accessory structure that has been built within a public utility easement if that easement ever needs to be accessed.
5. This may not qualify as a main thing but there are several language modifications that have also been made. These changes do not have any significant impact on the standards or how they are applied.

The process to change these standards was initially started in response to a request submitted by Byron Wann. However, the overall scope of the proposed changes has since expanded that Spanish fork City is acting as the applicant for Amendment.

The proposed changes are provided below. All but a few of the changes are identified with the bold and strike though typeface.

### 15.3.24.090

#### **A. Accessory Buildings, Structures, or Satellite Earth Stations:**

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 applicable building codes are free of charge.
- b. All detached accessory structures must be located behind the front wall plane of the principal structure.
- c. Where property abuts against I-15 or U.S. Highway 6, accessory buildings or structures need have no required set back from the road or I-15 or Highway 6 right-of-ways.
- d. The combined square footage of all detached accessory buildings, structures, and satellite earth stations shall not exceed 500 square feet, or fifteen percent (15%) of the total lot area if the structure is entirely within the setbacks for the principal structure and ten percent (10%) of the total lot area if the structure is located elsewhere on the lot; whichever is greater, the 500 square foot standard or the applicable percentage standard.
- 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 section 15.4.16.150 needs to be maintained at all times.
- g. The minimum front set back for detached garages and other accessory buildings accessory structures shall conform to the minimum front set back for main buildings the existing principal structure and shall be set at least six five (5) feet from the main all structures on the property. Accessory building located on a corner lot shall meet the same front and corner set backs as a main structure.
- h. Accessory buildings structures located within the standard setback for a principal building within a zone may be allowed to meet the height restrictions allowed in that zone.
- i. The maximum height for detached accessory structures buildings, structures, or satellite earth stations shall be fifteen (15) feet to the peak of the roof measured from the finish

grade (measured 5-feet from the proposed structure).

- j. Properties over ½ acre in size can increase the maximum height to twenty-four (24) feet by having the rear and side setbacks the same as the building height.

**2. Buildings, Structures, or satellite earth stations 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. be a minimum of three (3) feet from property lines, structures with a wall height of 8 feet or less and a maximum height of 12 feet may be located on property lines so long as the structure does not drain onto neighboring properties. Structures with a wall height of eight (8) feet or less and a maximum peak height of twelve (12) feet may be constructed with no side or rear setback from property lines as long as the structure is constructed so all water runoff from the accessory structure does not flow onto adjoining properties. In no case may any portion of a structure extend beyond the property line.

**3. Buildings, Structures, or satellite earth stations larger than 200 square feet in area must meet the following additional requirements:**

- a. Obtain a building permit and meet all the applicable building code regulations.
- 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 applicable building code.
- d. Accessory structures buildings 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.

**Development Review Committee**

The Development Review Committee reviewed this proposal on October 20, 2010 and recommended that it be approved. Draft minutes from that meeting read as follows:

**Title 15 Amendment – Accessory Buildings**

Applicant: Spanish Fork City and Byron Wann  
 General Plan: City Wide  
 Zoning: City Wide  
 Location: City Wide

Mr. Anderson explained that an accessory building had been constructed right out to the property line. He read from the Municipal Code what staff was proposing that the City Council change to the Code. He said staff was proposing to reduce the setback from the main structure from 6 feet to 5 feet and that accessory structures be constructed to be architecturally compatible with the primary structure on the lot. He further explained that Mr. Wann's structure would meet the proposed changes except for the eave went beyond the property line. Mr. Anderson explained to the applicant that the eave of the building would not be able to go beyond the property line at all and may need to be modified.

Discussion was held regarding the existing driveway and our clear vision ordinance.

Mr. Anderson asked the applicant if he had any questions for the Committee regarding the proposed changes. Mr. Wann did not.

Mr. Baker said rather than reference a specific version of the building code into the ordinance that he was going to have the code read: meet the applicable building code at the time.

Discussion was held regarding changes to the proposed language to A. 1E, 1F, 15.104.020 Accessory Building definition.

