Wednesday, May 1, 2019
Planning Commission

Planning Commission Agenda
PUBLIC NOTICE is hereby given that the Planning Commission of Spanish Fork, Utah, will hold a meeting in the City Office Building, 40 South Main Street, Spanish Fork, Utah, with a work session commencing at 5:00 p.m. and Planning Commission Meeting commencing at 6:00 p.m. on May 1, 2019.

Planning Commissioners

Brad Tanner
Richard Davis
Kevin Oyler
John Mendenhall
Clint Argyle

SPANISH FORK CITY does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the employment or the provision of services. The public is invited to participate in all Spanish Fork City Planning Commission Meetings located at 40 South Main St. If you need special accommodation to participate in the meeting, please contact the Community Development Office at 801-804-4580.

1. 5:00pm WORK SESSION - No formal actions are taken in a work session.

2. Minutes

Subject	**A. February 6, 2019**
Meeting	May 1, 2019 - Planning Commission
Category	2. Minutes
Access	Public
Type	Action, Minutes

File Attachments
minutes.planningcommission.2-6-2019.pdf (1,103 KB)

Subject	**B. February 26, 2019**
Meeting	May 1, 2019 - Planning Commission
Category	2. Minutes
Access	Public
Type	Action, Minutes

File Attachments

minutes.planningcommission.2-26-2019.pdf (1,568 KB)

Subject	**C. April 10, 2019**
Meeting	May 1, 2019 - Planning Commission
Category	2. Minutes
Access	Public
Type	Action, Minutes

File Attachments
minutes.planningcommission.4-10-2019.pdf (2,429 KB)

3. Title 15 Amendments

Subject	**A. Billboard Amendments**
Meeting	May 1, 2019 - Planning Commission
Category	3. Title 15 Amendments
Access	Public
Type	Action, Discussion

File Attachments
memo.pc.billboards.5-1-2019.pdf (6,540 KB)

Subject	**B. Accessory Apartment Amendments**
Meeting	May 1, 2019 - Planning Commission
Category	3. Title 15 Amendments
Access	Public
Type	Discussion

File Attachments
memo.adu.4-19-2019.pdf (1,676 KB)

4. Other Business

5. Adjourn

Draft Minutes
Spanish Fork City Planning Commission
40 South Main Street
Spanish Fork, UT 84660
February 6, 2019

Commission Members Present: Chairman Brad Tanner, Treaci Tagg, John Mendenhall, Clint Argyle. Absent: Kevin Oyler, Richard Davis.

Staff Members Present: Dave Anderson, Community Development Director; Michael Clark, Staff Engineering; Jason Sant, Assistant City Attorney; Angie Warner, Deputy Recorder.

Citizens Present: Nick Dart, Cris Child, Shelly Jamison, Daniel Schmidt.

Chairman Tanner called the meeting to order at 5:59 p.m.

PRELIMINARY ACTIVITIES

Pledge of Allegiance

Chairman Tanner asked Commissioner Tagg to lead the pledge.

MINUTES

December 5, 2018
January 9, 2019

Commissioner Mendenhall moved to approve the minutes from December 5, 2018. Commissioner Davis seconded and the motion passed all in favor.

Commissioner Mendenhall moved to approve the minutes from January 9, 2019. Commissioner Argyle seconded and the motion passed all in favor.

PRELIMINARY PLAT

Parkway Plaza Condominium

Dave Anderson addressed the Commission stating that, in 2018, the northern part of the property that borders Spanish Fork Parkway was zoned Commercial-2 in anticipation of this commercial development. Tonight, the Commission is reviewing the fundamentals of the applicant dividing the lots within the commercial development. Dave Anderson stated that this is a Preliminary Plat where the Planning Commission is the approving body. The Final Plat and Site Plan will follow if the Preliminary Plat is approved.

Commissioner Oyler asked if the zoning is logical for the commercial development.

Dave Anderson stated that the Commercial zone is the appropriate zone. He clarified that the units are commercial condominiums, where an office tenant would be buying the suites.

Commissioner Mendenhall asked if the construction of phase 1 of the commercial development will be concurrent with phase 1 of the residential development to the south.

Cris Childs stated that it probably would not. He stated the commercial development is planned to move forward first with the residential following about 6 months later.

Chairman Tanner asked how the applicant sees the development moving forward.

Cris Childs stated that he hopes to have one phase built in a year. It could go faster, but he is hoping at least one phase a year. Cris Childs stated that he plans to install the frontage improvements along Spanish Fork Parkway with each phase.

Michael Clark stated that the Engineering Department does not have issues with the frontage being improved with each phase, but the utilities may be installed in a different order as they are coming from different directions. This is something that the Engineering Department is still working through with the applicant.

Commissioner Davis asked for clarification on if just phase 1 will be approved.

Dave Anderson stated the Commission will be acting on the Preliminary Plat for the entire commercial development.

Commissioner Oyler moved to approve the proposed Parkway Plaza Condominium Preliminary Plat.

Commissioner Mendenhall seconded and the motion passed all in favor.

River Cove

Dave Anderson stated this Preliminary Plat was last approved on June 17, 2014, and has since expired. This development is adjacent to the Quail Hollow Subdivision. The DRC has requested that the applicant address some issues with the plat and resubmit for review. Dave Anderson stated that the applicant submitted a revised Preliminary Plat this afternoon and staff has not had a chance to review the updated plans. In situations when a Preliminary Plat expires, any changes to the City Construction Standards that have been made since it was last approved need to be reflected in the re-approved Plat.

Commissioner Argyle asked how long plats are good for.

Kimberly Brenneman stated that a Preliminary Plat is good for 2 years. A Final Plat must be recorded at least once a year to keep the Preliminary Plat valid.

Daniel Schmidt with WPI addressed the Commission stating that there were some items the DRC requested to be addressed and he has submitted documents addressing those items. Daniel Schmidt stated that WPI would like to be able to continue to develop the subdivision with R-Tanks instead of LID, as a result of a City Construction Standard that has been changed.

Commissioner Oyler asked about lots 29 and 30 with the power poles on the lots.

Daniel Schmidt stated that the revised plans do show a building footprint outside the power line easements, while still meeting the required side and rear setbacks. There are 46

lots that will be developed to complete the River Cove Subdivision. The lots along the river are not quite ready for development, but the other lots are ready to move forward.

Commissioner Oyler asked if basements will be allowed.

Daniel Schmidt stated that every house will be built with a french drain.

Commissioner Oyler asked if the trail along the river will connect to the existing bridge connection in the Quail Hollow Subdivision.

Daniel Schmidt stated that the trail will be built before any homes go in. There was a stability issue that was identified and was addressed for the few lots along the north portion of the river.

Chairman Tanner asked about the architecture of the sides of the homes that can be seen from the public roads.

Dave Anderson stated that those standards have not been adopted yet and would not apply for this project. This development does have some architectural standards that not all neighborhoods have. There is an architectural review committee that reviews each proposed house plan on each lot.

Daniel Schmidt stated that there are specific articulations that are required on the back of the homes.

Commissioner Oyler stated that there is an issue with how straight and long River Ridge Lane is and the speed cars regularly travel and said that should be addressed.

Dave Anderson stated this is a Master Planned Development and the Commission will be making a recommendation to the City Council.

Commissioner Argyle moved to recommend approval of the proposed River Cove Subdivision Preliminary Plat.

Commissioner Oyler seconded and the motion passed all in favor.

OTHER BUSINESS

60 East 800 North

Dave Anderson stated the property is between Carl's Jr. and a chiropractic office that has a rental unit in the basement. This property is constrained and would be better with a couple more feet of width. The applicant, Nick Dart, is very close to meeting all the development requirements, but the powerlines to the west and the setback requirement from the property to the east has caused the property owner some difficulties. Dave Anderson stated the applicant could locate the driveway under the powerline easement but that still does not help. Title 15 states that, if a property is zoned C-2, the building would have to be built 20 feet from the property line if it is abutting a residential use or zone. The property to the east is zoned Residential Office and is being used as a commercial office on the main floor and a residence in the basement. Dave Anderson proposed that the side setback be reduced to 10 feet when a Commercial property wishes to build a structure abutting a R-O zone.

The Commission is not sure that an amendment to the side setback is the best way to address this.

Dave Anderson stated that the 20 feet comes into play because it is adjacent to a residential use. The setback is the distance from the building to the property line.

Commissioner Mendenhall asked what the difference is with this project and the proposed 7-Eleven on the corner of Main Street and 300 South.

Michael Clark stated that the 7-Eleven is set 25 feet off the rear property line.

Dave Anderson stated by putting the drive aisle under the power line, the power line easement then becomes a non-issue. The text change would be to Table 2 - Commercial

and Industrial Development Standards side setback for C-2 reading 0'-10' side setback instead of 0'-20'.

Commissioner Oyler stated that something to consider is how tall the commercial building can be built. To him, that would change how he would feel with the side setback if he were the neighbor in a residential home.

Dave Anderson stated that the maximum height for a building in the C-2 zone is the same as the maximum height in any of the residential zones, 35 feet. If there is a standard in the code that needs to be modified, he feels that is something to look at.

Chairman Tanner stated he agrees that if there is a need for change to address it, but there needs to be time and thought given to make sure the change is really needed.

There was discussion of changing Nick Darts property to C-O. There was discussion of creating a commercial overlay or a new commercial zone along prime commercial frontages.

Nick Dart brought up the concern of requiring the 10-foot landscape buffer and that he did not want it to impact his parking lot as it is designed to allow vehicles to circle the parking lot and not pull into a dead end parking aisle.

Commissioner Mendenhall suggested that the islands be rotated so that the stalls run east to west instead of north to south.

Commissioner Argyle asked Nick Dart if he had considered having the power lines buried.

Nick Dart stated he has spoken with the Electrical Department and it is not feasible.

Commissioner Oyler asked if the parking lot will be full.

Nick Dart stated that they are meeting the minimum requirement for parking with the building square footage.

Dave Anderson stated the City would work with the applicant to do what they can to help the applicant be as ready as possible for him to move forward once the City Council approves a change either to the text or the zoning.

Commissioner Davis stated that changing the zoning to C-O would be the quickest way to get his project moving.

Planning Presentation

Dave Anderson addressed the Commission with a presentation he gave to the City Council the week before. He stated that based on the building permits that have been issued over the last few years, the single-family housing supply within Spanish Fork City is not keeping pace with demand. As of January 1, 2019, there was an estimate of 42,411 residents in Spanish Fork. Dave Anderson showed graphs on the economic growth of Spanish Fork City.

Dave Anderson presented a map that showed the current properties that currently would allow for Accessory Apartments. He asked what measurements regarding accessory apartment would be used in 10 years to qualify the program as successful. There was a survey that was posted on the Spanish Fork City Facebook page, and about 400 residents responded. He stated there will be focus groups conducted with between 8 and 15 people to discuss ideas and get a feel of how the community will respond to allowing Accessory Apartments more widely.

Commissioner Mendenhall exited the meeting at 7:35 p.m.

Commissioner Argyle stated that to measure the success there needs to be a starting base line.

Dave Anderson stated the program would be an opportunity to give residents a reason to embrace Accessory Apartments instead of resist them.

Commissioner Tagg made a motion to adjourn.

Commissioner Argyle second and the motion passed all in favor at 7:43 p.m.

Adopted:

Kimberly Brenneman
Department Secretary

Draft Minutes
Spanish Fork City Planning Commission
40 South Main Street
Spanish Fork, UT 84660
February 26, 2019

Commission Members Present: Chairman Brad Tanner, Treaci Tagg, John Mendenhall, Clint Argyle. Absent: Kevin Oyler, Richard Davis.

Staff Members Present: Dave Anderson, Community Development Director; Michael Clark, Staff Engineering; Kimberly Brenneman, Department Secretary.

Citizens Present: Al Rafat, Brian Haskell, Clay Grant, Greg Bird, Paul Brailsford, Bruce Johnson, DeeAnn Johnson, Angie Dirkmaat, Jenny Martineau, Jesse Cardon, Rachel.

Chairman Tanner called the meeting to order at 5:35 p.m.

PRELIMINARY ACTIVITIES

Pledge of Allegiance

Chairman Tanner asked Commissioner Mendenhall to lead the pledge.

MINUTES

February 6, 2019.

Chairman Tanner continued the minutes.

ZONE CHANGE (Public Hearing)

Nick Dart

Dave Anderson addressed the Commission stating there has been a proposal for a Zone Change for the property located at 60 East 800 North based on feedback from the last Planning Commission meeting.

Chairman Tanner opened the public hearing at 5:39 p.m.

There was no public comment.

Chairman Tanner closed the public hearing at 5:39 p.m.

Commissioner Oyler moved to recommend approval of the Nick Dart Zone Change from C-2 to Commercial Office to City Council.

Commissioner Argyle seconded and the motion passed all in favor.

Leslie Evans

Brandon Snyder addressed the Commission stating the applicant is wishing to change the current zoning of the property from Rural Residential to R-1-15. The property is just over 10 acres. Brandon Snyder stated the applicant has submitted a concept plan for a subdivision, but it has not been scrutinized by staff. The proposed R-1-15 Zone corresponds with the General Plan Designation of Estate Density Residential. The one recommendation from the DRC is that a power easement be provided through the property with the Zone Change.

Commissioner Oyler asked if this property would need to have a sewer lift station before the applicant could more forward with development.

Michael Clark stated sewer is close by but the applicant would need to bring power and water to the site, which is not close at this time.

Commissioner Mendenhall asked about the access onto Arrowhead Trail and if that is the best location, as shown on the concept drawing.

Michael Clark stated that the concept provided showing the intersection lining up with the road to the south would be preferred by City Staff and most likely UDOT.

Commissioner Argyle asked if there is a request for a power easement, shouldn't there be easements for the other utilities?

Brandon Snyder stated that typically the other utilities would be placed in the road.

Chairman Tanner opened the Public Hearing at 5:47 p.m.

There was no public comment.

Chairman Tanner closed the Public Hearing at 5:47 p.m.

Commissioner Mendenhall moved to recommend approval of the Leslie Evans Zone Change from R-R to R-1-15 to City Council based on the findings and conditions of staff

Findings:

1. That the proposed zoning is consistent with the General Plan.

Conditions:

1. That the applicant dedicate an easement to the City for power improvements along Arrowhead Trail.

Commissioner Oyler seconded and the motion passed all in favor.

PRELIMINARY PLAT AND ZONE CHANGE (Public Hearing)

Cottages on 4th

Brandon Snyder addressed the Commission stating the proposal is for Preliminary Plat and Zone Change approval. The current zone is R-1-6 and the applicant wishes to have the property rezoned to R-3 with the Infill Overlay zone to allow for a 10-unit development on the property. There is parking for visitors or guests as well as each unit has a two-car garage. There were some renderings presented to the Commission that were provided by the applicant. Brandon Snyder stated the proposed building height would not exceed 35 feet. There would be porches that extend toward the street breaking up the front plane. Brandon Snyder stated there is quite a bit of criteria an applicant must comply with when applying for the Infill Overlay Zone. He stated the applicant has provided a wonderful design. The applicant is also required to provide a landscape buffer which includes a 10-foot wide landscaped section between the adjacent properties which will have trees planted to provide screening and a six-foot tall masonry wall. Brandon Snyder detailed the setback to the living areas and the porches from the back of curb.

Chairman Tanner asked if the setback meets the requirement.

Brandon Snyder stated that it differs slightly.

Commissioner Argyle asked if this proposed development fits within the General Plan.

Brandon Snyder responded the Infill Overlay Zone takes into consideration the neighboring parcels.

Dave Anderson stated he feels it is consistent with the General Plan. He stated that it may not be a bad idea to evaluate the prospect of expanding or enlarging areas along state roads to allow for higher density. Dave Anderson also stated that when evaluating an Infill Overlay Zone Change request, the Commission should look at the impact to the neighborhood.

Commissioner Mendenhall asked if the proposed setbacks of the development match those of the neighboring properties front setbacks.

Brandon Snyder stated the Infill Overlay ordinance allows for variation of setbacks on a case by case basis.

Commissioner Oyler asked about the power lines and if any will be buried.

Kevin Olson stated that the power line will be buried.

Chairman Tanner opened the Public Hearing at 6:09 p.m.

Bruce Johnson would like to know how the existing homes connected to the power line will be affected when the lines are buried.

Chairman Tanner closed the Public Hearing at 6:10 p.m.

John Smiley addressed the Commission stating the power line will get buried along the east property line running north to the existing pole on the north property line. The line will then come up the pole and feed the 3 homes to the north with an overhead line.

Brandon Snyder stated he is sure the Power Department will do their best to not inconvenience the residents when the power line is buried underground.

Chairman Tanner stated he likes the side elevations.

