

## ORDINANCE NO. 09-02-2020

**AN ORDINANCE AMENDING SANTAQUIN CITY CODE WHICH REPEALS LANGAUGE THAT ALLOWS FLAG LOTS, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE.**

**WHEREAS**, the City of Santaquin is a fourth class city of the state of Utah; and

**WHEREAS**, the City Council has specific authority pursuant to Title 10, Chapter 9a Utah Code Ann. (1953 as amended) to adopt a zoning plan including an ordinance and map which divide the municipality into districts or zones and within such districts to regulate the erection, construction, reconstruction, alteration, repair and uses of buildings and structures and the uses of land; and

**WHEREAS**, the state legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the city to pass ordinances which are reasonably and appropriately related to the objectives of that power, i.e. providing for the public safety, health, morals, and welfare; and

**WHEREAS**, the City Council desires to amend Santaquin City Code Title 10 Chapter 6 Section 7, Title 10 Chapter 7Q Section 7, and Title 10 Chapter 10 to repeal language that allows flag lots.

**WHEREAS**, the Santaquin City Planning Commission held a public hearing on August 11, 2020, which hearing was preceded by the posting of public notice in at least three public places within the City limits of Santaquin City, and which notice of public hearing was published in a newspaper in accordance with Section 10-9a-205 of the Utah State Code; and

**WHEREAS**, after the noted public hearing, the Santaquin City Planning Commission forwarded a recommendation to the City Council;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Santaquin City, State of Utah, as follows:

### **Section I. Amendments**

**Title 10 Chapter 6 Section 7 is amended as follows:** (underlined text is added, stricken text is deleted)

#### **10-6-7: FRONTAGE ON A PUBLIC STREET:**

Except in large scale developments, on approved flag lots, and on approved private streets, one side on each lot used as a dwelling site shall abut upon a street which has been designated or dedicated to the public for street purposes and the length of such abutting side measured at the setback line shall be at least as great as the width required for dwelling sites in the zone in which such building site is located.

**Title 10 Chapter 7Q Section 7 is amended as follows:** (underlined text is added, stricken text is deleted)

**10-7Q-7: LOT STANDARDS:**

- A. Lot Area Requirements: Minimum lot area requirements shall be as outlined in the underlying zone.
- B. Frontage Requirements: Minimum frontage requirements shall be as outlined in the underlying zone with the following exceptions:
  - 1. Lots with frontage along a cul-de-sac bulb may have thirty feet (30') of frontage as measured along the front property line.
  - 2. ~~Flag lots may be approved in accordance with section 10-10-3 of this title and only when it is demonstrated that allowance of such lots will serve to reduce the overall impacts of a development on sensitive areas or the surrounding area~~
- C. Setback Requirements: The setback requirements shall be as outlined in the underlying zone.
- D. Sensitive Areas: Sensitive areas may be included with individual parcels in a development under the following guidelines:
  - 1. Parcels with less than twelve thousand (12,000) square feet may not include sensitive areas.
  - 2. Single-family lots with an average slope greater than fifteen percent (15%) must have a minimum buildable area of eight thousand (8,000) contiguous, nonsensitive, square feet.
  - 3. Sensitive areas may not exceed fifty percent (50%) of individual lots for uses other than detached single-family dwellings.
  - 4. Where a parcel includes sensitive areas, the buildable areas of the lot shall be delineated on final plats with the exclusion of sensitive areas and required setbacks.
- E. Shared Driveways: Shared drives or private lanes are allowed where adequate easements and maintenance agreements will be recorded to assure long term maintenance of the shared access. Shared driveway access from the street may not exceed twenty four feet (24') in width.

