



# PLANNING COMMISSION

## MEETING AGENDA

August 11, 2020

**All Santaquin City Public Meetings Will Be Held Online Only** (Temporary order - while responding to Coronavirus public gathering restrictions):

- **YouTube Live** - All Santaquin City public meetings will be shown live on the **Santaquin City YouTube Channel**, which can be found at:  
[https://www.youtube.com/channel/UCTzZT\\_yW2H2Hd-58M2\\_ddSw](https://www.youtube.com/channel/UCTzZT_yW2H2Hd-58M2_ddSw)  
or by searching for Santaquin City Channel on YouTube.
- **Public Comment & Public Hearing Participation** – As with all City Council and Planning Commission Meetings, we will continue to invite the public to provide “Public Comment” (30-minute duration, maximum of 5-minutes per comment). We will also continue to hold Public Hearings, as needed and required on specific issues. We invite the public to provide comment in the following ways:
  - **By Email** – Comments will be accepted by email up to 5:00 P.M. on the date of the meeting. Comments will be read during the meeting and made part of the official record of the city. Comments should be submitted to [PublicComment@Santaquin.org](mailto:PublicComment@Santaquin.org)
  - **By Telephone** – For those who would like to have their own voice heard during the Public Comment or Public Hearing periods, please submit an email to [PublicComment@Santaquin.org](mailto:PublicComment@Santaquin.org) providing us your Telephone Number. When it is your turn to speak, a Santaquin City staff member will call you and put you on speakerphone so that you can personally share your comments within the meeting.
  - **In Person** – For those who would like to attend in person, we welcome you but ask that you follow all public health guidelines regarding hygiene as outline by the Utah Health Department.

**7:00 p.m. REGULAR SESSION** (Held in the Court Room, upper level of the **Santaquin City Offices**, 275 West Main Street)

1. Welcome
2. Invocation / Inspirational Thought
3. Pledge of Allegiance
4. Order of Agenda Items
5. Public Forum
6. **DISCUSSION AND POSSIBLE ACTION ITEMS**
  - a. **PUBLIC HEARING- Proposed changes to land use definitions**  
The Planning Commission will consider modifying Santaquin City Code Title 10 Chapter 2 regarding changes to land use definitions.
  - b. **PUBLIC HEARING- Proposed changes to accessory apartments**  
The Planning Commission will consider modifying Santaquin City Code Title 10 Chapter 6 Section 8 regarding accessory apartments.
  - c. **PUBLIC HEARING- Proposed changes to flag lots**  
The Planning Commission will consider modifying Santaquin City Code Title 10 Chapter 10, Title 10 Chapter 7Q Section 7, and Title 10 Chapter 6 Section 7 regarding flag lots.
  - d. **PUBLIC HEARING- Proposed changes to the R-8 Zone**  
The Planning Commission will consider modifying Santaquin City Code Title 10 Chapter 7A regarding the R-8 Zone.
  - e. **Proposed changes to the MSR Zone**  
The Planning Commission will review a proposed amendment to Santaquin City Code Title 10 Chapter 7M regarding the Main Street Business Districts (MSBD) Zone.
7. **PLANNING COMMISSION BUSINESS**  
Approval of minutes from  
July 28, 2020
8. **ADJOURNMENT**

Upon Request, in compliance with the Americans with Disabilities Act, reasonable accommodations for individuals with disabilities will be provided. For assistance, please call 754-3211.

### **CERTIFICATE OF POSTING**

This agenda is hereby properly advertised this 7<sup>rd</sup> day of August, 2020 through posting of copies of this agenda in three public places within the city, namely **City Hall, Zions Bank**, and the Santaquin branch of the **United States Post Office**

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Kira Petersen, Deputy Recorder

# **PUBLIC MEETING ETIQUETTE**

(Please remember that all public meetings are recorded)

- All comments must be recognized by the Chairperson and addressed through the microphone.
- When speaking to the body conducting the meeting, please stand at the podium, state your name and address for the record, and speak slowly and clearly into the microphone.
- Be respectful to others and refrain from disruptions during the meeting. Please refrain from conversation with others in the audience as the microphones are very sensitive and can pick up whispers in the back of the room.
- Keep comments constructive and not disruptive.
- Avoid verbal approval or dissatisfaction of the ongoing discussion (i.e., booing or applauding).
- Exhibits (photos, petitions, etc.) given to the City become public record.
- Please silence all cellular phones, beepers, pagers or other noise making devices.
- Be considerate of others who wish to speak by limiting your comments to a reasonable length, and avoiding repetition of what has already been said.
- Refrain from congregating near the doors or in the lobby area outside the council room to talk as it can be very noisy and disruptive. If you must carry on conversation in this area, please be as quiet as possible. The doors must remain open during a public meeting.