John Smiley stated that the playground that was originally proposed has been removed, and the money has been put into the front elevations along 400 East.

Commissioner Mendenhall asked if the units will be owner occupied or if they will be rented.

John Smiley stated that at this time he will own some of the units, but he is not opposed to selling if the price is right.

Commissioner Mendenhall moved to recommend approval of the Cottages on 4th Preliminary Plat and Zone Change from R-1-6 to R-3 Infill Overlay to City Council based on the following conditions:

Conditions:

1. That the applicant provide a landscape phasing plan.
2. That the applicant address all outstanding redlines and provide updated building elevations.

Commissioner Oyler seconded and the motion passed all in favor.

Chairman Tanner commended John Smiley on meeting the architectural expectations that the Planning Commission has really been stressing in recent months.

GENERAL PLAN AMENDMENT (Public Hearing)

Greg Bird

Dave Anderson addressed the Planning Commission stating the subject property is on the east side of Spanish Fork Parkway. There is only one property between the proposed General Plan Amendment and 100 South. The General Plan designation is currently Estate Density Residential. This is a fairly new General Plan designation. Dave Anderson stated it came about after considerable discussion with this Commission, as well as previous Commissions, to meet the need of larger and wider lots to accommodate three and four car garages and RV parking along the side of homes. Dave Anderson stated staff recommends the General Plan Amendment be denied, based on previous feedback from the Planning Commission about allowing higher density in that area. The proposed concept plan borders on density consistent with R-1-6 or R-3 zoning.

Greg Bird, represents the owners of the property. He stated there is a huge demographic that will be turning 65. A 55 and older development shows fewer trips compared to a single-family home, as they do not have children living in the home and produce less trips. Those 65 and older are looking to downsize, while still "aging in place". Greg Bird stated this design and location are for the seniors who want to age in neighborhoods where they raised their families. He stated that seniors want to live in good parts of town with nicer homes, and not on the outskirts and downtown areas. Greg Bird stated this is an upscale senior development. There is no stucco or siding on the exterior. He has done

developments like this up in Salt Lake and it is important to make sure the placement of these communities is beneficial to the residents of the development. He feels this will increase the neighboring property values.

The Commission asked for Dave Anderson to point out on the General Plan where the Estate Density Residential Designated areas were.

Dave Anderson pointed out where the Estate Density Residential designations were and stated anything that is designated Mixed Use, High Density, Urban Density or Medium Density; those designations would be consistent with what the applicant wishes to build.

Commissioner Oyler asked if Dave Anderson could explain when the last General Plan revision was and the process that was used.

Dave Anderson stated roughly in the fall of 2017 there was a proposed zone change that initiated a discussion of adding the Estate Density Residential Designation. It was a result of some very in-depth conversations about where a property could be purchased to build a large custom home. Dave Anderson explained for a long time, in the City's history, most developments only included single-family detached homes on about 8,000 to 9,000 square foot lots or townhomes. Community members raised concerns with City Council members about having to moving to Elk Ridge or Mapleton where they are able to purchase larger lots and build a larger home.

Chairman Tanner opened the Public Hearing at 6:46 p.m.

Jesse Cardon address the Commission. The proposed property is already zoned R-1-15 and making a change may affect the neighboring properties and potential developments. He feels the housing is needed for the older aging community, but he is concerned with the higher density. It is a very large step down from 15,000 square foot lots to 6,000 square foot lots.

Angie Dirkmaat asked if there is an update on re-routing the train that runs parallel to Highway 6 as there is already a lot of congestion on 2550 East.

Michael Clark stated he does not have dates but the relocation is in the works.

Commissioner Argyle exited the meeting at 6:51 p.m.

Rachel stated the proposed development looks nice, but is concerned with the density. In looking towards the future, does this change increase the chance of the properties to the south developing commercially? She asked how many units are planned in the development.

Greg Bird stated there will be 42 to 60 units depending on if they purchase a third property or just develop the two current properties they own.

Jenny Martineau stated she was here about 18 month ago when there was a proposal to change the General Plan Designation from Low Density Residential to Commercial just a little south of this. If the seniors want to be in a quiet area, this is not the place with the high school kids and the traffic. The fact that the road was renamed to Spanish Fork Parkway indicates the road is going to be busy. When she built her home she was told that there would only be single family homes in the area. Jenny Martineau asked rhetorically if this General Plan Amendment is passed to allow for Medium Density, then how soon until it is changed to allow for High Density or Commercial.

Chairman Tanner closed the Public Hearing at 6:57 p.m.

Greg Bird stated he appreciates the community and neighbors. He has no intention of doing any commercial development in the area. He does do commercial development, but has no desire to do something in the area. Greg Bird stated some of the CC&R's for the development would be that the homes have to be ramblers, with an allowance of an attic space. The development will be fully fenced. Greg Bird agreed that 2550 East is busy and not ideal for an estate home to be located. The development will be between 4.6 and 5 units to the acre. He believes the proposed development will have fewer trips then any single-family community development. Traffic is already there and during school hours and special events at the high school the traffic increases.

Commissioner Mendenhall was not on the Commission when the General Plan was last revised, however, it was not that long ago that it was updated. The General Plan Designations are such as to allow for Estate lots, which are becoming harder to purchase. The designation is an alert to the community of what will come to the area. It is becoming harder and harder to find a lot within the community where a custom home can be built. He thinks the senior living developments are very much in demand and the placement is a little irrelevant. Commissioner Mendenhall stated the road this proposal abuts is busy, but that is not the concern. It is the precedent that is set with the surrounding properties. The proposed development will detract from the neighboring designations. Commissioner Mendenhall stated he has no issues with the look, feel, design and the value of the project, but this is not the place. His inclination is to vote against the proposal and prefers to leave the General Plan as is.

Commissioner Oyler stated he is trying to go through the General Plan of where Estate Density Residential is. He does not see much property that is not developed within the Medium Density Residential designation. He stated more research needs to be done as to where this type of development can be built without knocking down existing homes or changing existing zoning.

Commissioner Tagg stated several years ago there was a large amount of townhome requests, so much, that it concerned the Planning Commissioners at the time that some larger lot areas needed to be set aside. Over the last few years there has been more development in the R-1-12 zone. Before everything is taken over and developed it was the right time to set aside property, to help reserve that land for larger lot subdivisions. Time marches on and things move forward. For right now how does it make any sense to change the zoning to create an island? Is that senior demographic going to grow? Yes, without a doubt. There have been two developments within the last two years approved for senior housing. The Planning Commission wants to set aside areas for that type of development, but the place and time has to be right. Commissioner Tagg feels this is not the right fit for the zoning to change from the plan the City has in place.

Chairman Tanner asked for some clarification of where a senior type development can be located.

Dave Anderson stated there is not a lot of property in the City today that would allow for four units to the acre or anything more dense. Opportunities for all types of development are limited. There are properties on the market currently that staff might recommend for the property to be rezoned to allow for a development like this. Dave Anderson stated things will change as infrastructure comes to the west side of town. He can have some maps prepared to show how the City will look like if the General Plan is followed into the future. He does not think anyone has an issue with the idea of the development but the common issue is the proposed density and the surrounding density.

Chairman Tanner requested staff look at locations within the City of where this type of development might go.

Commissioner Mendenhall stated it would be good to look at property that may be contiguous where zoning may be changed, but having an island of medium density in this area does not make sense.

Commissioner Mendenhall moved to recommend denial of the Greg Bird General Plan Amendment to City Council.

Commissioner Oyler seconded and the motion passed all in favor.

Chairman Tanner adjourned at 7:25 p.m.

Adopted:

Kimberly Brenneman
Department Secretary

Draft Minutes
Spanish Fork City Planning Commission
40 South Main Street
Spanish Fork, UT 84660
April 10, 2019

Commission Members Present: Chairman Brad Tanner, Kevin Oyler, John Mendenhall, Clint Argyle. Absent: Richard Davis.

Staff Members Present: Dave Anderson, Community Development Director; Michael Clark, Staff Engineering; Jason Sant, Assistant City Attorney; Kimberly Brenneman, Community Development Department Secretary.

Citizens Present: Morgan Fife, Mike Helm, Nate Seacrest, Jamie Evans, Clint Feeley.

Chairman Tanner called the meeting to order at 6:05 p.m.

PRELIMINARY ACTIVITIES

Pledge of Allegiance

Chairman Tanner asked Commissioner Oyler to lead the pledge.

TITLE 15 AMENDMENTS (Public Hearing)

Casey Cloward

Brandon Snyder addressed the Commission stating there are a couple proposed changes to Title 15 with regard to swimming pools and fence setbacks. There is a particular property owner that is proposing to build a 6-foot fence that would only be 12 feet from the front property line. The current code restricts a fence from being within the front setback area of a lot. The language that is proposed would allow a fence to encroach within the front setback so long as it is no closer than 10 feet from the front property line, has a lot width of at least 200 feet and the lot is a certain size.

15.3.24.090 Supplementary Regulations
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 36 square inches, except for gates, and such gates shall be equipped with self-closing and self-latching devices.*~~

1. Swimming Pools that are enclosed, covered, or in-ground, shall comply with the following setbacks:

a. Minimum setback to a front property line is thirty (30) feet; however, enclosed, covered, or in-ground Swimming Pools shall also be located behind the front wall plane of the principal structure.

b. Minimum setbacks to interior side or rear property lines are five (5) feet.

c. Minimum setback to a corner side property line is ten (10) feet.

2. Temporary Swimming Pools shall not be located in a required setback longer than thirty (30) consecutive days in a six (6) month period. Temporary Swimming Pools shall not be located in a required setback if it is determined to be a safety risk or an attractive nuisance.

3. Enclosures or coverings shall comply with accessory structure regulations.

4. Swimming Pools shall not be located in municipal or public utility easements.

5. Swimming Pools shall comply with applicable Building Code safety regulations.

15.4.16.130 <u>Landscaping, Buffering, Walls and Fences</u>

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.

a. A residential lot with over two hundred (200) feet of frontage and that is a minimum of twenty thousand (20,000) square feet in area, may obtain permission from the Community Development Director to locate a solid six (6) foot tall fence within a front yard. The fence must maintain a minimum setback of ten (10) feet from the front property line.

i. A fence located within the front yard setback shall not be located in front of the residence, but must be to the sides of the residence. Clear vision requirements shall still apply.

ii. No more than fifty (50) percent of the lot frontage shall have said fencing within the front yard setback.
iii. The area between said fencing and the property line shall be landscaped within one (1) year of installing said fencing.

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.

The City would like neighborhoods to still be inviting and not have fences next to sidewalks.

Commissioner Oyler asked how the grade of this lot matches up to the property to the east and if the fence would be problematic.

Dave Anderson stated the drive of the home to the east will be on the far east side of the property and not next to the subject property. The language is written so that the clear vision area will still need to be observed and any fence cannot be within the clear vision area.

Commissioner Argyle asked why there is the current rule.

Dave Anderson stated most communities would recoil at the idea of allowing fences to wall off property and front yards. There is the need for simple visibility for driveways, also walking along a sidewalk where the fence is next to the walk is uncomfortable.

Commissioner Oyler stated that he sees the concern from the property owner and the property owner wanting privacy.

Dave Anderson stated that the City does not make a habit of rewriting the Municipal Code for individual properties but this is written so that it applies to only a few lots within the City.

Commissioner Argyle asked if this would be applicable for any existing properties.

Dave Anderson stated that if all the requirements are met, a property owner would be able to apply for a fence permit. Dave Anderson stated that this particular lot was originally platted as two lots, but were combined into one by the property owner.

Brandon Snyder stated there is one property within the City that the Building Inspector has had a property owner ask for a fence permit, but has not been able to receive one in the past. This text amendment would now allow that property owner to have a fence on the side yard.

Chairman Tanner opened the Public Hearing at 6:27 p.m.

There was no public comment.

Chairman Tanner closed the Public Hearing at 6:27 p.m.

Commissioner Mendenhall moved to approve the Title 15 Amendments relative to swimming pool and fence regulations.

Commissioner Argyle seconded and the motion passed all in favor.

Billboard Amendments

Dave Anderson addressed the Commission stating there are some significant concerns with the regulations placed on cities per State Code and the rights that go with the ownership of billboards. With all the regulations and protections, billboards become somewhat of a liability to the City. With that being said, staff has had recent discussions regarding the intended language of the Spanish Fork City Code. Staff feels the Code language needs to be updated to be more clear.

Dave Anderson stated in the discussions staff has had regarding billboards, there was a consensus that an adequate number of billboards exist within the City limits today. The intent of the current Code is that there is not a need for more billboards within the City.

Dave Anderson stated that in the last ten years, after a very lengthy process, there has been one new billboard permitted in the community.

Commissioner Tanner asked how the regulation of billboards has been dealt with in the last ten years, to deter new billboards.

Dave Anderson stated the Code has been written to be restrictive and spells out spacing requirements between each billboard. Staff believes all the potential locations for billboards have been exhausted.

Commissioner Oyler asked what the zoning of a property must be to have a billboard, and once a billboard is constructed how often are they taken down?

Dave Anderson stated that billboards can be built in the Industrial or Commercial zoning districts. He stated that if, for whatever reason, a billboard may need to be relocated, the billboard is protected by the State Code and can be relocated to a different site within the community. When billboards are relocated within a community, there is little to no local jurisdiction's input. Dave Anderson clarified that billboards are not valued on the cost of the structure, but rather on earning potential and can be extremely costly. Dave Anderson reiterated the liability that billboards create for the City. This is important to note for if there ever is the need for the City to exercise imminent domain. With imminent domain, the City would be purchasing the earning potential of the billboard, which is substantially more than if the City were to purchase a piece of real property at today's appraised value. That becomes a real liability to the City. Dave Anderson stated the proposed changes would not impact any of the billboards in the community today, or vested applications under the rule at the time of application.

Commissioner Oyler asked if the City has any obligation to the billboard company if a billboard is to be relocated.

Jason Sant stated that if the applicant is not able to find a suitable location for the billboard, then the City would look towards imminent domain. The City tries to work with the billboard companies to help them relocate as buying out billboards can be very costly.

Dave Anderson stated that with a quick search there are approximately 20 cities within the state that have already implemented codes very similar to what is being proposed. This approach is not something new in the industry.

TITLE 5

5.36.040 Prohibited Signs

1. Any sign not specifically permitted by this ordinance is prohibited.

2. Signs placed on public property or in the public rights-of-way are prohibited, except for the following:

A. Government signs and traffic control signs;

B. The City is authorized to sell off-site advertising at city ball fields, the rodeo arena, and the golf course to raise revenue to offset the subsidy to the recreation programs;

C. The Spanish Fork/Salem Area Chamber of Commerce is authorized to sell offsite advertising on bus benches at UTA authorized bus stops, in order to raise revenue to reduce the subsidy to the Chamber.

~~*Any sign not specifically permitted by this ordinance is prohibited.*~~

3. Billboards; except in accordance with Spanish Fork Municipal Code 5.36.070.

5.36.070 Billboards

1. It is the intent of this Section to limit the number of billboards to the total number of billboards existing in the City as of April 1.2019, including those for which a fully completed application has been submitted with the appropriate fee. by April 1. 2019.

2. All existing billboards are considered nonconforming as of April 1. 2019.

3. If any nonconforming billboard is not replaced or relocated pursuant to State law, the cap shall be lowered accordingly and the total number of nonconforming billboards shall decrease.

4. Nonconforming billboards replaced or relocated pursuant to State law shall meet these requirements:

A. Must be within 100 feet of the asphalt portion of the Highway they are adjacent to.

B. Must be at least 500 feet from any residential district or use.

C. cannot exceed a height of fifty (50) feet. or twenty-five (25) feet above roadway grade level, whichever is less.

D. The message area shall not exceed 675 square feet.

E. All components of the billboard structure shall be black or some other dark, drab and dull color.

F. Utah Department of Transportation must approve the billboard location prior to City approval.

~~*Billboards are permitted in the following locations and subject to the following restrictions:*~~

~~*A. Billboards are permitted.*~~

~~1. Along I-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.~~

~~2. Along State Road 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 located in an industrial zone.~~

~~B. Must be within 100 feet of I-15 or US Highway 6.~~

~~C. Must be at least 400 feet from any R-1 or R-3 residential districts.~~

~~D. Cannot exceed a height of 50 feet or 25 feet above roadway grade level, whichever is less.~~

~~E. May be double faced or back-to-back if the separation of panels does not exceed five (5) feet.~~

~~F. Each side may have a sign area not to exceed 675 square feet.~~

~~G. Footing and structure details must be furnished to the City Building Official prior to issuance of a building permit.~~

~~H. Must be monopole. The monopole and all appurtenances to the sign must be painted black.~~

~~I. Utah Department of Transportation must issue a permit for the proposed location prior to commencing construction, or prior to City conducting any inspections pursuant to its permit.~~

TITLE 15

15.3.24.020 Billboards

Please refer to Spanish Fork Municipal Code 5.36.070 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 50 feet, or 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.*~~

Dave Anderson explained that a nonconforming use is a use of property that was allowed under the zoning regulations at the time the use was established but which, because of subsequent changes in those regulations, is no longer a permitted use.