**Title 10 Chapter 10 is amended as follows:** (underlined text is added, stricken text is deleted)

**Chapter 10**  
**INFILL DEVELOPMENT ~~AND FLAG LOTS~~**

10-10-1: DEFINITION:

10-10-2: PURPOSE AND INTENT:

~~10-10-3: FLAG LOTS:~~

10-10-34: INFILL REDUCTION:

**10-10-1: DEFINITION:**

"Infill development" means development in the core area only consisting of either:

- A. Construction on one or more vacant legal lots or redevelopment of properties in an area which is mostly developed, or
- B. Subdivision or lot line adjustments to property having existing dwelling(s) upon them in order to facilitate development or redevelopment of underutilized or vacant properties (e.g., new construction between 2 existing single-family dwellings), or

C. Development of a flag lot site which is landlocked except for an access lane.

#### **10-10-2: PURPOSE AND INTENT:**

The purpose of this chapter is to provide for and encourage infill development of vacant lots with compatible land uses which offer opportunities to live, work, and shop within a compact area. The intent is to provide opportunities to more fully utilize properties in the City which have ready access to utilities, thus reducing the need for additional infrastructure, reducing long term maintenance costs, and promoting the revitalization and beautification of properties which may be vacant, blighted, or difficult to develop due to size or physical constraints. Uses should not conflict with the objectives and characteristics of any zone, or with the General Plan.

#### **10-10-3: FLAG LOTS:**

A flag lot may be approved by the Planning Commission as a proposed infill development or within new developments, if the proposed lot has been found to completely satisfy the following conditions:

A. Fire regulations must be met in their entirety. The Santaquin City Fire Chief must approve all site plans for new construction on a flag lot. No structure shall be constructed which is farther than two hundred fifty feet (250') from an existing fire hydrant, measured without encroachment onto adjacent properties.

B. In no case can a flag lot be less than eighty percent (80%) of the minimum lot size of the underlying zone in which the proposed lot is located. The access lane shall not be considered when calculating the minimum lot area.

C. Structures must be compatible in appearance with surrounding structures and meet all architectural and landscape standards for infill development under section 10-10-4 of this chapter.

D. Flag lots shall not be developed without proof of ownership of a permanent access. No flag lot access lane serving more than one lot may be approved without proof of continual maintenance plans, shared ownership, and obligation documents being recorded with the plat creating the lots.

E. Residential structures must meet setback requirements of the zone in which the property is located. Setbacks shall be established based on the flag portion of the lot (i.e., a front setback is not measured from the access lane connection to the public street or a private street which was constructed or vested prior to September 20, 2017).

F. Bulk standards, including utilities, drainage, etc., for the underlying zone must be met in their entirety.

G. Multiple-unit dwellings and accessory apartments are not permitted on flag lots.

H. In no case can the access lane exceed two hundred fifty feet (250') in length from the edge of the right-of-way to the center point of the turnaround area.

I. Flag lots must have a twenty four foot (24') minimum width access lane, of which a minimum of sixteen feet (16') must be paved or of a City approved hard surfacing with a minimum four foot (4') unpaved utility easement on both sides.

J. At the end of the access lane there must be enough open area for a firetruck to turn around in accordance with NFPA standards.

K. There must be accommodations for handling drainage both parallel and perpendicular at the point where the access lane intersects with the street frontage.

~~L. No more than two (2) flag building lots may be served by an access lane. Shared access driveways may not exceed twenty six feet (26') in width.~~

~~M. The access lane is not to be dedicated to the public or treated as a public street and therefore shall be maintained, including snow removal, by the benefiting property owner(s).~~

#### **10-10-34: INFILL REDUCTION:**

Infill development standards may be applied to no more than three (3) lots within a proposed development. Infill properties may be eligible for a reduction in the lot area and frontage requirements stipulated within the zoning classification in which the property is located. Use of these infill standards requires Planning Commission approval through City subdivision review processes. The following standards shall apply:

A. Infill Reduction:

1. A proposed lot area may be reduced by no more than twenty percent (20%) of the underlying zone standard.
2. A proposed frontage may be reduced by no more than twenty percent (20%) of the underlying zone standard.
3. Except as provided for architectural considerations in subsection B of this section, all new construction must comply with setbacks of the underlying zone. Existing dwellings, which are to remain as part of an infill development, may have reduced rear setbacks to a minimum setback of fifteen feet (15'), so long as all other setbacks and lot standards are met relative to the remaining dwelling.