## **Public Hearing vs. Public Meeting**

If the meeting includes a public hearing, the public may participate during that time and may present opinions and/or evidence for the issue for which the hearing is being held. In a public hearing there may be some restrictions on participation such as time limits.

Anyone can observe a public meeting, but there is no right to speak or be heard. The public participates in presenting opinions and evidence at the pleasure of the body conducting the meeting.

## **Legislative Decision vs. Administrative Decision**

Legislative decisions create, amend or repeal laws. After a public hearing, the Planning Commission provides a recommendation to the City Council for a legislative decision. The City Council makes the final decision on legislative decisions. Both bodies have some discretion on legislative decisions. Public comments offered at a Public Hearing are relevant to the discussion when considering a legislative action.

Administrative decisions apply the law. When making an administrative decision, the land use authority applies existing laws to facts. If the application complies with the code, the land use authority must approve it regardless of personal or public sentiment.

## ORDINANCE NO. **DRAFT**

**AN ORDINANCE AMENDING SANTAQUIN CITY CODE WHICH CLARIFIES LAND USE DEFINITIONS, 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 2 to clarify land use definitions.

**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 2 is amended as follows:** (underlined text is added, stricken text is deleted)

#### **10-2-2 TERMS DEFINED**

DWELLING, ACCESSORY ~~UNIT~~APARTMENT: A rental unit that is located on the parcel of or within a single-family home that is owner-occupied ~~A housing unit which is self-contained but secondary to and incorporated within a primarily single-family dwelling and will not substantially alter any structure or the appearance of any structure as a single-family residence.~~

- A. ATTACHED: A housing unit which is self-contained but secondary to and incorporated within an owner-occupied single-family dwelling and which will not substantially alter any structure or the appearance of any structure as a single-family residence.
- B. DETACHED: A housing unit which is self-contained but secondary to and on the same parcel as an owner-occupied single-family dwelling.

DWELLING, BACHELOR: A dwelling unit which is designed to be occupied by three (3) or more nonrelated adults.

DWELLING, BUNKHOUSE: A city approved building which provides sleeping quarters and possibly limited food preparation and/or personal hygiene facilities for ranch hands, seasonal workers or farm help.

DWELLING, CARETAKER: A dwelling which is designed and intended to be occupied by a person whose function it is to watch or take care of a business or industry which is located on the same premises as the dwelling. This may also include a detached guest cottage on parcels with detached single-family dwellings.

~~DWELLING, CONDOMINIUM: An owner-occupied dwelling unit in a condominium together with an undivided interest in the common areas and facilities of associated condominiums.~~

DWELLING, MULTIPLE-UNIT OR MULTIPLE-FAMILY: A building or series of buildings consisting of ~~three (3)~~ two (2) or more independent dwelling units, each of which is designed for and occupied by only one family. Multiple-family dwellings include the following dwelling types:

- A. DWELLING, CONDOMINIUM: An owner occupied dwelling unit in a condominium together with an undivided interest in the common areas and facilities of associated condominiums.
- B. DWELLING, SINGLE-FAMILY ATTACHED: A dwelling unit sharing a common wall or walls with an adjoining dwelling unit, but located on an individual lot.
- C. DWELLING, TOWNHOME: An independent dwelling unit, under individual ownership which is attached by a common wall to one or more similarly designed units, which are typically designed to be several in-line units, each of which is located on separate lots or parcels of land, and which have no other housing units built over or under them.
- D. DWELLING, TWO-FAMILY: A building which consists of two (2) independent dwelling units which share one or more common walls and have no direct internal access to one another. These developments are often referred to as twin homes or duplexes, depending upon ownership status.