Commission Oyler asked if there is a billboard within the community that needs to be relocated, how does the billboard now become conforming.

Dave Anderson stated if the language changes the billboards can never become conforming, as they are no longer allowed in the City. Dave Anderson pointed out that following the State Code is important and the City would not write a Municipal Code that would contradict the State Code.

Dave Anderson mentioned in other parts of Utah County and in Salt Lake County, billboards have been converting from static copy area to electronic copy area. The City will probably add some language to the code regarding those changes, but is hoping to start with the proposed changes for now. He believes there are provisions within the State Code that allow some local jurisdiction restrictions with regard to illumination and hold times for each ad. Dave Anderson stated there is a certain amount of support to allow static signs to convert to electronic copy area.

Chairman Tanner opened the Public Hearing at 6:53 p.m.

Nate Seacrest, legal counsel for Reagan Outdoor Advertising, addressed the Commission. He stated that signs are relocated all the time at the request of local jurisdictions. Reagan is committed to work with cities and appreciates their interactions with Spanish Fork City. Nate Seacret said billboards are typically on leased property. The City's heart is in the right place with respect to observing the State Code. Reagan is most interested in preserving the rights that they have and protecting the existing inventory. He gave an example of

South Salt Lake allowing billboards to "bank" copy area when relocating. He has concerns with item 4(B), the State Code is 400 feet, not 500 feet. Nate Seacrest stated that item 4(E) is difficult as billboard companies use the color of the structure as part of the company's branding. Reagan has brown structures, where Yesco has a silver or white. It is not an issue for his company, but could be problematic for other companies.

Nate Seacrest stated that a conforming sign is worth more than a nonconforming sign and by changing all the billboards to nonconforming the value of the signs are now decreased. He explained when billboards are sold the buyer is not buying the structure of the billboard, but they are buying the right to have a billboard. Nate Seacrest stated he is happy to work with City staff on the language. He stated that he feels staff and the interests for his company are not far off.

Mike Dollaman with Yesco appreciates Nate Seacrets comments. He stated that his biggest concern is the color of the structures. Yesco has a branding color of "Yesco Grey", and said darker signs require more upkeep.

Jamie Evans stated the proposed ordinance takes away all the rights of the property owners, not billboard companies. He stated the City has caused the issue that is now requiring the code change. Jamie Evans stated this is a chess game and the power of the negotiation will go to the billboard companies, and not the property owners, with the proposed changes to the Code. He stated that the only way to get rid of a billboard, is if a judge tells him to remove it.

Jamie Evans stated he has spent 15 years looking at every inch of Spanish Fork and no more billboards can be built with the language of the code as of today.

Commissioner Oyler asked how Jamie Evans feels about billboard banking.

Nate Seacrest explained billboard banking.

Jamie Evans stated the billboard banking does not help property owners, it only helps billboard companies. Competition of billboards helps property owners.

Nate Seacrest stated if the City wishes to keep the code the same and not adopt any changes to the code, they would not have any heartburn. The name of the game is billboard relocation.

Chairman Tanner does not understand Jamie Evans' argument of property owners losing their rights.

Jamie Evans stated that the revenue of the property is driven up by the free market.

Commissioner Mendenhall asked Jamie Evans how the proposed ordinance changes relate to the state statute and what already exists.

Jamie Evans stated the State Code allows the billboard to move in any direction 100 feet. There is no way to move the sign on Blain Evans property within that 100-foot change imposed by the State Code. This then opens the competition with the other billboard companies to rebuild that billboard.

Chairman Tanner closed the Public Hearing at 7:19 p.m.

Dave Anderson stated the liability of the City increases with each new billboard. Jamie Evans put it perfectly when he stated it is a chess game and there is jockeying. The concern of property owners land value being driven up is not the primary concern of the City. The concern of the City is the increased liability and the litigation potential that would affect the community as a whole, should there be litigation or imminent domain.

Commissioner Oyler asked what the definition of replacing means.

Dave Anderson stated that the proposed language is very clear in the geography and where billboards can be located, but with regard to property owners there is no change. The City cannot do anything that might superseed the State Code.

Commissioner Oyler asked about a billboard relocation.

Dave Anderson stated that the City works with the billboard company, not property owners.

Commissioner Mendenhall asked if the proposed language change would preclude any property owner from renegotiating the billboard at the end of the lease.

Dave Anderson stated the billboard company has the vested rights. The prospective from staff is for the broader community and not the few property owners that have billboards on their properties.

Commissioner Oyler asked what happens with a property that is annexed that may have a billboard on the property.

Dave Anderson said they are probably a nonconforming use and the City has respected their rights as nonconforming uses.

Dave Anderson stated the lighter colors of the structures typically rust and look, from his perspective, run down and are not the look that the community would like to portray in prominent areas.

Chairman Tanner asked how this impacts property owners rights.

Dave Anderson stated he wouldn't want to even guess what people may have done contractually with others. That is not a decision driver with staff as to how the code should read. Personally, point F is more palatable for those involved with billboard approval.

Chairman Tanner asked about point two.

Dave Anderson stated he doesn't want to be a cheerleader for the new language but this is a very good modification. Number two is a key component to items three and four.

Commissioner Argyle stated he does not feel comfortable making a decision today. He wants to suggest that the billboard companies contact the property owners where they may have leased property about the changes. He recommends the billboard companies meet with the City to refine the proposed language. Commissioner Argyle feels competition is good and doesn't want to see a monopoly. He would like to have an accurate count of billboards within the community before this is presented to the Commission again. Commissioner Argyle also feels that the signs should not be labeled as nonconforming and depreciate the value of the structure.

Commissioner Oyler moved to continue the Title 5 and 15 Amendments relative to billboard regulations.

With the assignments given to staff to notify property owners, explore the billboard banking, collecting an accurate count of billboards

Commissioner Argyle seconded and the motion passed all in favor.

ZONE CHANGE (Public Hearing)

Miner Zone Change

Dave Anderson has recommended that this item be continued.

CONSTRUCTION STANDARDS (Public Hearing)

Construction Standards

Michael Clark stated that there are revisions that have been made in conjunction with the assistance of a consultant, developers and staff.

Masonry walls are prominent within the community and it is important to have a more cohesive look. The hope is to have all the walls have the same base coat so that if there is any graffiti, the City will have the base coat on hand so that the on call staff member can get out and cover up the graffiti. After the base coat is applied then a time can be scheduled to restain the wall.

Michael Clark stated a developer driven change is the removal of a mow strip under any masonry wall. The standard was adding approximately $1,000 to each lot, and making the cost of housing a little higher. It was an effort to help bring house building costs down.

There was a alleyway cross section added to the Standards. The cross section states that the garage door has to be 3-5 feet from the alleyway. That space is to allow for garage cans, but if there is any more space then smaller cars try to park parallel to the garage.

Commissioner Argyle asked if any developers have reviewed the revised standards.

Michael Clark stated he has not sent out the whole document, but has met with a few of the developers one on one.

Commissioner Argyle asked if this is supposed to be fluid or last 5 years.

Michael Clark stated this should be changed every 6 months as standards and environmental changes occur.

Commissioner Mendenhall stated this is beneficial to help with bids and it is a great tool for the community and developers.

Chairman Tanner opened the Public Hearing at 8:02 p.m.

There was no public comment.

Chairman Tanner closed the Public Hearing at 8:02 p.m.

Commissioner Mendenhall moved to recommend approval of the Construction Standard Amendments to City Council.

Commissioner Oyler seconded and the motion passed all in favor.

OTHER BUSINESS

Design Modification for Rees Apartments Infill Overlay Approval

Dave Anderson stated the applicant for the Rees Apartments got to a point where the trusses were put up on the corner unit and she halted construction. The applicant was concerned about the look of the corner and came to staff with a revision. Staff has reviewed the proposed changes and feels the intent is still in line with the R-5 zone.

Commissioner Mendenhall asked if the Planning Commission has to make the decision or if that is something that staff can make.

Dave Anderson stated that if an elevation is submitted and a project is approved, he feels very strongly that the Planning Commission and the City Council should have the ability to review and approve any changes.

Commissioner Mendenhall likes the revision and stated it really reflects the original Rees Elementary School and the architecture that was used on the school.

The Commission feels the change is a change for the better.

Appointment

Dave Anderson stated that Treaci Tagg was the appointed Vice Chair and now that she is no longer on the Commission, he asked if the Commission would like to appoint a new Vice Chair.

Commissioner Oyler was nominated as Vice Chair and it was approved unanimously.

Commissioner Oyler moved to adjourn the meeting at 8:19 p.m.

Adopted:

_____

Kimberly Brenneman
Community Development
Department Secretary

SPANISH FORK
PRIDE & PROGRESS

TO: Spanish Fork City Planning Commission

FROM: Dave Anderson, AICP

DATE: April 19, 2019

RE: Proposed Changes to Accessory Apartment Regulations

For the past year, much time has been spent reviewing the City's current regulations for Accessory Apartments and evaluating whether changes may be warranted. The process undertaken by City staff has involved public outreach and the study of other communities' regulatory programs.

The language provided below describes the changes staff believes should be made. The description is provided in the boldface red and strikethrough format that we often use. You will note that some text also has a gray highlight. That text contains provisions that relate to permitting Accessory Apartments in Accessory Structures. At this time, staff is not recommending that those changes be incorporated but believes there may be merit in discussing the concept at a later date.

Chapter 04 Purpose and Applicability

15.1.04.010 Rules of Construction
15.1.04.020 Definitions
15.1.04.030 Compliance and Enforcement
15.1.04.040 Notices
15.1.04.050 Appeal Process
15.1.04.060 Appeal Authority
15.1.04.070 Fees
15.1.04.080 Severability
15.1.04.090 Licensed Contractor

15.1.04.020 Definitions

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

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 15% of the total lot area if the structure is entirely within the setbacks for the principal structure, or 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 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 20 feet to the peak of the roof measured from the finish grade (measured 5-feet from the proposed structure). Any structures taller than 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 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.

m. Accessory Structures that house Accessory Apartments shall be architecturally compatible with the Primary Structure on the lot and shall maintain setbacks of no less than five (5) feet from all property lines and other structures.

E. Accessory Apartments:

1. This sub-section is established to provide regulations for Accessory Apartments within single-family dwellings or in Accessory Structures. ~~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. The property must be located in the R-3, R-1-6, R-1-8, R-1-9, R-1-12 or R-1-15 zones.
   b. The owner of the property must reside on the property. Exceptions shall be permitted if the property owner applies to have the occupancy requirement suspended, if the owner has resided on the property for at least one (1) year and if any of the following situations exist:
      i. The owner has a bona fide, temporary absence of three (3) years or less for activities such as temporary job assignments, sabbaticals, or voluntary service (indefinite periods of absence from the dwelling shall not qualify for this suspension).
      ii. The owner is placed in a hospital, nursing home, assisted living facility or other similar facility.
   c. Only one apartment shall be created on a parcel. The Accessory Apartment may be located within a single-family dwelling or in an Accessory Structure. Accessory Structures that house Accessory Apartments shall be constructed as permanent structures.
   d. Accessory Apartments are only permitted in dwellings on lots ~~10,000~~ 8,000 square feet or larger.
   ~~e. The apartment must have a minimum of two off street parking spaces.~~ The property must have a total of four (4) parking spaces which meet the criteria provided in section 15.4.16.120.
   f. The Accessory Apartment must be registered with the City ~~utility office~~ Community Development Department. Any fees required for registration shall be defined in the City's Annual Budget.
   g. The Accessory Apartment shall meet all applicable building and fire codes.
   ~~h. All applicable impact fees must be paid for the additional unit.~~
   ~~i. Separate electric meters are installed for each unit.~~

15.3.16.020 Residential Districts

R-1-80, R-1-60, R-1-40, R-1-30: 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).

R-1-20, R-1-15, R-1-12: 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.

R-1-9, R-1-8: 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 either 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 density. In the event a Master Planned Development is constructed within this zone, 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. Single-family homes on lots that are less than 6,000 square feet may also be permitted if a project is approved for the Infill Overlay Zone.

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)~~ in the R-3, R-1-6, R-1-8, R-1-9, R-1-12 or R-1-15 zones provided that the ~~meet the~~ conditions of §15.3.24.090 are met.
    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.).

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 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~~ is 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.

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~~ Structures[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'~~ 20'
R-1-15	2.15 units (base)	15,000 sf	100'	125'	20-25'[2]	25'	10'	15-25'[4]	35'	~~15'~~ 20'
R-1-12	2.69 units (base)	12,000 sf	100'	100'	20-25'[2]	25'	10'	15-25'[4]	35'	~~15'~~ 20'
R-1-9	3.58 units (base)	9,000 sf	85'	90'	15-25'[2]	25'	10'	15-25'[4]	35'	~~15'~~ 20'
R-1-8	4.03 units (base)	8,000 sf	75'	90'	15-25'[2]	25'	10'	15-25'[4]	35'	~~15'~~ 20'
R-1-6	5.37 units (base)	6,000 sf	50'	90'	15-25'[2]	25'	5-10'[3]	15-25'[4]	35'	~~15'~~ 20'
R-3	8 units (maximum)	6,000 sf	50'	90'	15-25'[2]	25'	5-10'[3]	15-25'[4]	35'	~~15'~~ 20'
R-4	18 units (maximum)	6,000 sf	50'	90'	15-25'[2]	25'	5-10'[3]	15-25'[4]	45'	~~15'~~ 20'
R-5	18 units (maximum)	6,000 sf	50'	90'	10-20'[8]	15'	15'	15'	40'	~~15'~~ 20'
R-O	N/A	6,000 sf	50'	90'	15-25'[2]	25'	5-10'[3]	15-25'[4]	35'	~~15'~~ 20'

1 - Refer to 15.3.24.090(A) for Accessory ~~buildings~~ Structures.

2 - 15 feet to porches, 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 except for lots with 50 feet of lot width or less. When the lot width is 50 feet or less the minimum setback is five (5) feet on each side. The setback is 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 five (5) feet.

8 - 10 feet minimum front setback, 20-foot maximum front setback.

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 25% on-site landscaping as a percentage of total site area, except in the R-5 Zone where 20% on-site landscaping is required.
      b. Parking lots shall include planter areas within the parking lot, with a minimum of 108 square feet of planter area for every 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 Shade Trees, as identified on the City's approved list of Shade Trees, with a maximum spacing of 30 feet.
      c. Minimum of 15-foot-wide planter area adjacent to all public streets, which shall include trees with a maximum spacing of 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 Shade Tree list. On streets included in the Shade Tree Master Plan, the trees selected shall include the mix of trees as prescribed by the Plan. Shade trees must be planted within 30 feet of the public street curb; wherever possible, 50% of the required Shade Trees must be planted in the park strip.
      d. Minimum of 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 30 feet.
      e. The total number of required trees and shrubs for every 1,000 square feet of required landscaping shall equal two (2) trees and 10 shrubs.
      f. In cases where it is determined that utilizing tree species found in the approved Shad Tree List would adversely impact utility lines, the use of substitute tree species can be approved by the Community Development Director.
   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 (2) years of receiving a certificate of occupancy.
      b. Required landscaping shall 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. Weeds do not qualify as required landscaping.
      d. No more than 70% of a lot shall be surfaced with impervious materials. No more than ~~80%~~ 60% of the front and side-street setback areas can be improved with impervious surfaces.
      e. 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 front and side-street yard 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.

SPANISH FORK
PRIDE & PROGRESS

TO: Spanish Fork City Planning Commission

FROM: Dave Anderson, AICP

DATE: May 1, 2019 Planning Commission Meeting

RE: Proposal for Billboard Regulation Changes

This correspondence contains proposed changes to Titles 5 and 15 that would amend the City's regulations for Billboards. The proposed changes are identified with the boldface red and strikethrough text. Also, an inventory of the existing Billboards in Spanish Fork is attached.

TITLE 5

5.36.040 Prohibited Signs

1. Any sign not specifically permitted by this ordinance is prohibited.

2. Signs placed on public property or in the public rights-of-way are prohibited, except for the following:

A. Government signs and traffic control signs;

B. The City is authorized to sell off-site advertising at city ball fields, the rodeo arena, and the golf course to raise revenue to offset the subsidy to the recreation programs;

C. The Spanish Fork/Salem Area Chamber of Commerce is authorized to sell offsite advertising on bus benches at UTA authorized bus stops, in order to raise revenue to reduce the subsidy to the Chamber.