B. Architectural Considerations: The following architectural requirements must be demonstrated prior to a building permit being given for construction on an infill property:

1. Architectural Styles: Architectural styles indicative of the 1890 - 1920 period should be utilized. These include Queen Anne, folk Victorian, shingle style, craftsman (arts and crafts), bungalow, American foursquare, or neoclassical.
2. Porches: Porch areas should be utilized to provide emphasis to the dwelling area. Porches must be a minimum of five feet (5') deep and should run the width of the dwelling area facing the front lot line. Porch areas may encroach into the front setback of an infill lot by five feet (5') unless otherwise specified in the underlying zone.
3. Building Materials: Elevations facing public rights-of-way must have a minimum fifty percent (50%) coverage of brick or masonry materials. The use of smooth faced concrete block, prefabricated steel panels, EIFS (stucco) or concrete siding materials will not count toward the minimum masonry requirement unless consistent with the architectural style of home proposed. Vinyl or aluminum siding is prohibited except in areas immediately under gable areas or on second story pop out features (e.g., box window, etc.).

C. Landscaping: All front and visible side yard landscaping and maintenance systems shall be installed prior to a certificate of occupancy being granted. Where landscaping cannot be completed before October in the same year construction begins, a certificate of occupancy may be granted if a cash bond for completion of the landscaping is provided to Santaquin City. Bond amounts shall be determined by the City Engineer consistent with the City development bonding regulations. Landscaping must be installed within six (6) months of bond posting.

This ordinance shall become effective at 5:00 p.m. on Wednesday, September 2, 2020. Prior to that time, the City Recorder shall deposit a copy of this ordinance in the official records of the City and place a copy of this ordinance in three places within the City.

PASSED AND ADOPTED this 1<sup>st</sup> day of September 2020.

  
Kirk Hupsaker, Mayor

Councilmember Nick Miller	Voted <u>Yes</u>
Councilmember Elizabeth Montoya	Voted <u>YES</u>
Councilmember Lynn Mecham	Voted <u>YES</u>
Councilmember Jennifer Bowman	Voted <u>YES</u>
Councilmember David Hathaway	Voted <u>yes</u>

ATTEST:

  
K. Aaron Shirley, City Recorder

STATE OF UTAH                    )  
                                          ) ss.  
COUNTY OF UTAH                )

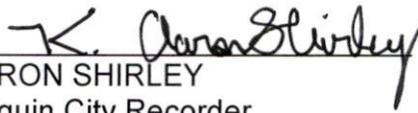
I, K. AARON SHIRLEY, City Recorder of Santaquin City, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the City Council of Santaquin City, Utah, on the 1<sup>st</sup> day of September, 2020, entitled

**“AN ORDINANCE AMENDING SANTAQUIN CITY CODE WHICH REPEALS LANGAUGE THAT ALLOWS FLAG LOTS, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER’S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE.”**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Santaquin City Utah this 1<sup>st</sup> day of September, 2020.



(SEAL)

  
K. AARON SHIRLEY  
Santaquin City Recorder

AFFIDAVIT OF POSTING

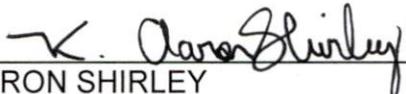
STATE OF UTAH                    )  
                                          ) ss.  
COUNTY OF UTAH                )

I, K. AARON SHIRLEY, City Recorder of Santaquin City, Utah, do hereby certify and declare that I posted in three (3) public places the ordinance, which is attached hereto on the 1<sup>st</sup> day of September, 2020.

The three places are as follows:

1.     Zions Bank
2.     Post Office
3.     City Office

I further certify that copies of the ordinance so posted were true and correct copies of said ordinance.

  
\_\_\_\_\_  
K. AARON SHIRLEY  
Santaquin City Recorder

The foregoing instrument was acknowledged before me this 8 day of September, 2020, by K. AARON SHIRLEY.

  
\_\_\_\_\_  
Notary Public