~~DWELLING, SINGLE-FAMILY ATTACHED: A dwelling unit sharing a common wall or walls with an adjoining dwelling unit, but located on an individual lot.~~

DWELLING, SINGLE-FAMILY DETACHED: A dwelling unit on a separate parcel and sharing no common walls which is designed for and occupied by only one family, but which may contain one accessory apartment. A single-family dwelling together with one accessory apartment shall not constitute a two-family dwelling for the purposes of this code, so long as the owner of the property maintains the dwelling as their primary residence.

~~DWELLING, TOWNHOME: An independent dwelling unit, under individual ownership which is attached by a common wall to one or more similarly designed units, which are typically designed to be several in-line units, each of which is located on separate lots or parcels of land, and which have no other housing units built over or under them.~~

~~DWELLING, TWO-FAMILY: A building which consists of two (2) independent dwelling units which share one or more common walls and have no direct internal access to one another. These developments are often referred to as twin homes or duplexes, depending upon ownership status.~~

DWELLING UNIT: A single unit providing complete, independent living facilities for one or more persons, including permanent, nonmobile provisions for living, sleeping, eating, cooking and sanitation.

## **Section II. Severability**

If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

## **Section III. Contrary Provisions Repealed**

Any and all other provisions of the Santaquin City Code that are contrary to the provisions of this Ordinance are hereby repealed.

## **Section IV. Codification, Inclusion in the Code, and Scrivener's Errors**

It is the intent of the City Council that the provisions of this ordinance be made part of the Santaquin City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, and that the word ordinance may be changed to section, chapter, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished. Typographical errors which do not affect the intent of this ordinance may be authorized by the City without need of public hearing by its filing a corrected or re-codified copy of the same with the City Recorder.

## **Section V. Posting and Effective Date**

This ordinance shall become effective at 5:00 p.m. on Wednesday, August 19<sup>th</sup>, 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 18<sup>th</sup> day of August 2020.

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Kirk Hunsaker, Mayor

Councilmember Nick Miller	Voted	___
Councilmember Elizabeth Montoya	Voted	___
Councilmember Lynn Mecham	Voted	___
Councilmember Jennifer Bowman	Voted	___
Councilmember David Hathaway	Voted	___

ATTEST:

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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 18<sup>th</sup> day of August, 2020, entitled

**“AN ORDINANCE AMENDING SANTAQUIN CITY CODE WHICH CLARIFIES LAND USE DEFINITIONS, 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 18<sup>th</sup> day of August, 2020.

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K. AARON SHIRLEY  
Santaquin City Recorder

(SEAL)

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 18<sup>th</sup> day of August, 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 \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by K. AARON SHIRLEY.

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



## ORDINANCE NO. **DRAFT**

**AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO MODIFY REGULATIONS FOR ATTACHED ACCESSORY DWELLING UNITS (I.E. ACCESSORY APARTMENTS) AND TO DEFINE REGULATIONS FOR DETACHED ACCESSORY DWELLING UNITS (I.E. COTTAGES, CASITAS), 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 8 to modify regulations for attached accessory dwelling units (i.e. accessory apartments) and to define regulations for detached accessory dwelling units (i.e. cottages, casitas); and

**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 8 is amended as follows:** (underlined text is added, stricken text is deleted)

#### **10-6-8: ACCESSORY ~~APARTMENTS~~ DWELLING UNITS:**

- A. Number of Accessory Dwelling Units: A maximum of one accessory dwelling unit, either attached or detached, shall be allowed on any one parcel.

### 10-6-8-1: ATTACHED (I.E. ACCESSORY APARTMENTS)

~~Accessory apartments~~ Attached accessory dwelling units shall be allowed in any residential zone, subject to the following criteria: (Ord. 2-01-2002, 2-5-2002, eff. 2-5-2002; amd. Ord. 03-02-2007, 3-7-2007)

A. Location: ~~Accessory apartments~~ Attached accessory dwelling units shall not be allowed on any parcel except those containing a single-family dwelling.

~~B. Number Of Accessory Apartments: A maximum of one accessory apartment shall be allowed on any one parcel.~~

~~C. B. Parking: Any property containing an accessory apartment shall provide one parking space for residents of the apartment dwelling unit and one guest parking space in addition to the parking to be dedicated to the residents of the single-family residence.~~ Any property containing an attached accessory dwelling unit shall provide two off-street parking spaces for residents of the unit. Tandem parking will not qualify as approved parking.