~~Any sign not specifically permitted by this ordinance is prohibited.~~

3. Billboards; except in accordance with Spanish Fork Municipal Code 5.36.070.

5.36.070 Billboards

1. It is the intent of this Section to limit the number of Billboards to the total number of Billboards existing in the City as of April 1, 2019, including those for which a fully completed application has been submitted, with the appropriate fee, by April 1, 2019.
2. All existing Billboards are considered nonconforming as of April 1, 2019.

3. If any nonconforming Billboard is not replaced or relocated pursuant to State law, the cap shall be lowered accordingly and the total number of nonconforming Billboards shall decrease.

4. Nonconforming Billboards replaced or relocated pursuant to State law shall meet these requirements:

A. Must be within 100 feet of the asphalt portion of the Highway they are adjacent to.

B. Must be at least 500 feet from any residential district.

C. Cannot exceed a height of fifty (50) feet, or twenty-five (25) feet above roadway grade level, whichever is less.

D. The message area shall not exceed 675 square feet.

E. All components of the Billboard structure shall be black or some other dark, drab and dull color.

F. Utah Department of Transportation must approve the Billboard location prior to City approval.

~~Billboards are permitted in the following locations and subject to the following restrictions:~~

~~A. Billboards are permitted:~~

~~1. Along I-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.~~

~~2. Along State Road 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 located in an industrial zone.~~

~~B. Must be within 100 feet of I-15 or US Highway 6.~~

~~C. Must be at least 400 feet from any R-1 or R-3 residential districts.~~

~~D. Cannot exceed a height of 50 feet or 25 feet above roadway grade level, whichever is less.~~

~~E. May be double faced or back-to-back if the separation of panels does not exceed five (5) feet.~~

~~F. Each side may have a sign area not to exceed 675 square feet.~~

~~G. Footing and structure details must be furnished to the City Building Official prior to issuance of a building permit.~~

~~H. Must be monopole. The monopole and all appurtenances to the sign must be painted black.~~

~~l. Utah Department of Transportation must issue a permit for the proposed location prior to commencing construction, or prior to City conducting any inspections pursuant to its permit.~~

TITLE 15

15.3.24.020 Billboards

Please refer to Spanish Fork Municipal Code 5.36.070 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 50 feet, or 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.~~

attachment: Billboard Inventory





Billboard 1

Location: ~1130 West Center Street

Sign Owner (UDOT): SOM-I, LLC

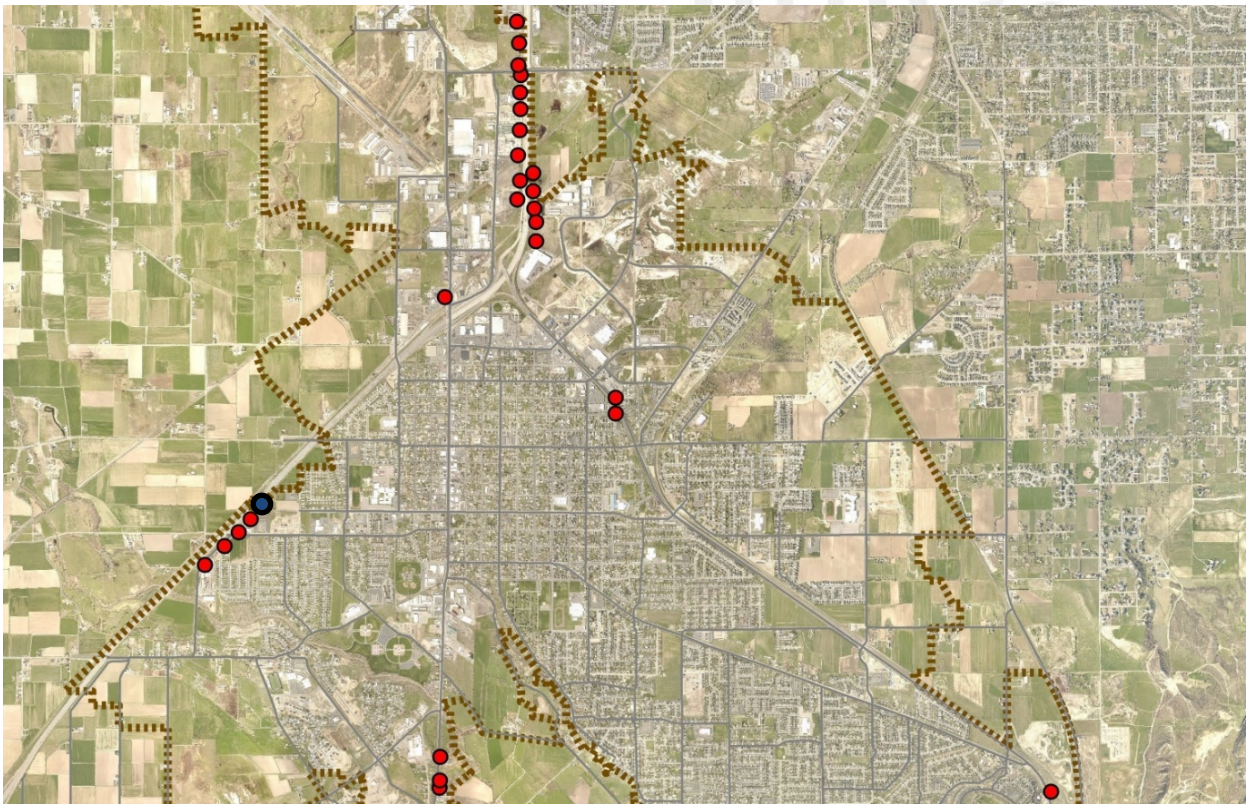
Parcel Number: 25:015:0036

Parcel Owner: Wilson, Brandon

Permit Number (UDOT): 3-0874

City Zoning: Rural Residential (R-R)

Condition (UDOT): Good







Billboard 2

Location: ~1200 West 50 South

Sign Owner (UDOT): SOM-I, LLC

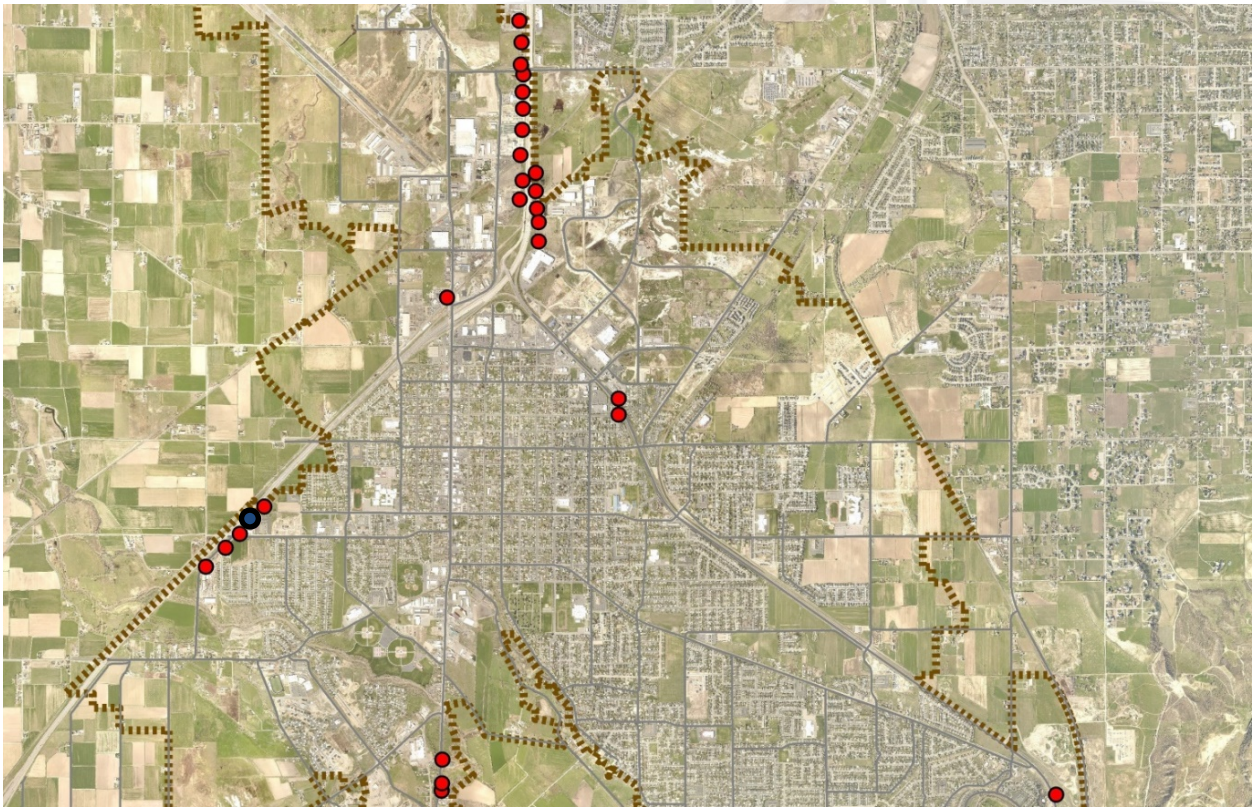
Parcel Number: 25:015:0026

Parcel Owner: Ericksen, Richard & Janet

Permit Number (UDOT): 4-1635

City Zoning: Light Industrial (I-1)

Condition (UDOT): Good







Billboard 3

Location: ~1275 West 100 South

Sign Owner (UDOT): SOM-I, LLC

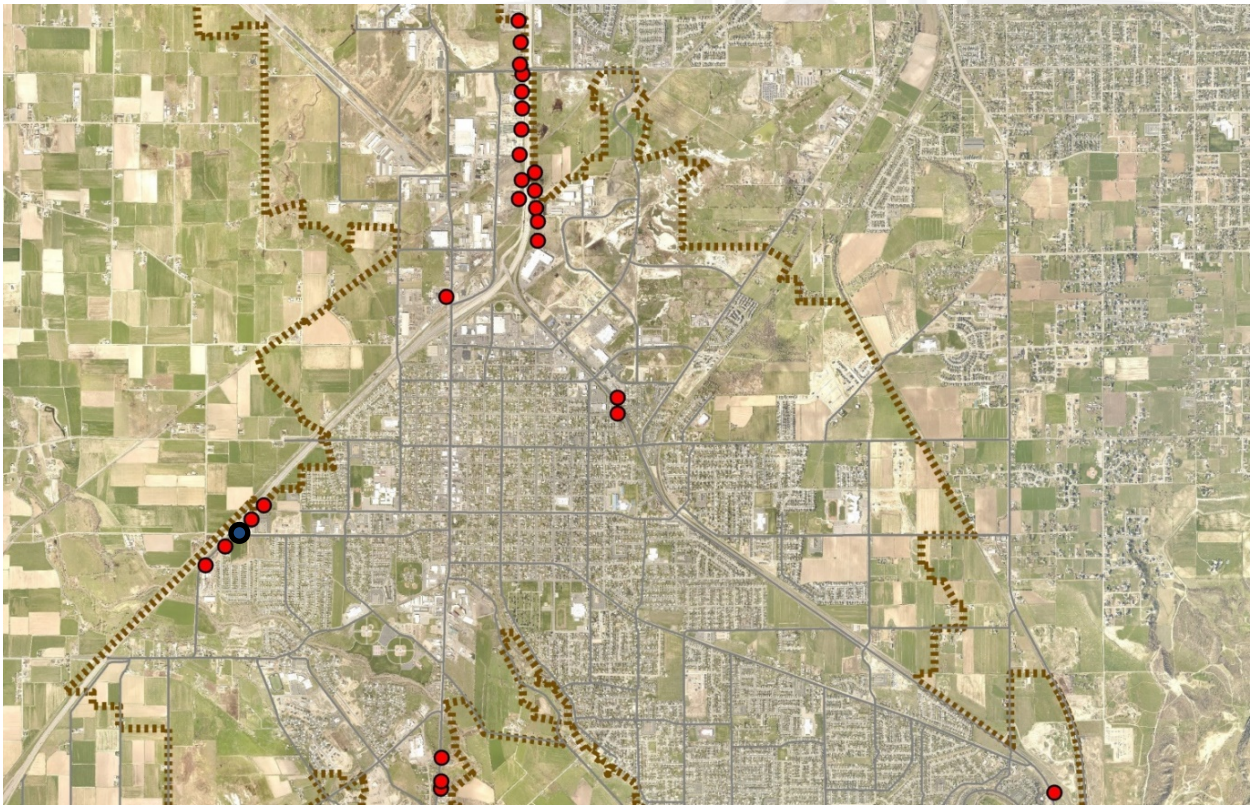
Parcel Number: 25:015:0004

Parcel Owner: Ericksen, Richard & Janet

Permit Number (UDOT): 6-1144

City Zoning: Light Industrial (I-1)

Condition (UDOT): Good







Billboard 4

Location: ~1375 West 200 South

Sign Owner (UDOT): Reagan Outdoor Advertising

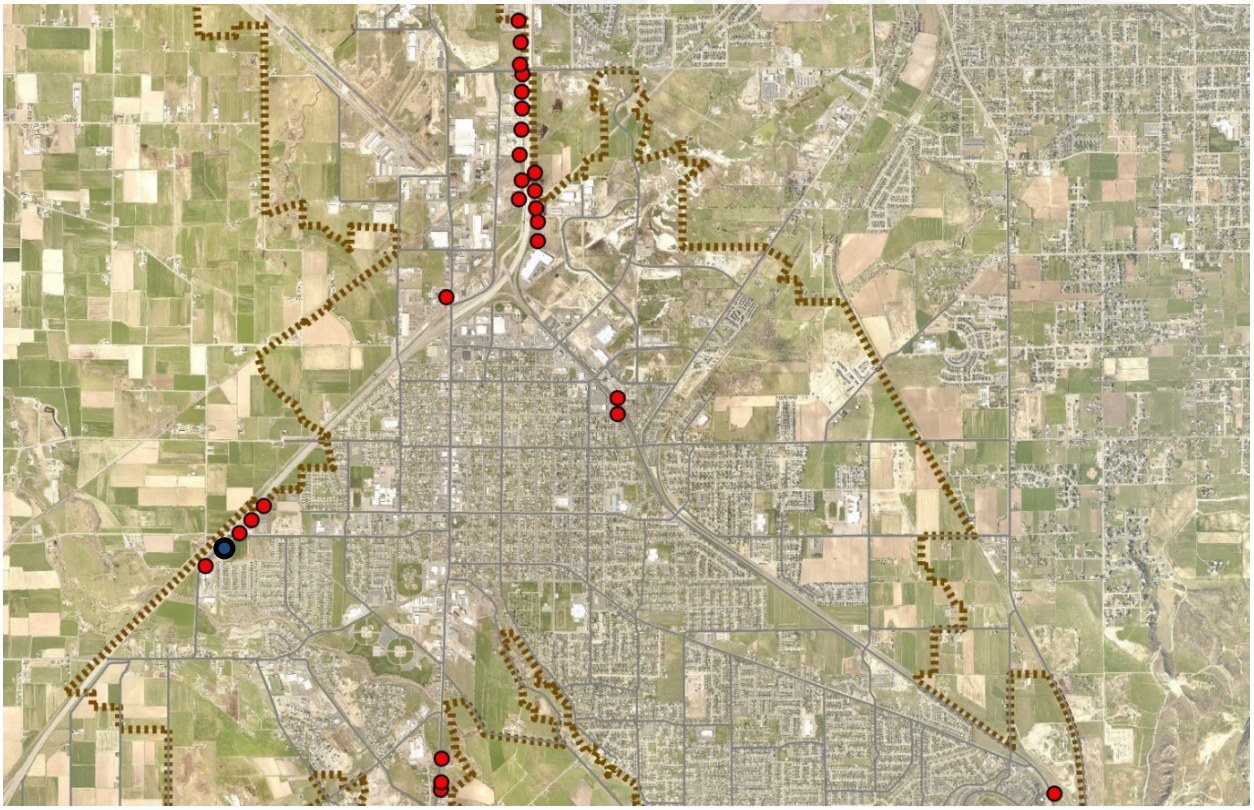
Parcel Number: 25:016:0039

Parcel Owner: Losser, Gary & Arlene

Permit Number (UDOT): 4-1602

City Zoning: Light Industrial (I-1)