Mr. Anderson **moved** to recommend to the City Council that they **approve** the proposed changes to section 15.3.24.090 A. Accessory Buildings with the changes that Mr. Baker touched on. Mr. Swenson **seconded** and the motion **passed** all in favor.

### **Budgetary Impact**

Staff believes there would be little or no budgetary impact with the proposed Zoning Text Amendment.

### **Recommendation**

Staff recommends that the proposed Zoning Text Amendment be approved.



# TEXT AMENDMENT

## REPORT TO THE PLANNING COMMISSION FENCING REQUIREMENTS TEXT AMENDMENT

**Agenda Date:** November 3, 2010.

**Staff Contacts:** Dave Anderson, Community Development Director.

**Reviewed By:** Development Review Committee.

**Request:** The attached ordinance would modify the requirements for the placement and construction of fences.

**Zoning:** City-wide.

**General Plan:** City-wide.

**Project Size:** City-wide.

**Number of lots:** Not applicable.

**Location:** Not applicable.

### Background Discussion

The proposed Text Amendment would establish a setback requirement for fences and utility facilities, clarifies where fences and other site obscuring objects can be placed with respect to intersections and would require that a building permit must be obtained for fences that are taller than three feet.

Staff believes the proposed changes would clarify the existing standards and employ new standards to ensure that fences and other objects do not obscure views in certain situations.

The proposed changes are provided below. All but a few of the changes are identified with the bold and strike through typeface.

### 15.4.16.130

#### G. General Fencing Requirements:

1. The maximum height of a fence is six (6) feet in all zoning districts; pillars are not to exceed 6 ½ feet. The Council may waive the height requirement at their 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 is allowed in C-2, I-1, and I-2 districts when located above a height of six (6) feet, subject to Design Review approval. Additional screening of any such fence with plant materials may be required.
5. Fences must be built with a minimum clearance of five (5) feet around the following utilities: fire hydrants, water meters, telephone pedestals, power poles, 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 applicable building codes.

8. Corner lots must maintain the ~~a second~~ clear vision area as set forth in 15.4.16.150.

#### 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 and planting is restricted within this area as follows:

1. No fence shall exceed a height of three (3) feet, measured from the curb.
2. Shrubs shall be pruned to a height not to exceed three (3) feet in height.
3. Trees shall be pruned to maintain a clear area below five (5) feet in height.

B. A second clear vision area ~~with twenty (20) foot sides~~ 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 and fencing apply in this area. ~~unless the interior lot is already developed and has no existing driveway within ten (10) feet of the property line adjoining the corner lot.~~

#### Development Review Committee

The Development Review Committee reviewed this proposal on October 20, 2010 and recommended that it be approved. Draft minutes from that meeting read as follows:

#### Title 15 Amendment – Fence and Clear Vision requirements

Applicant: Spanish Fork City  
General Plan: City Wide

Zoning: City Wide  
Location: City Wide

Mr. Anderson said 6 feet was what he felt was all that the trees would need to be trimmed.

Mr. Rosenbaum asked, on a corner lot, where we were measuring the clear vision area from. Mr. Anderson said it was from the back of the curb.

Mr. Oyler said his concern was where the asphalt was set from which was the curb. Mr. Rosenbaum said he did not feel that 30 feet was not enough in some instances. It was decided to measure from the sidewalk and not the property line and increase the setback number from 30 feet to 45 feet.

Mr. Anderson explained different circumstances involving more than one driveway on a lot.

Discussion was held regarding second driveways and gating them.

Mr. Anderson **moved** to change the City's General Fencing Requirements number 5 under G to read a minimum of 3 feet of clearance around any utility, on the clear vision area change 3 to 5 feet and that we change how the setback on the corner is measured so instead of saying the triangle is formed by property lines the triangle is measured from the curbface and the triangle be 45 feet in each direction. Mr. Rosenbaum **seconded** and the motion **passed** all in favor.

#### Budgetary Impact

Staff believes there would be little or no budgetary impact with the proposed Zoning Text Amendment.