~~D. C. Utility Meters: A single-family dwelling with an accessory apartment~~ attached accessory dwelling unit shall have no more than ~~two (2)~~ one (1) meters for each water and ~~gas-utility~~ pressurized irrigation service. (Ord. 04-01-2003, 4-2-2003, eff. 4-3-2003; amd. Ord. 03-02-2007, 3-7-2007)

~~E. D. Building Code: All construction and remodeling shall comply with building codes in effect at the time of construction or remodeling.~~ (Ord. 2-01-2002, 2-5-2002, eff. 2-5-2002; amd. Ord. 04-01-2003, 4-2-2003, eff. 4-3-2003; Ord. 03-02-2007, 3-7-2007)

~~F. E. Building Entrances: In order to preserve the single-family residential appearance of the building, a new single-family structure approved with an accessory apartment~~ attached accessory dwelling unit shall not have a separate entrance at the front of the building or side of the building facing a street where the sole purpose of the entrance is to provide access to the ~~accessory apartment~~ attached accessory dwelling unit. An ~~accessory apartment~~ attached accessory dwelling unit approved in an existing structure may use existing entrances on any side of the structure. (Ord. 04-01-2003, 4-2-2003, eff. 4-3-2003; amd. Ord. 03-02-2007, 3-7-2007)

~~G. F. Construction And Remodeling: Any person constructing, causing the construction of a residence that has an accessory apartment~~ attached accessory dwelling unit, remodeling, or causing the remodeling of a residence for an ~~accessory apartment~~ attached accessory dwelling unit, or any person desiring an ~~accessory apartment~~ attached accessory dwelling unit shall obtain a building permit from the city of Santaquin. Before a permit may be issued, the applicant shall:

1. Submit a site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, proposed buildings or additions, dimensions from buildings or additions to property lines, the location of parking stalls, and utility meters.
2. Include detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses.

3. Pay fees in accordance with the city of Santaquin resolution establishing fees and charges.

**H. G.** Prior Uses: For preexisting ~~accessory-apartments~~ attached accessory dwelling unit, a permit for the ~~accessory-apartment~~ attached accessory dwelling unit shall be required, in addition to any permit required for the work to be done, at such time that construction, remodeling, or change of use occurs to the structure in which the ~~accessory-apartment~~ attached accessory dwelling unit is located. The city building official shall issue a permit for any such ~~accessory-apartment~~ attached accessory dwelling unit prior to construction, remodeling, or change of use and upon finding compliance with the uniform building code and the following conditions:

1. The ~~accessory-apartment~~ attached accessory dwelling unit is in compliance with the zoning ordinance, and
2. A building permit was issued when the ~~apartment~~ unit was constructed or remodeled. If no building permit was issued at the time of construction or remodeling, the applicant shall pay an inspection fee and the chief building official (CBO) or designee shall inspect the ~~apartment~~ unit for life safety violations. All violations identified by the CBO shall be corrected before a permit may be issued. (Ord. 2-01-2002, 2-5-2002, eff. 2-5-2002; amd. Ord. 04-01-2003, 4-2-2003, eff. 4-3-2003; Ord. 03-02-2007, 3-7-2007)

**I. H.** Other Similar Units: ~~Accessory-apartments~~ attached accessory dwelling unit shall include basement rentals, caretaker apartments, and other units of a similar nature and shall be a permitted use in all zones where single-family dwellings are permitted. (Ord. 04-01-2003, 4-2-2003, eff. 4-3-2003; amd. Ord. 03-02-2007, 3-7-2007)

### **10-6-8-2: DETACHED (I.E. COTTAGES, CASITAS)**

Detached accessory dwelling units shall be allowed in the Main Street Residential (MSR) area of the Main Street Business District zone and the Residential R-8 zone, subject to the following criteria:

- A. Location: Detached accessory dwelling units shall only be allowed in the rear yard of a single-family dwelling. Detached accessory dwelling units cannot be subdivided from the primary dwelling and cannot be sold separately from the primary dwelling. Either the primary dwelling or the detached accessory dwelling unit need to be owner occupied. Detached accessory dwelling units cannot be leased for a term longer than 2 years without a renewal agreement.
- B. Size and Setbacks: The maximum footprint of a detached accessory dwelling unit shall be 1,000 square feet. The maximum height of a detached accessory dwelling unit shall be 24 feet. The setbacks of a detached accessory dwelling unit shall be at least 12 feet from the primary dwelling and 10 feet from the side and rear property lines.
- C. Parking: Any property containing a detached accessory dwelling unit shall provide two off-street parking spaces for residents of the unit. Tandem parking will not qualify as approved parking.
- D. Utility Meters: A single-family dwelling with a detached accessory dwelling unit shall have no more than one (1) meter for each water and pressurized irrigation service.
- E. Trash: Each detached accessory dwelling unit shall have their own trash can.
- F. Building Code: All construction and remodeling shall comply with building codes in effect at the time of construction or remodeling.