Condition (UDOT): Good







Billboard 5

Location: ~1500 West 300 South

Sign Owner (UDOT): YESCO Outdoor Media LLC

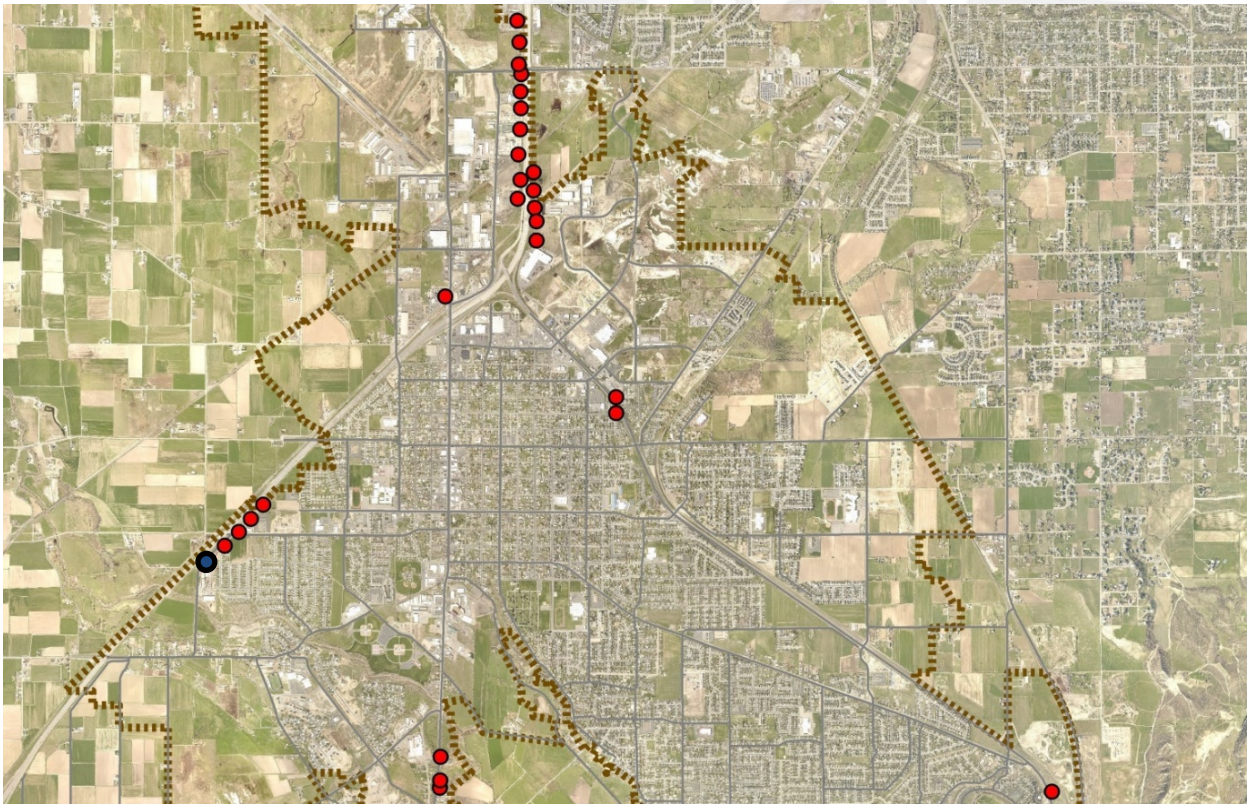
Parcel Number: 25:016:0025

Parcel Owner: Sod Enterprises LLC

Permit Number (UDOT): 4-1479

City Zoning: Medium Industrial (I-2)

Condition (UDOT): Good







Billboard 6

Location: ~1700 South Highway 6

Sign Owner (UDOT): YESCO Outdoor Media LLC

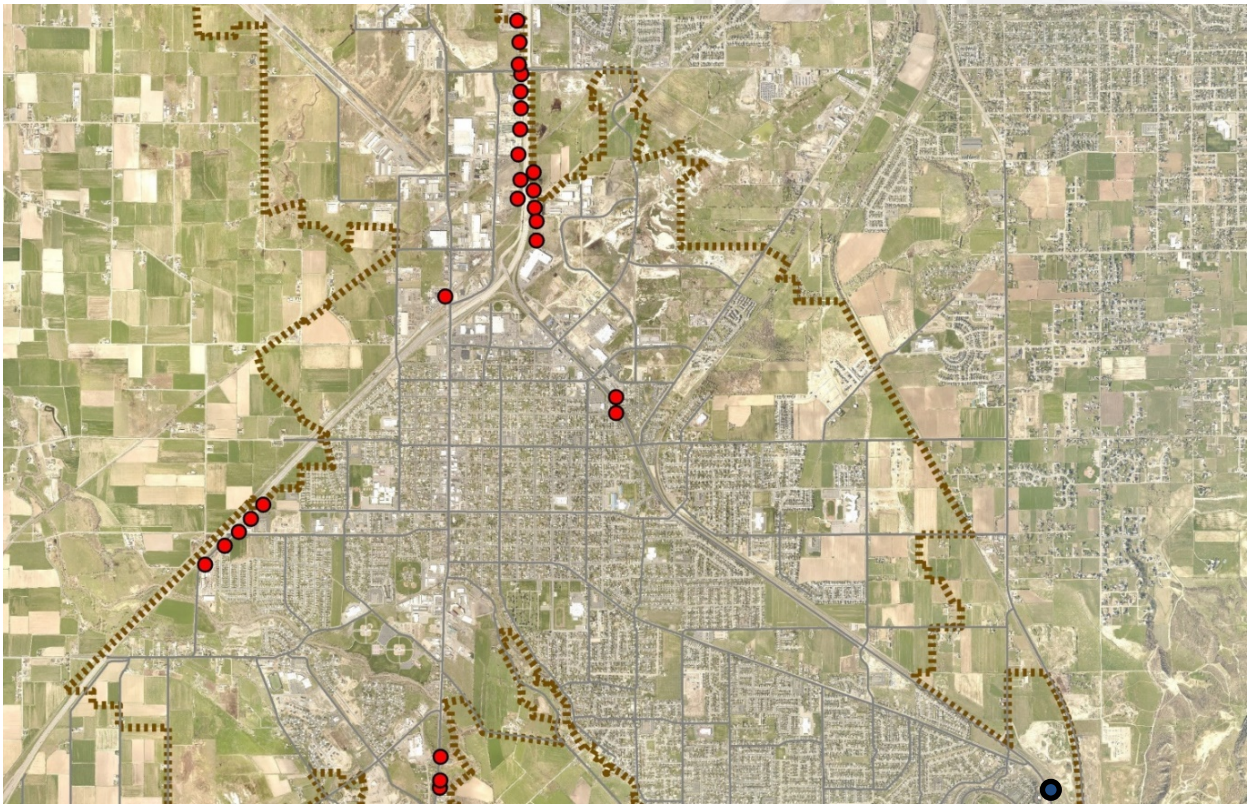
Parcel Number: 27:037:0085

Parcel Owner: YESCO Outdoor Media LLC

Permit Number (UDOT): 3-0957

City Zoning: Light Industrial (I-1)

Condition (UDOT): Good







Billboard 7

Location: ~700 North Highway 6

Sign Owner (UDOT): Reagan Outdoor Advertising

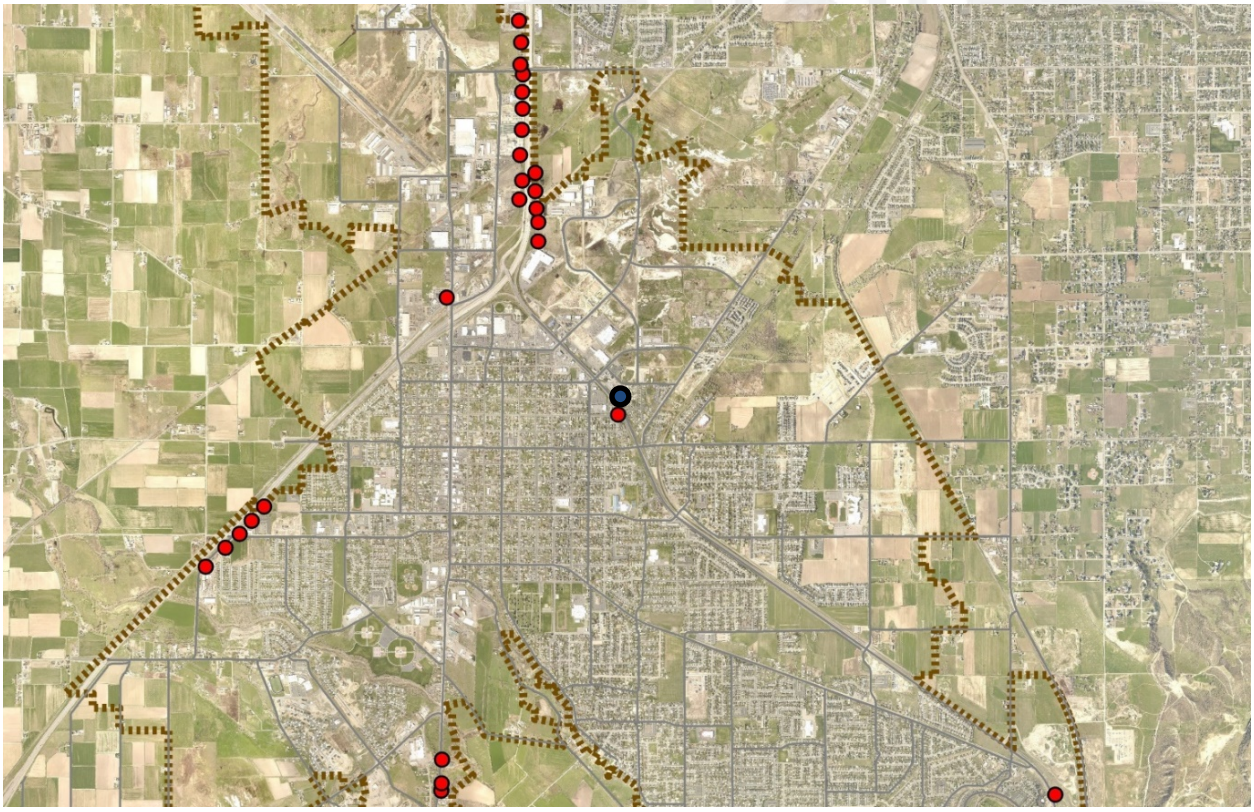
Parcel Number: 44:098:0030

Parcel Owner: Cerna, Cara & Andres

Permit Number (UDOT): 3-2008

City Zoning: General Commercial (C-2)

Condition (UDOT): Good







Billboard 8

Location: ~600 North Highway 6

Sign Owner (UDOT): Reagan Outdoor Advertising

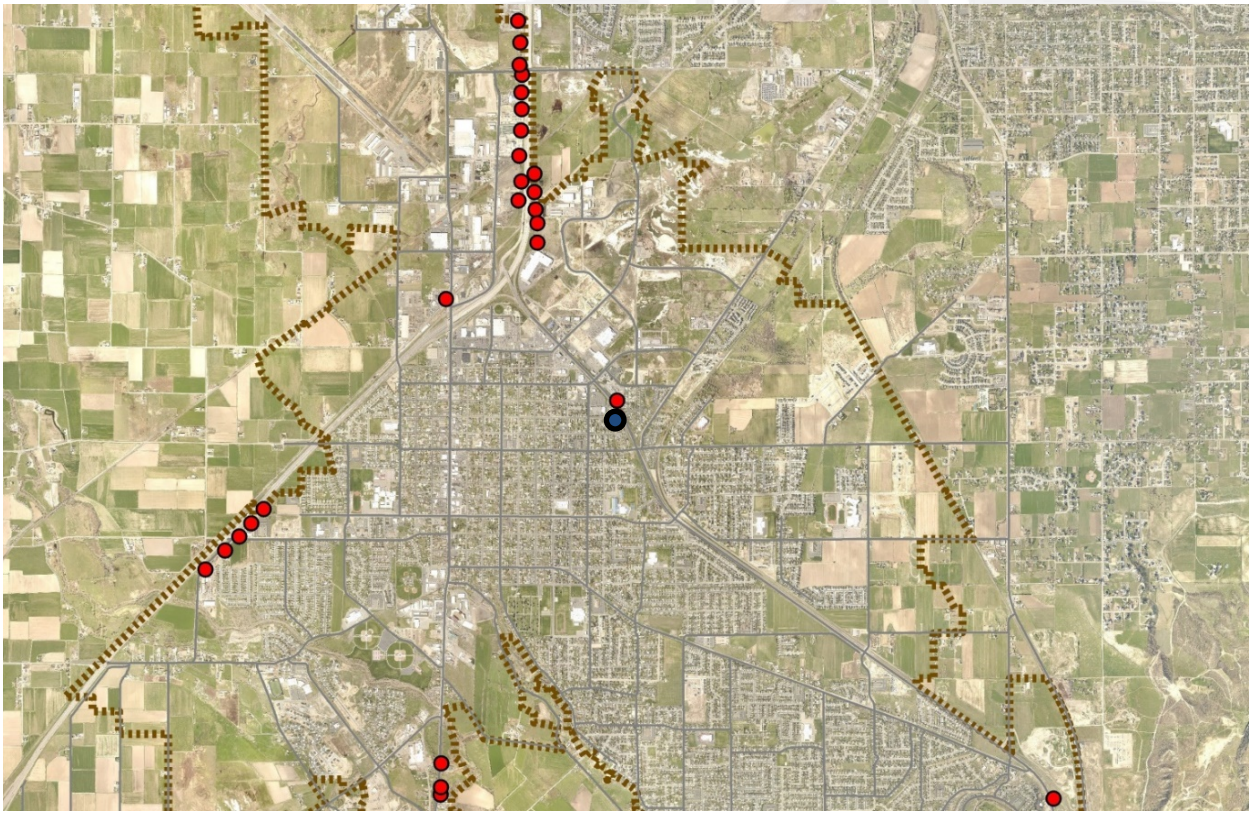
Parcel Number: 27:017:0072

Parcel Owner: Nielsen, Richard Page & Vicki Stone

Permit Number (UDOT): 6-0939

City Zoning: General Commercial (C-2)

Condition (UDOT): Average







Billboard 10

Location: ~3000 North 350 East

Sign Owner (UDOT): Reagan Outdoor Advertising

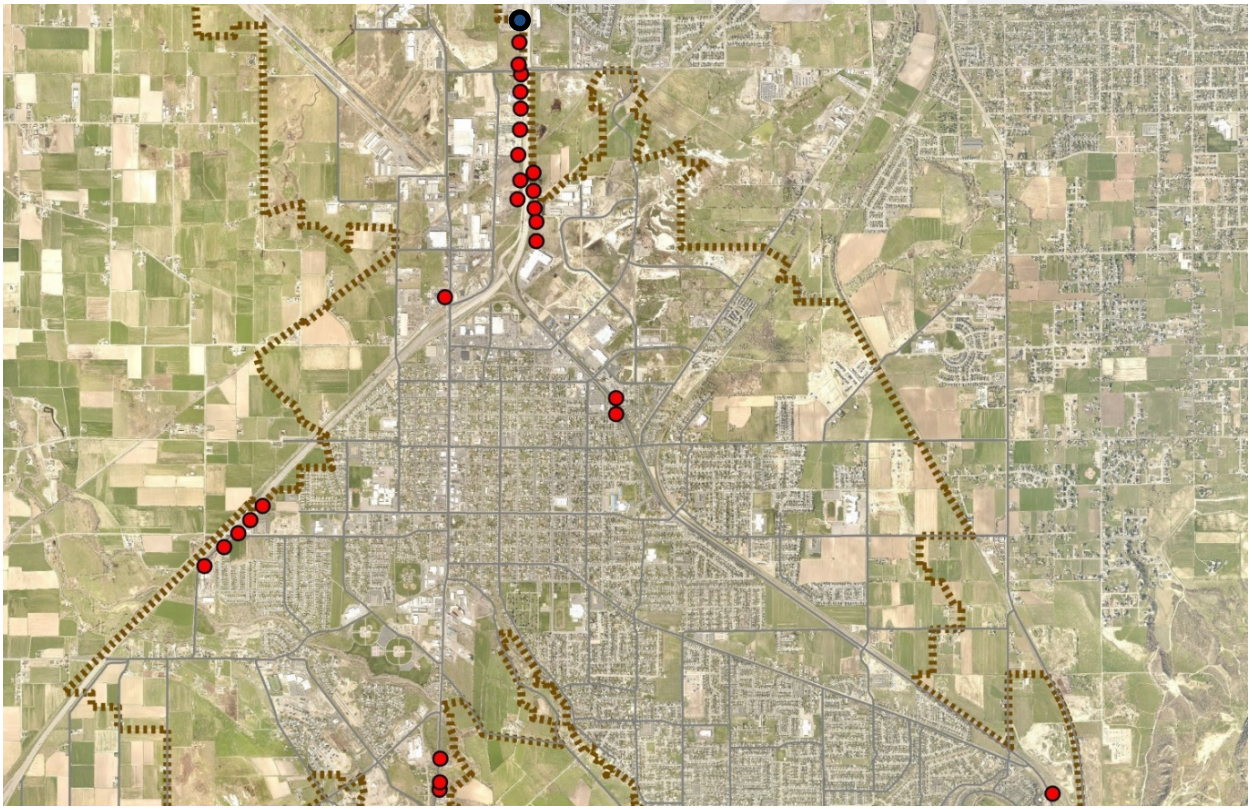
Parcel Number: 26:044:0005

Parcel Owner: Blaine Evans Trucking Property LLC

Permit Number (UDOT): 6-0961

City Zoning: Light Industrial (I-1)