#### Recommendation

Staff recommends that the proposed Zoning Text Amendment be approved.



# TEXT AMENDMENT

## REPORT TO THE PLANNING COMMISSION SETBACK REQUIREMENT TEXT AMENDMENT

**Agenda Date:** November 3, 2010.

**Staff Contacts:** Dave Anderson, Community Development Director.

**Reviewed By:** Development Review Committee.

**Request:** The applicant, Jose Ferreyros has requested that the setback requirement be reduced for awnings, carports, covered decks and other structures that are open on three sides.

**Zoning:** City-wide.

**General Plan:** City-wide.

**Project Size:** City-wide.

**Number of lots:** Not applicable.

**Location:** Not applicable.

### Background Discussion

The proposed Text Amendment would modify the setback requirement for awnings, carports, covered decks and other structures that are open on three sides. At present, the setback requirement for these structures is typically ten feet. The proposed change would reduce that requirement to five feet.

The proposed Amendment is provided below, changes are noted with red text.

### 15.4.23.090

#### F. Awnings, Carports or Covered Decks

1. Awnings or other structures that are open on three (3) sides on the rear portion of a home may extend within 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. ~~on the side of a home must meet all required side setbacks for that zoning district.~~
3. A building permit must be obtained for all awnings.

### Development Review Committee

The Development Review Committee reviewed this proposal on October 20, 2010 and recommended that it be approved. Draft minutes from that meeting read as follows:

#### Title 15 Amendment – Setback Requirements

Applicant: Jose Ferreyros  
 General Plan: City Wide  
 Zoning: City Wide  
 Location: City Wide

Mr. Anderson explained to the applicant that this was not the first time that the City Council in Spanish Fork had discussed changes to the

ordinance with regard to setbacks. He invited the applicant to explain the reason for his request.

Jose Ferreyros

Mr. Ferreyros explained that he had a basement entry that he would like to cover with an awning to keep snow off of the sidewalk. He said that his neighbors house was only setback about 7 feet from the property line.

Mr. Baker asked if anyone on the Committee knew the circumstance behind the neighboring home having a 7-foot setback. Mr. Swenson said he was not involved in the inspection process when the home was constructed and he did not know how it was approved. He said that he had researched what the setback was at the time the home was constructed and that the setback should have been greater than 7 feet. He further explained what he felt the applicant was proposing. The applicant agreed with what Mr. Swenson explained.

Mr. Anderson said there were a couple of ways to accommodate the applicant's request. He read from the Code what was required relative to awnings on the side of homes. The options include reducing the awning setback or reduce the setback overall relative to setback requirements. Mr. Anderson explained that the setback had been 10 feet for a long time.

Mr. Baker explained what he felt was the objection from the Council in the past which was that people were living to close to each other. He said that where this was an awning, with three open sides, that he felt it was okay.

Discussion was held regarding setbacks and the reason we require there to be setbacks.

Mr. Anderson explained that he felt there was something different between an open awning versus living space with regard to setbacks.

Mr. Swenson explained that a 5-foot setback was required by the Fire Code.

Discussion was held regarding whether or not to allow any portion of any structure within the 5 or 10-foot setback (awnings, eaves etc.). Mr. Swenson explained the difference in the Fire Code and the City Code regarding what was allowed to encroach into the setback.

Mr. Oyler explained there was an interest in allowing awnings into the setback but not the living quarters into the setback.

Mr. Baker **moved** to recommend to the City Council that they **approve** an amendment to 15.3.24.090 sub paragraph F of the Municipal Code concerning setback requirements. That they change the side yard setback for structures that are open on 3 sides, awnings, carports, or covered decks must maintain a minimum setback of 5 feet from the property line. Discussion was held regarding the language being clear so that everyone involved was interpreting it correctly. Mr. Anderson **seconded** the motion and it **passed** all in favor.

### **Budgetary Impact**

Staff believes there would be little or no budgetary impact with the proposed Zoning Text Amendment.

### **Recommendation**

Staff recommends that the proposed Zoning Text Amendment be approved.