G. Construction And Remodeling: Any person constructing, causing the construction of a residence that has a detached accessory dwelling unit, remodeling, or causing the remodeling of a residence for a detached accessory dwelling unit, or any person desiring a detached accessory dwelling unit shall obtain a building permit from the city of Santaquin. Before a permit may be issued, the applicant shall:

1. Submit a site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, proposed buildings or additions, dimensions from buildings or additions to property lines, the location of parking stalls, and utility meters.
2. Include detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses.
3. Pay fees in accordance with the city of Santaquin resolution establishing fees and charges.

H. Prior Uses: For preexisting detached accessory dwelling units, a permit for the detached accessory dwelling unit shall be required, in addition to any permit required for the work to be done, at such time that construction, remodeling, or change of use occurs to the structure in which the detached accessory dwelling unit is located. The city building official shall issue a permit for any such detached accessory dwelling unit prior to construction, remodeling, or change of use and upon finding compliance with the uniform building code and the following conditions:

1. The detached accessory dwelling unit is in compliance with the zoning ordinance, and
2. A building permit was issued when the unit was constructed or remodeled. If no building permit was issued at the time of construction or remodeling, the applicant shall pay an inspection fee and the chief building official (CBO) or designee shall inspect the unit for life safety violations. All violations identified by the CBO shall be corrected before a permit may be issued.

## **Section II. Severability**

If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

## **Section III. Contrary Provisions Repealed**

Any and all other provisions of the Santaquin City Code that are contrary to the provisions of this Ordinance are hereby repealed.

## **Section IV. Codification, Inclusion in the Code, and Scrivener's Errors**

It is the intent of the City Council that the provisions of this ordinance be made part of the Santaquin City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, and that the word ordinance may be changed to section, chapter, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished. Typographical errors which do not affect the intent of this ordinance may be authorized by the City without need of public hearing by its filing a corrected or re-codified copy of the same with the City Recorder.

**Section V. Posting and Effective Date**

This ordinance shall become effective at 5:00 p.m. on Wednesday, August 19, 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 18<sup>th</sup> day of August 2020.

\_\_\_\_\_  
Kirk Hunsaker, Mayor

Councilmember Nick Miller	Voted	___
Councilmember Elizabeth Montoya	Voted	___
Councilmember Lynn Mecham	Voted	___
Councilmember Jennifer Bowman	Voted	___
Councilmember David Hathaway	Voted	___

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 18<sup>th</sup> day of August, 2020, entitled

**“AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO MODIFY REGULATIONS FOR ATTACHED ACCESSORY DWELLING UNITS (I.E. ACCESSORY APARTMENTS) AND TO DEFINE REGULATIONS FOR DETACHED ACCESSORY DWELLING UNITS (I.E. COTTAGES, CASITAS), 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 18<sup>th</sup> day of August, 2020.

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

(SEAL)

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 18<sup>th</sup> day of August, 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 \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by K. AARON SHIRLEY.

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

## **ORDINANCE NO. DRAFT**

**AN ORDINANCE AMENDING SANTAQUIN CITY CODE WHICH REPEALS LANGUAGE 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.**

## **Section II. Severability**

If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

## **Section III. Contrary Provisions Repealed**

Any and all other provisions of the Santaquin City Code that are contrary to the provisions of this Ordinance are hereby repealed.

## **Section IV. Codification, Inclusion in the Code, and Scrivener's Errors**

It is the intent of the City Council that the provisions of this ordinance be made part of the Santaquin City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, and that the word ordinance may be changed to section, chapter, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished. Typographical errors which do not affect the intent of this ordinance may be authorized by the City without need of public hearing by its filing a corrected or re-codified copy of the same with the City Recorder.

## **Section V. Posting and Effective Date**

This ordinance shall become effective at 5:00 p.m. on Wednesday, August 19<sup>th</sup>, 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 18<sup>th</sup> day of August 2020.