Condition (UDOT): Good







Billboard 11

Location: ~2900 North 350 East

Sign Owner (UDOT): SOM-I, LLC

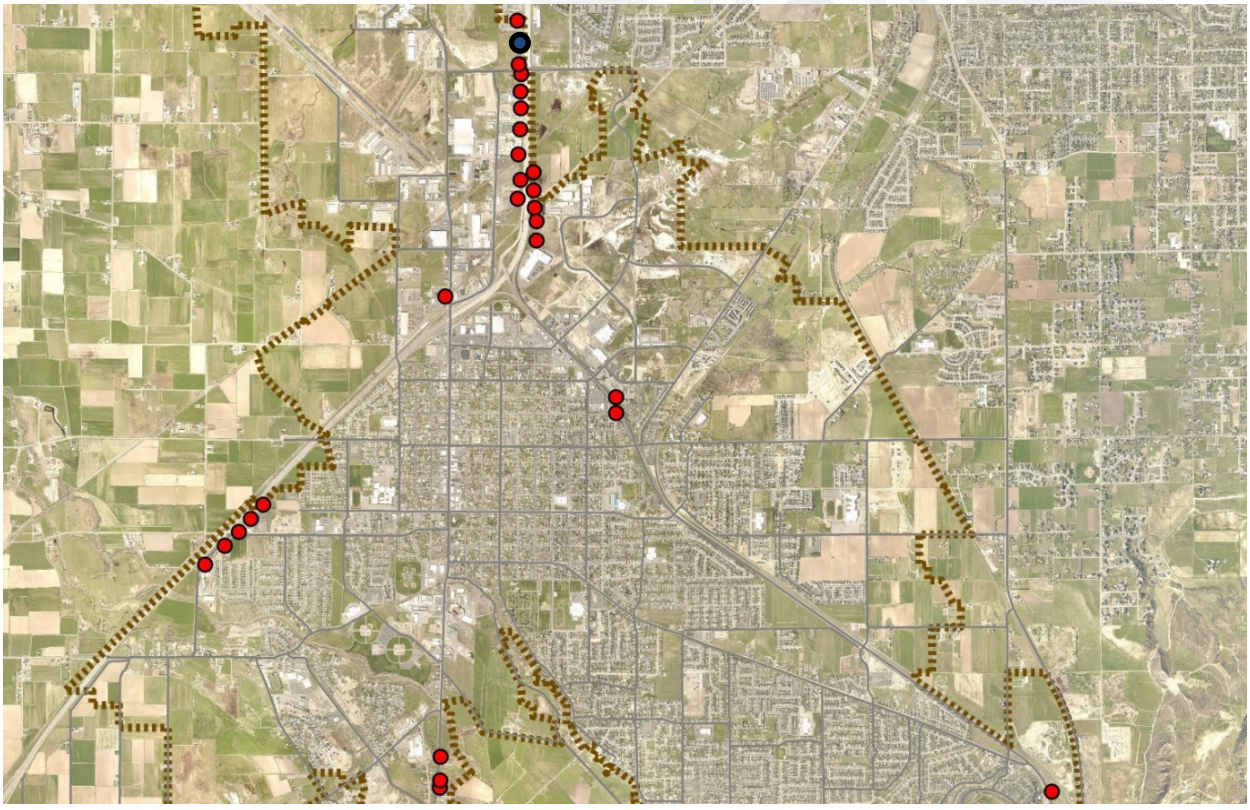
Parcel Number: 26:044:0042

Parcel Owner: Harrison, David

Permit Number (UDOT): 3-0865

City Zoning: Light Industrial (I-1)

Condition (UDOT): Average







Billboard 12

Location: ~2800 North 350 East

Sign Owner (UDOT): SOM-I, LLC

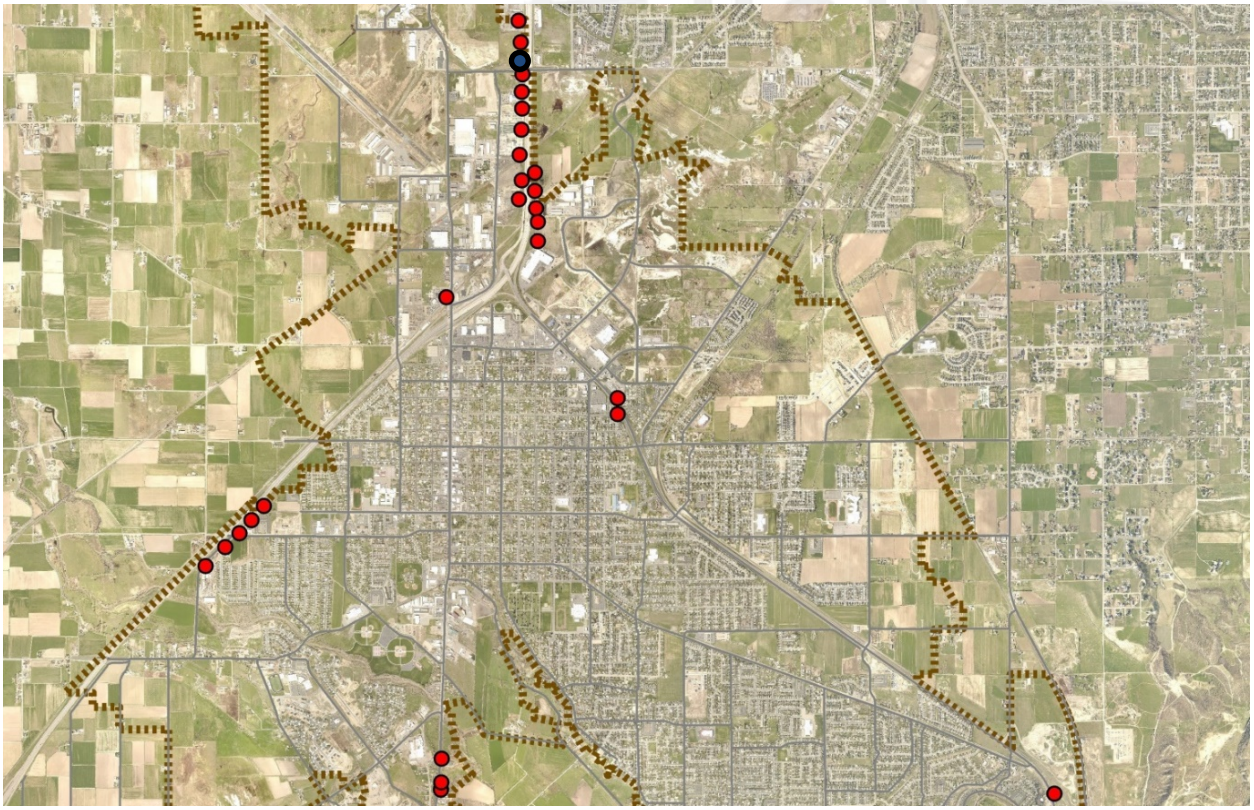
Parcel Number: 26:044:0041

Parcel Owner: UDOT

Permit Number (UDOT): 3-0864

City Zoning: Light Industrial (I-1)

Condition (UDOT): Average







Billboard 13

Location: 2700 North 400 East

Sign Owner (UDOT): Reagan Outdoor Advertising

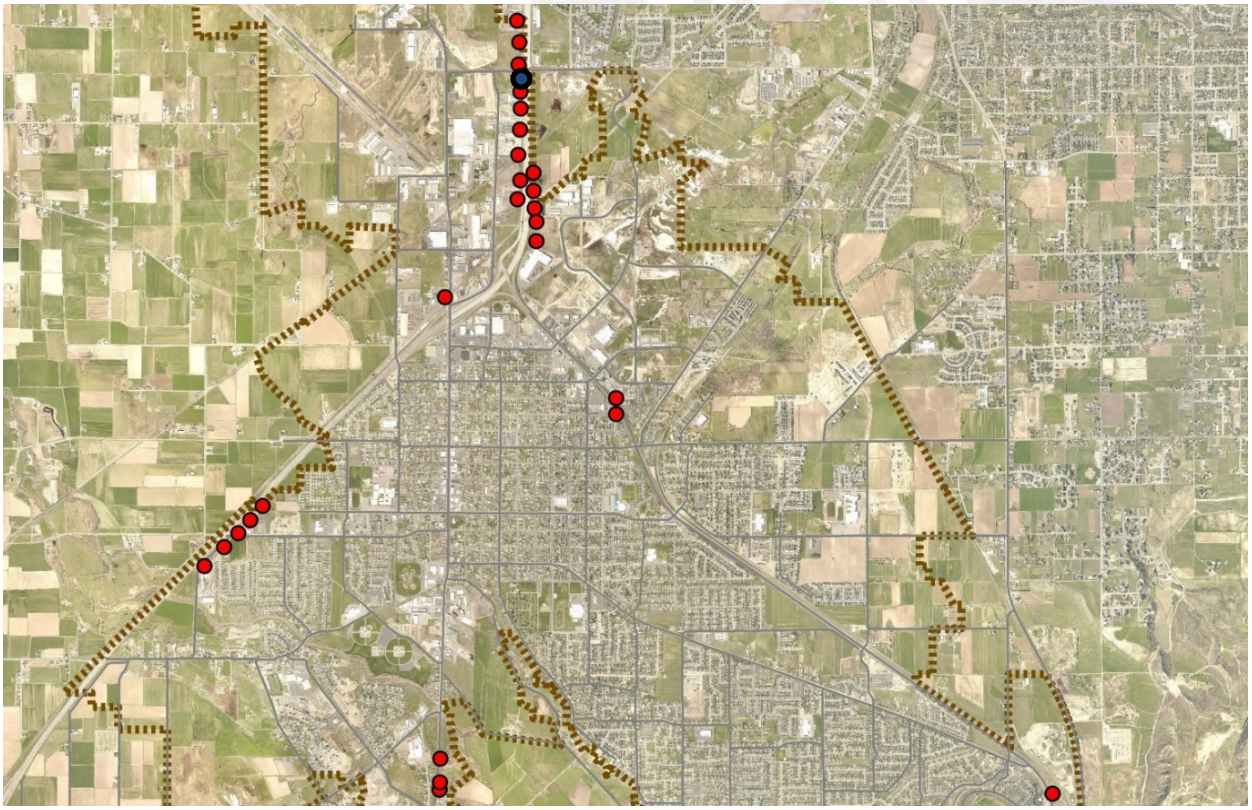
Parcel Number: 26:049:0033

Parcel Owner: LSM SF LLC

Permit Number (UDOT): 3-0918

City Zoning: Light Industrial (I-1)

Condition (UDOT): Good







Billboard 14

Location: ~2550 North 400 East

Sign Owner (UDOT): Reagan Outdoor Advertising

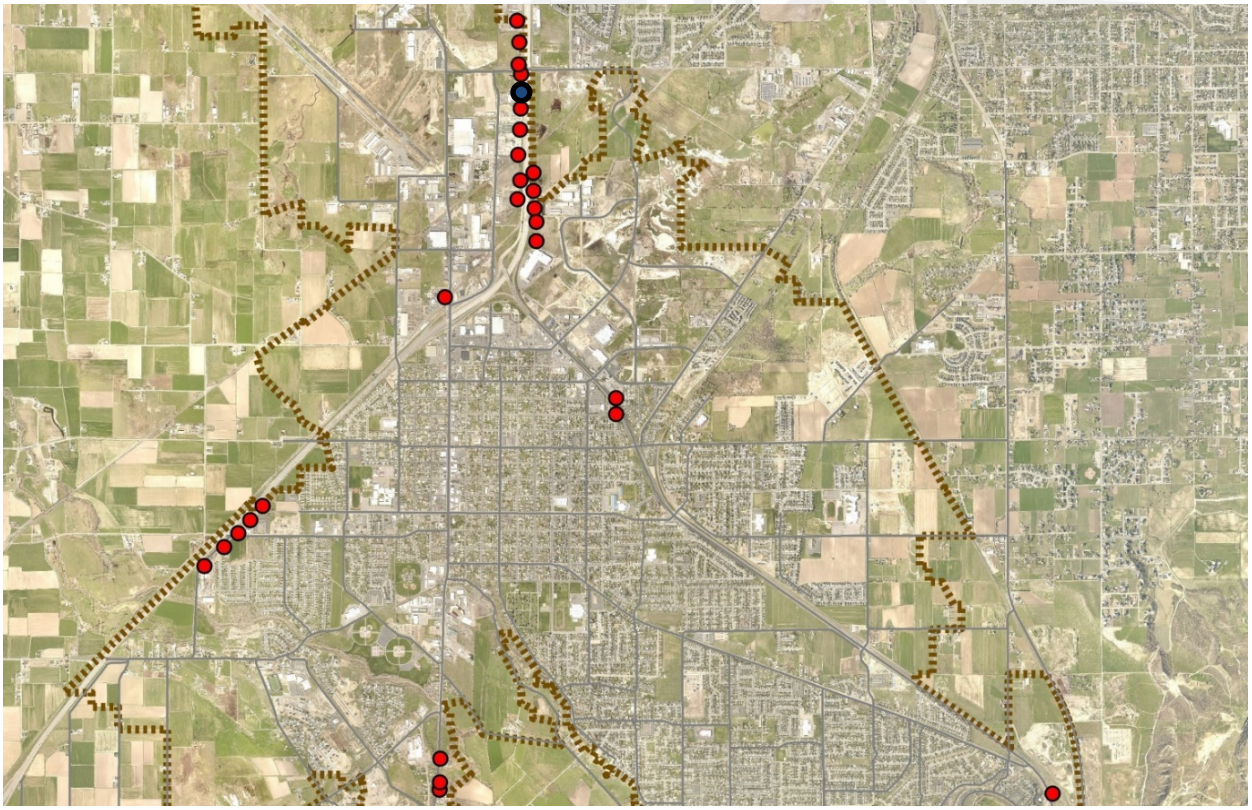
Parcel Number: 26:049:0032

Parcel Owner: LSM SF LLC

Permit Number (UDOT): 3-0906

City Zoning: Light Industrial (I-1)

Condition (UDOT): Average







Billboard 15

Location: ~2475 North 400 East

Sign Owner (UDOT): Reagan Outdoor Advertising

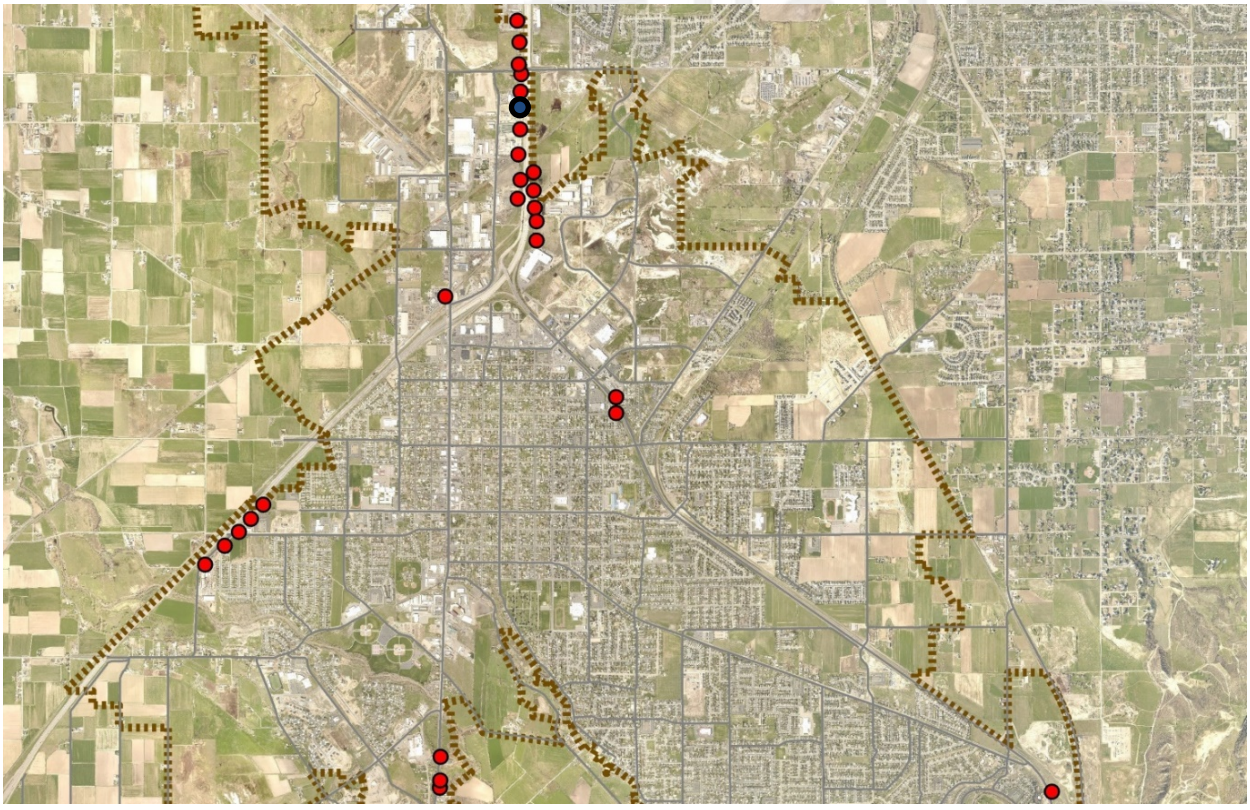
Parcel Number: 26:049:0043

Parcel Owner: LSM SF LLC

Permit Number (UDOT): 3-0905

City Zoning: Light Industrial (I-1)

