

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 Shade 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.