\_\_\_\_\_  
Kirk Hunsaker, Mayor

Councilmember Nick Miller	Voted	____
Councilmember Elizabeth Montoya	Voted	____
Councilmember Lynn Mecham	Voted	____
Councilmember Jennifer Bowman	Voted	____
Councilmember David Hathaway	Voted	____

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 18<sup>th</sup> day of August, 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 18<sup>th</sup> day of August, 2020.

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

(SEAL)

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 18<sup>th</sup> day of August, 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 \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by K. AARON SHIRLEY.

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

## ORDINANCE NO. **DRAFT**

**AN ORDINANCE AMENDING SANTAQUIN CITY CODE ALLOWING DETACHED ACCESSORY DWELLING UNITS AND REMOVING FLAG LOTS FROM THE R-8 ZONE, 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 7A Section 2 to allow detached accessory dwelling units and removing flag lots from the R-8

**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 7A Section 2 is amended as follows:** (underlined text is added, stricken text is deleted)

#### **10-7A-2: PERMITTED USES:**

Land uses in the R-8 Residential Zone are permitted as follows. Alphabetic use designations in the table below have the following meanings:

P	The listed use is a permitted use within the represented area, based on City development standards and ordinances.
---	--

C	The listed use requires a conditional use permit within the represented area in addition to complying with all applicable development standards and ordinances.
N	The listed use is a prohibited use within the represented area.

Use	R-8
Adult daycare	C
Assisted living facility - large	C
Assisted living facility - small in accordance with section <a href="#">10-8-6</a> of this title	P/C
Caretaker facilities associated with a permitted or conditional use	C
Cemeteries	P
Child daycare centers	C
Crisis respite	C
<del>Dwelling, two-family (for example, duplexes and twin homes)</del>	<del>N</del>
<del>Flag lots, in the core area only, subject to the provisions of <a href="#">chapter 10</a> of this title</del>	<del>C</del>
<a href="#">Dwelling, Accessory Unit Attached</a>	<a href="#">P</a>
<a href="#">Dwelling, Accessory Unit Detached</a>	<a href="#">P</a>
<a href="#">Dwelling, Multiple-Unit</a>	<a href="#">N</a>
<a href="#">Dwelling, Single-Family Attached</a>	<a href="#">P</a>
Golf courses and golf clubhouses (private and public)	P
Gravel, sand, earth extraction, and mass grading when necessary to accomplish the intent of a development project permitted within and in association with the R-8 Zone and with City Council approval and Planning Commission recommendation for approval of a plan detailing the scope and time schedule for the work to be done	C
Home occupations, in accordance with <a href="#">chapter 12</a> of this title	P/C
Large scale developments	C
<del>Multiple-unit dwellings</del>	<del>N</del>
Parks	P
Recreational vehicle (RV) parks	N
Religious center	P



Residential facilities for persons with a disability pursuant to <a href="#">chapter 17</a> of this title	P
Residential facilities for the elderly pursuant to <a href="#">chapter 16</a> of this title	P
Residential support facility	P
Schools	P
Sheltered workshop	C
<del>Single family dwellings and related accessory uses</del>	<del>P</del>
Social or reception centers	C
Telecommunications sites. See subsection <a href="#">10-6-34D</a> of this title	
Temporary uses, subject to the provisions of section <a href="#">10-6-30</a> of this title	P
Treatment facility	N

## **Section II. Severability**

If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

## **Section III. Contrary Provisions Repealed**

Any and all other provisions of the Santaquin City Code that are contrary to the provisions of this Ordinance are hereby repealed.

## **Section IV. Codification, Inclusion in the Code, and Scrivener's Errors**

It is the intent of the City Council that the provisions of this ordinance be made part of the Santaquin City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, and that the word ordinance may be changed to section, chapter, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished. Typographical errors which do not affect the intent of this ordinance may be authorized by the City without need of public hearing by its filing a corrected or re-codified copy of the same with the City Recorder.

## **Section V. Posting and Effective Date**

This ordinance shall become effective at 5:00 p.m. on Wednesday, August 19<sup>th</sup>, 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 18<sup>th</sup> day of August 2020.