Condition (UDOT): Average







Billboard 16

Location: ~2350 North 400 East

Sign Owner (UDOT): SOM-I, LLC

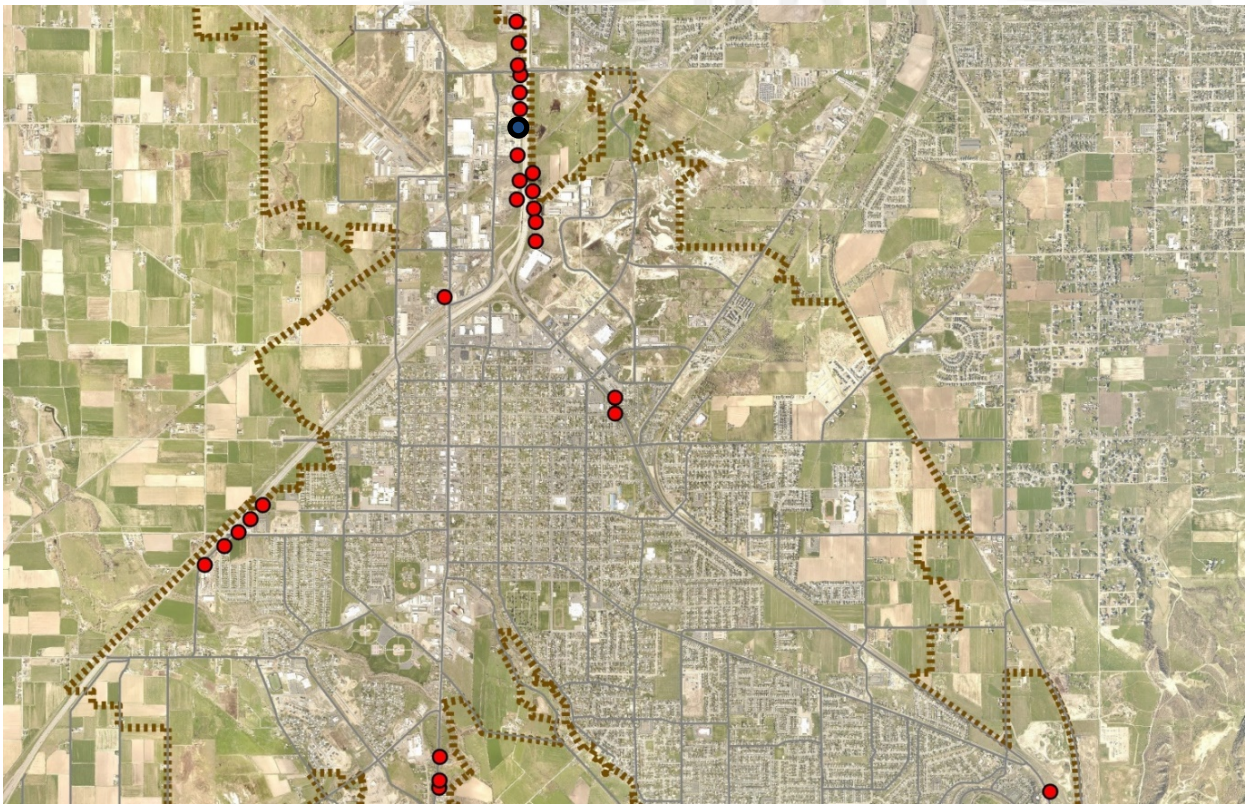
Parcel Number: 26:049:0035

Parcel Owner: I-15 Self-Storage LLC

Permit Number (UDOT): 4-1628

City Zoning: Medium Industrial (I-2)

Condition (UDOT): Good







Billboard 17

Location: ~2175 North 400 East

Sign Owner (UDOT): SOM-I, LLC

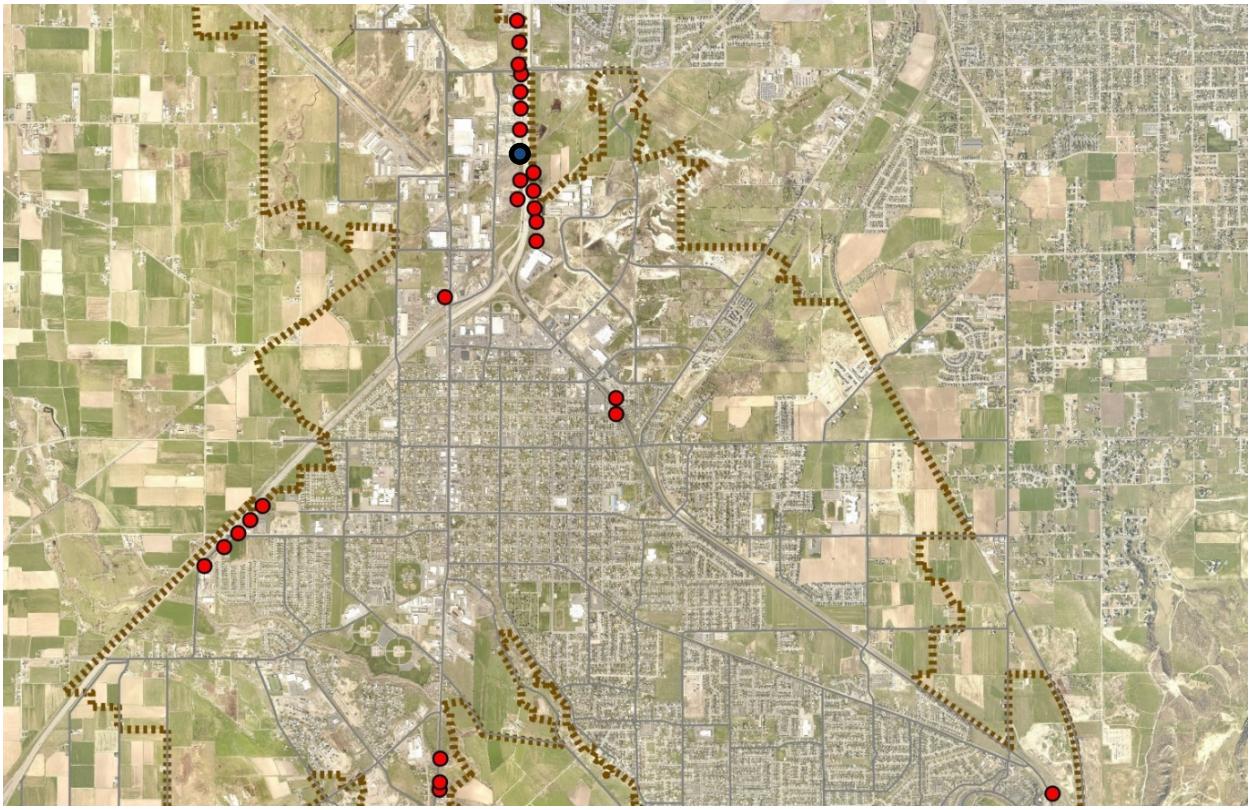
Parcel Number: 26:049:0003

Parcel Owner: Spanish Fork City

Permit Number (UDOT): 6-1053

City Zoning: Public Facilities (P-F)

Condition (UDOT): Average







Billboard 18

Location: ~2050 North 400 East

Sign Owner (UDOT): Jamie Evans

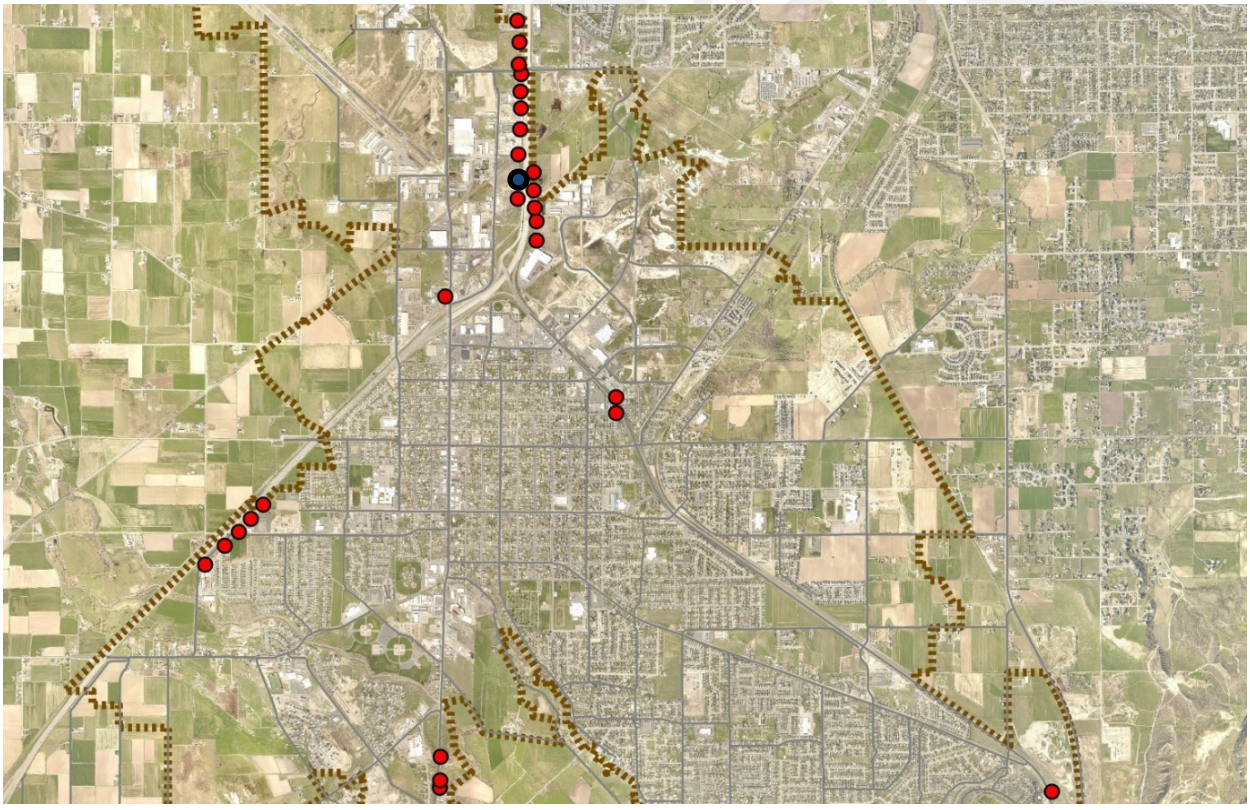
Parcel Number: 26:048:0110

Parcel Owner: Evans Legacy LLC

Permit Number (UDOT): 3-2074

City Zoning: Light Industrial (I-1)

Condition (UDOT): Good







Billboard 19

Location: ~1950 North 400 East

Sign Owner (UDOT): Jamie Evans

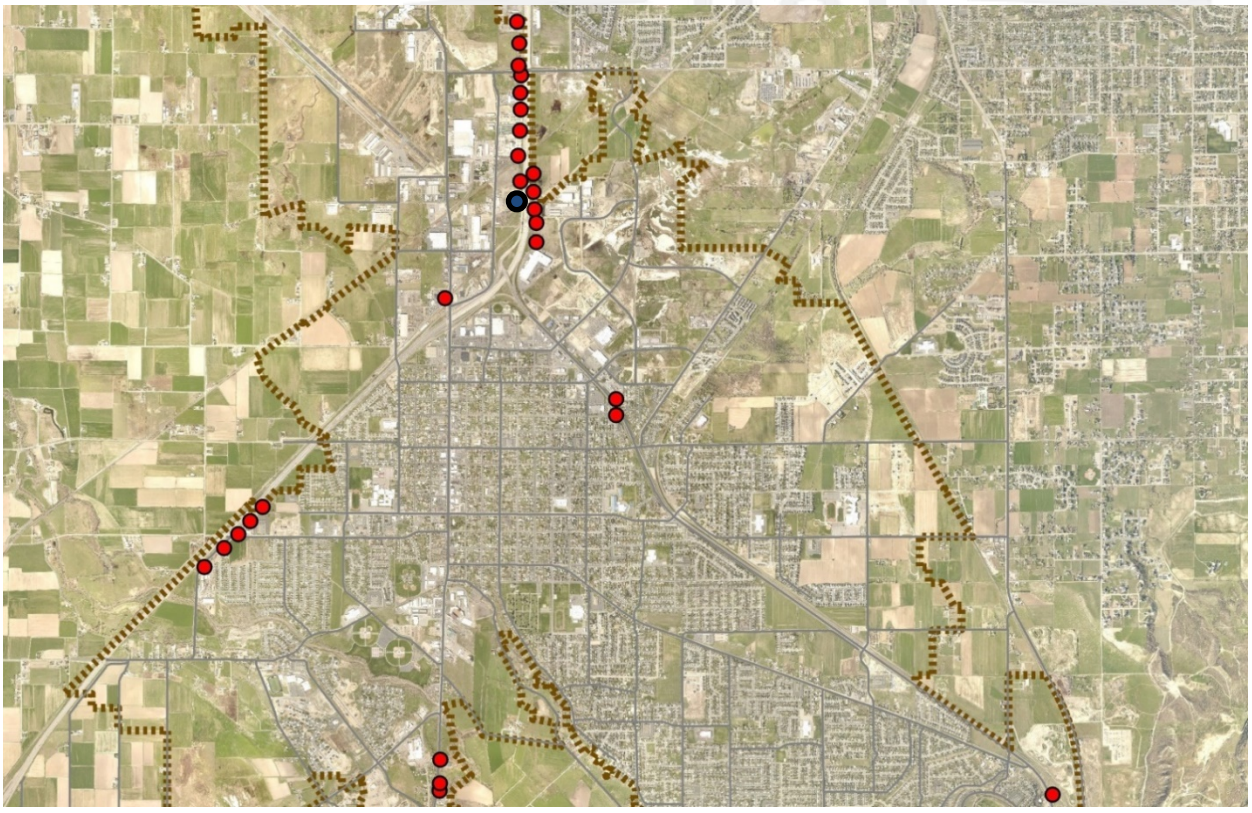
Parcel Number: 26:048:0109

Parcel Owner: E&K Land Properties LLC

Permit Number (UDOT): 3-2075

City Zoning: Light Industrial (I-1)