\_\_\_\_\_  
Kirk Hunsaker, Mayor

Councilmember Nick Miller	Voted	____
Councilmember Elizabeth Montoya	Voted	____
Councilmember Lynn Mecham	Voted	____
Councilmember Jennifer Bowman	Voted	____
Councilmember David Hathaway	Voted	____

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 18<sup>th</sup> day of August, 2020, entitled

**“AN ORDINANCE AMENDING SANTAQUIN CITY CODE ALLOWING DETACHED ACCESSORY DWELLING UNITS AND REMOVING FLAG LOTS FROM THE R-8 ZONE, 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 18<sup>th</sup> day of August, 2020.

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

(SEAL)

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 18<sup>th</sup> day of August, 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 \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by K. AARON SHIRLEY.

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

## **ORDINANCE NO. DRAFT**

**AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO ALLOW DETACHED ACCESSORY DWELLING UNITS IN THE MAIN STREET RESIDENTIAL AREA, MODIFYING LAND USE DESIGNATIONS, AND CREATING A MINIMUM LOT SIZE FOR MULTI-FAMILY DEVELOPMENTS IN THE MAIN STREET BUSINESS DISTRICT ZONE, 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 7M Section 2 and Title 10 Chapter 7M Section 11 to allow detached accessory dwelling units in the main street residential area, modifying land use designations, and creating a minimum lot size for multi-family developments in the main street business district zone

**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 7M Section 11A is amended as follows:** (underlined text is added, stricken text is deleted)

**10-7M-2: PERMITTED USES:**

General land uses within the Main Street Commercial District shall complement the Main Street overlay map found in the economic element of the City's General Plan.

Abbreviations and alphabetic use designations in the matrix and throughout this chapter have the following meanings:

CBD	The area represented as the Central Business District.
MSC	The area represented as the Main Street Commercial area.
MSR	The area represented as the Main Street Residential area.
P	The listed use is a permitted use within the represented area, based on City development standards and ordinances.
C	The listed use requires a conditional use permit within the represented area in addition to complying with all applicable development standards and ordinances.
A	The listed use is only permitted as an accessory use within the represented area.
N	The listed use is a prohibited use within the represented area.

Use	CBD	MSC	MSR
Accessory building	A	A	A
<del>Accessory residential use</del>	<del>C</del>	<del>C</del>	<del>A</del>
Adult daycare	N	P	P
Alcoholic beverage class A license (store; beer only)	P	P	N
Alcoholic beverage class B license (bars)	C	C	N
Alcoholic beverage class C license (restaurants/clubs)	P	C	N
Alcoholic beverage class D license (hotel/conventions)	P	P	N
Alcoholic beverage class E license (liquor store, etc.)	N	C	N
Arcade	A	A	N
Art gallery	P	P	P
Automotive service station	C	P	N
Bakery, commercial	C	P	C
Bed and breakfast homes	N	C	P
Brewpub	P	C	N
Commercial, ancillary	P	P	N
Commercial, convenience store	C	P	N

Use	CBD	MSC	MSR
Commercial parking lot or garage	A	A	A
Commercial, recreation	P	P	C
Commercial, repair services	P	P	N
Commercial, retail sales and services	P	P	N
Conference and convention facility	C	N	N
Convalescent home, rest home, or nursing home	N	P	P
Dance hall, discotheque	C	C	N
Daycare center	A	P	C
Drive-in retail	N	P	N
<a href="#"><u>Dwelling, Accessory Unit Attached</u></a>	<a href="#"><u>N</u></a>	<a href="#"><u>N</u></a>	<a href="#"><u>A</u></a>
<a href="#"><u>Dwelling, Accessory Unit Detached</u></a>	<a href="#"><u>N</u></a>	<a href="#"><u>N</u></a>	<a href="#"><u>A</u></a>
Dwelling, caretaker	N	N	A
<del>Dwelling, condominium</del>	<del>P</del>	<del>P</del>	<del>P</del>
Dwelling, multiple-family	<a href="#"><u>NA</u></a>	<a href="#"><u>NC</u></a>	C
<del>Dwelling, single-family attached</del>	<del>N</del>	<del>N</del>	<del>P</del>
Dwelling, single-family detached	N	N	P
<del>Dwelling, townhome</del>	<del>N</del>	<del>N</del>	<del>P</del>
<del>Dwelling, two-family</del>	<del>N</del>	<del>N</del>	<del>P</del>
Dwelling units above first story office, retail or commercial	P	C	C
Furniture and appliance stores	P	P	N
Governmental offices	P	P	P
Hotel	P	P	C
Institutions	P	P	P
Library	P	P	P
Mixed use development	C	C	C
Mortuary, funeral home	N	P	C
Motel	N	N	N
Permanent makeup establishment	P	P	N
Private club	P	C	N

Use	CBD	MSC	MSR
Professional office or financial services	P	P	P
Public or quasi-public buildings	C	C	C
Public park, private park or playground	P	P	P
Public safety buildings	C	C	P
Recreational vehicle (RV) parks	N	N	N
Religious center	P	P	P
Resident healthcare facility	P	P	P
Residential facility for persons with a disability	N	N	P
Residential facility for the elderly	N	N	P
Restaurant	P	P	C
Restaurant with drive-through facilities	N	P	N
School, commercial (art, music, hair, massage)	P	P	C
School, public or quasi-public	C	C	C
Seasonal businesses	C	P	N
Sexually oriented business	N	N	N
Social or reception center	P	C	C
Street vendors	P	P	N
Tattoo parlor	C	P	N
Telecommunications sites. See subsection <a href="#">10-6-34D</a> of this title			
Tobacco specialty shop in accordance with Utah State Code	P	C	N
Transitional treatment home - large	N	N	C
Transitional treatment home - small	N	N	C
Transitional victim home	N	N	C
Veterinary hospital, large animal	N	N	N
Veterinary hospital, small animal	N	P	C
Wedding chapels	P	P	C

**Title 10 Chapter 7M Section 11A is amended as follows:** (underlined text is added, stricken text is deleted)

#### **10-7M-11: MULTI-FAMILY DEVELOPMENT STANDARDS:**

The maximum density allowed for multi-family developments shall be conditioned upon the



architectural design of the development and its ability to meet the following zone standards. The following housing and open space and amenities standards shall also be applied to mixed use developments unless addressed in the general standards above.

- A. Minimum Lot and Unit Size: The minimum lot size for a multi-family development in the Main Street Residential (MSR) area shall be one (1) acre. The average minimum livable unit area shall be five hundred (500) square feet for a studio unit, seven hundred fifty (750) square feet for a single bedroom unit, and nine hundred (900) square feet for a two (2) bedroom unit. No unit shall have less than ninety percent (90%) of the required average. Units with more than two (2) bedrooms shall provide an additional one hundred fifty (150) square feet per additional bedroom.

## **Section II. Severability**

If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

## **Section III. Contrary Provisions Repealed**

Any and all other provisions of the Santaquin City Code that are contrary to the provisions of this Ordinance are hereby repealed.

## **Section IV. Codification, Inclusion in the Code, and Scrivener's Errors**

It is the intent of the City Council that the provisions of this ordinance be made part of the Santaquin City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, and that the word ordinance may be changed to section, chapter, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished. Typographical errors which do not affect the intent of this ordinance may be authorized by the City without need of public hearing by its filing a corrected or re-codified copy of the same with the City Recorder.

## **Section V. Posting and Effective Date**

This ordinance shall become effective at 5:00 p.m. on Wednesday, August 19<sup>th</sup>, 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 18<sup>th</sup> day of August 2020.

---

Kirk Hunsaker, Mayor

Councilmember Nick Miller  
Councilmember Elizabeth Montoya

Voted \_\_\_\_  
Voted \_\_\_\_

Councilmember Lynn Mecham  
Councilmember Jennifer Bowman  
Councilmember David Hathaway

Voted \_\_\_\_  
Voted \_\_\_\_  
Voted \_\_\_\_

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 18<sup>th</sup> day of August, 2020, entitled

**“AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO ALLOW DETACHED ACCESSORY DWELLING UNITS IN THE MAIN STREET RESIDENTIAL AREA, MODIFYING LAND USE DESIGNATIONS, AND CREATING A MINIMUM LOT SIZE FOR MULTI-FAMILY DEVELOPMENTS IN THE MAIN STREET BUSINESS DISTRICT ZONE, 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 18<sup>th</sup> day of August, 2020.

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

(SEAL)

#### 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 18<sup>th</sup> day of August, 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.

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K. AARON SHIRLEY  
Santaquin City Recorder

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, by K. AARON SHIRLEY.

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Notary Public