Condition (UDOT): Good







Billboard 20

Location: ~1800 North 500 East

Sign Owner (UDOT): SOM-I, LLC

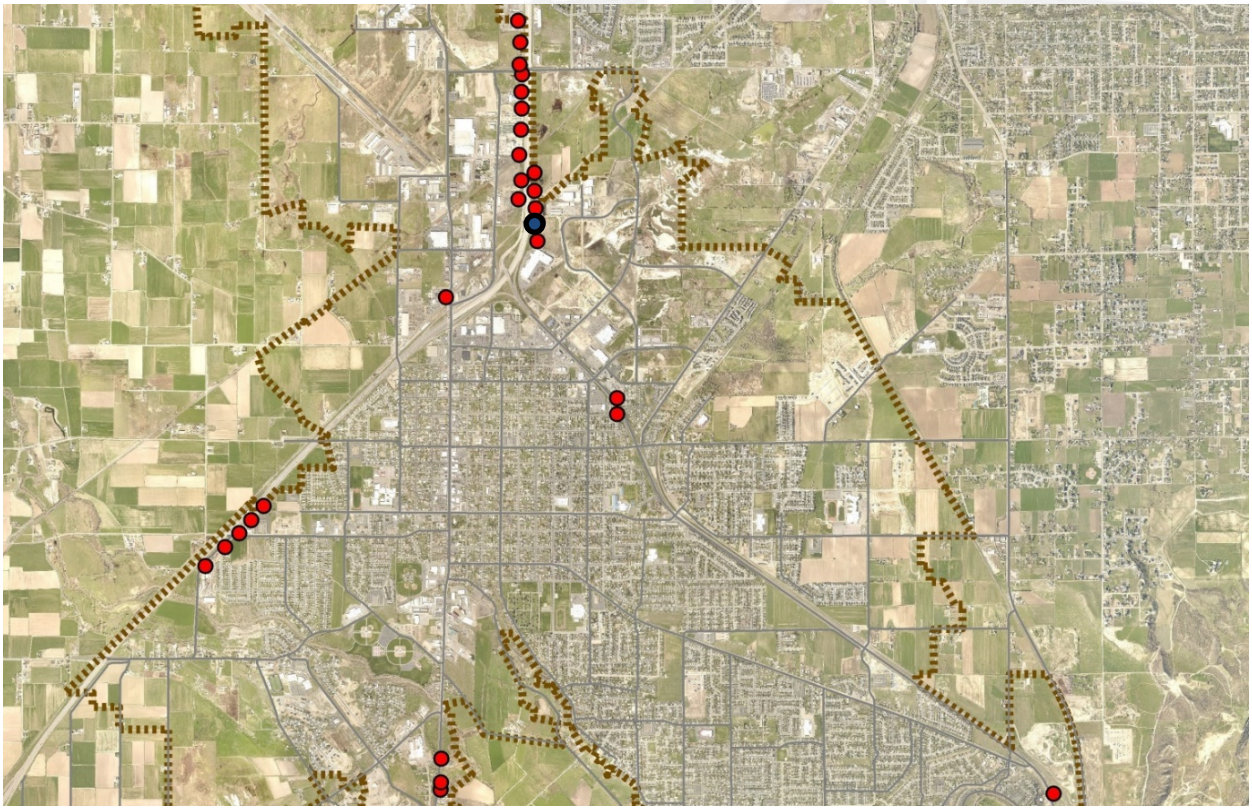
Parcel Number: 27:015:0090

Parcel Owner: Hydro Extrusion USA LLC

Permit Number (UDOT): 3-0969

City Zoning: Light Industrial (I-1)

Condition (UDOT): Good







Billboard 21

Location: ~1700 North 500 East

Sign Owner (UDOT): SOM-I, LLC

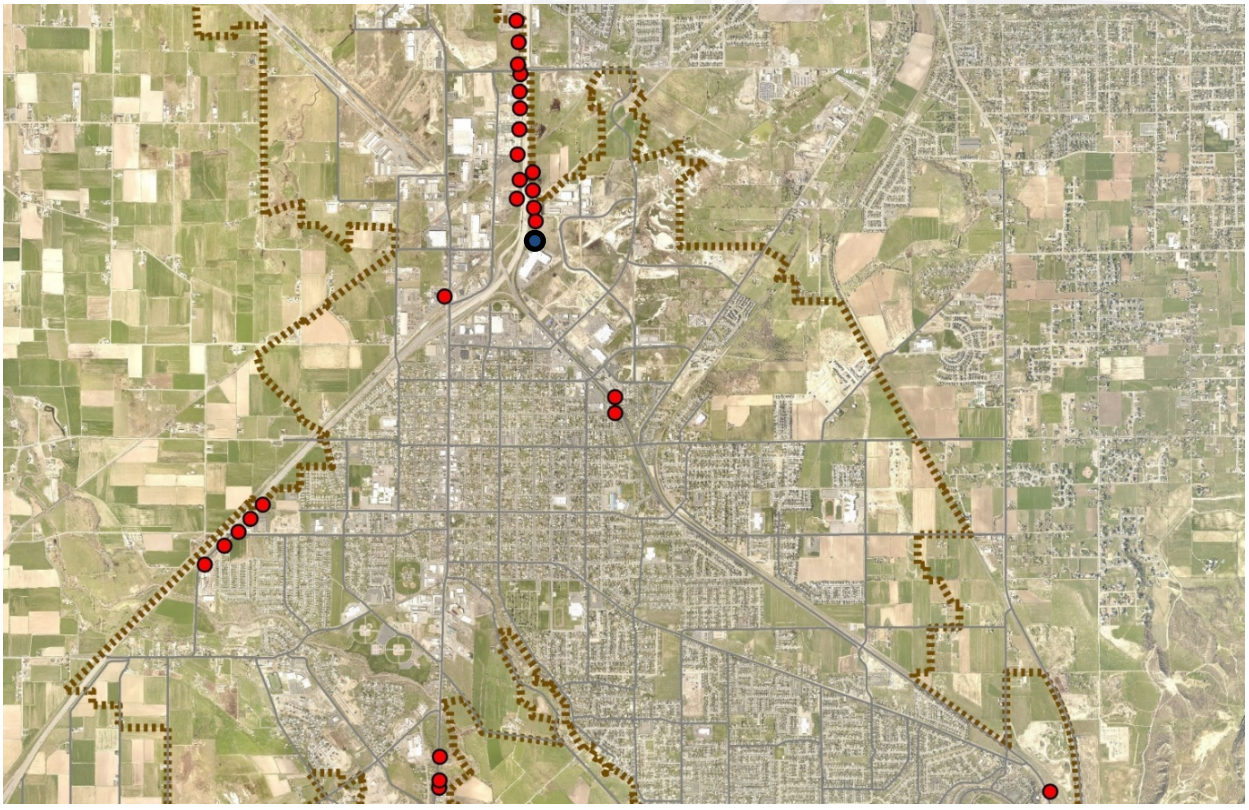
Parcel Number: 27:015:0090

Parcel Owner: Hydro Extrusion USA LLC

Permit Number (UDOT): 3-0970

City Zoning: Light Industrial (I-1)

Condition (UDOT): Good





Billboard 22 (REMOVED)

Location: ~ 1500 South Main Street

Sign Owner (UDOT): Reagan Outdoor Advertising

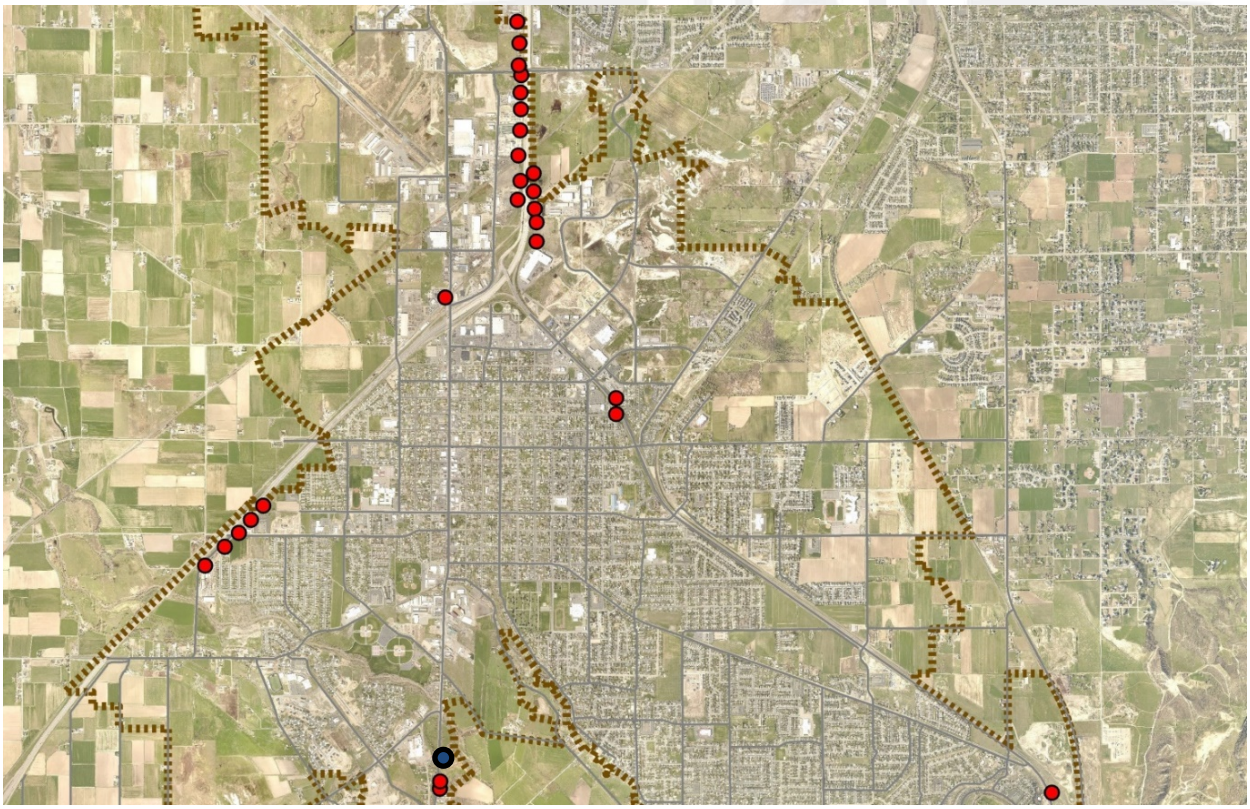
Parcel Number: 25:028:0100

Parcel Owner: Heathman, Christine

Permit Number (UDOT): Previously located at mile post ~11.28

City Zoning: Rural Residential (R-R)

Condition (UDOT): N/A





Billboard 23 (REMOVED)

Location: ~1650 South Main Street

Sign Owner (UDOT): Reagan Outdoor Advertising

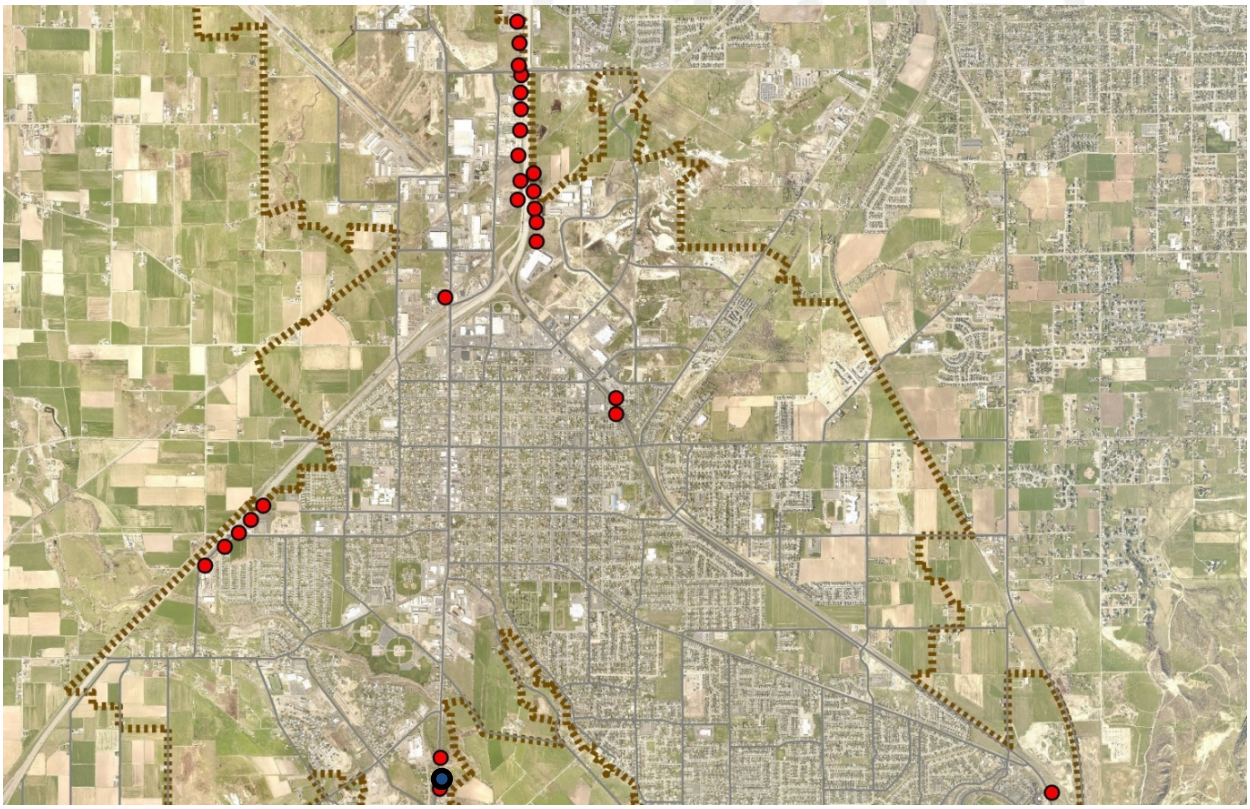
Parcel Number: 25:028:0100

Parcel Owner: Heathman, Christine

Permit Number (UDOT): Previously located at mile post ~11.16

City Zoning: Rural Residential (R-R)

Condition (UDOT): N/A





Billboard 24 (REMOVED)

Location: ~1675 South Main Street

Sign Owner (UDOT): Reagan Outdoor Advertising

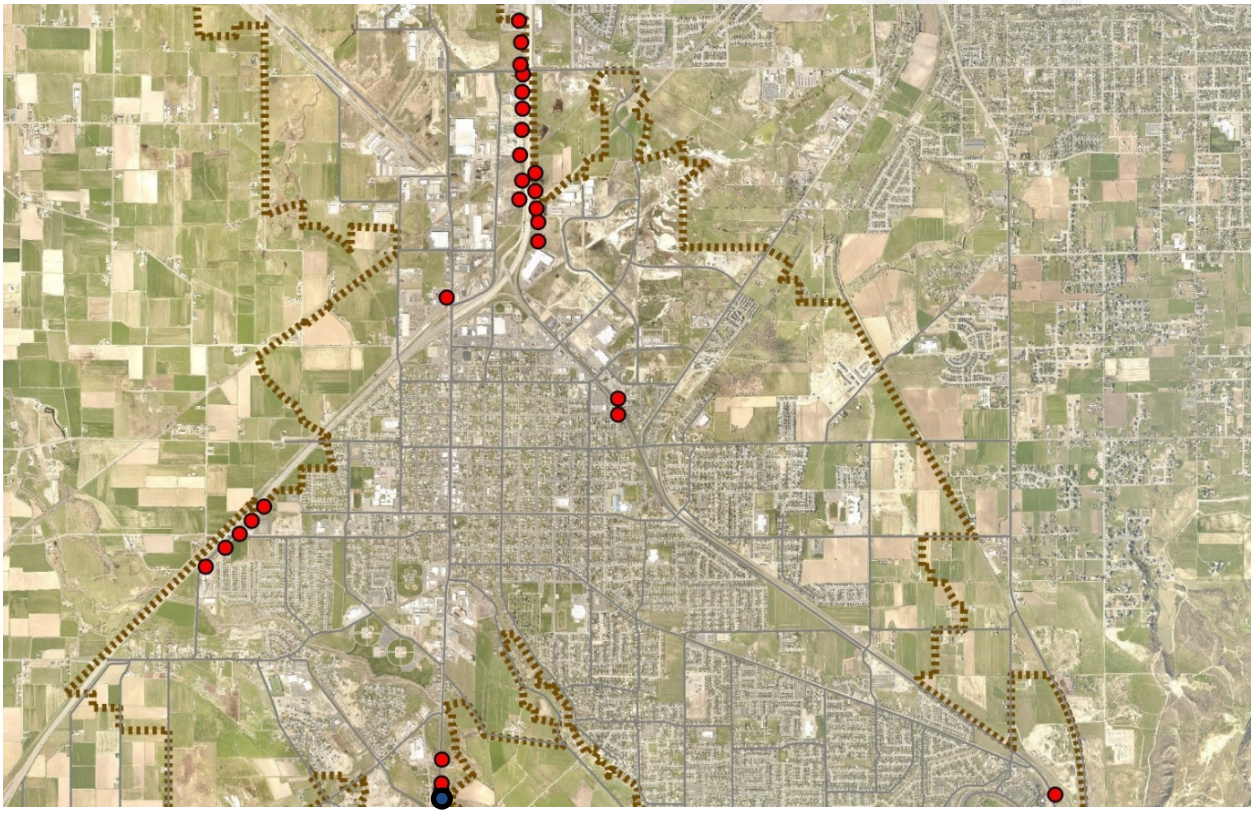
Parcel Number: 25:028:0100

Parcel Owner: Heathman, Christine

Permit Number (UDOT): Previously located at mile post ~11.12

City Zoning: Rural Residential (R-R)

Condition (UDOT): N/A



Spanish Fork City Inventory

Data Sources:
Utah County Recorder
Spanish Fork City
UDOT - Outdoor Advertising Control Program (OAC)

Total number of signs = 23