

## **ORDINANCE NO. 01-01-2023**

**AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO REPEAL LANGUAGE IN THE MAIN STREET BUSINESS DISTRICTS ZONE RELATED TO A MINIMUM STORY REQUIREMENT, 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 20, Section 190. H. 2. "Building Height" (table) to remove the requirement that requires all allowed uses in the Central Business District (CBD) to have a second occupiable story.

**WHEREAS**, the City Council finds that requiring a second story for all allowed uses, may result in unanticipated limitations and hardships for approved uses within the zone. The Council further finds that the zones allowed minimum and maximum building heights will continue to provide for the visual aspects of allowed uses.

**WHEREAS**, the Santaquin City Planning Commission held a public hearing on January 10, 2023, which hearing was preceded by the posting of public notice in at least three public places within the City limits of Santaquin City 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 20 Section 190. H. 2 is amended as follows:** (*underlined text is added, stricken text is deleted*)

**10.20.190 MAIN STREET BUSINESS DISTRICTS ZONE**

H. Building Massing: Building massing and architecture should complement the pedestrian environment to create a lasting image for Main Street. The intent of this section is to create an 1890-1920 period Americana Main Street architectural experience. Characteristics of the period included human scale, attention to detail, and materials and colors that related to the natural features of the region. The following architectural standards are established to realize the community's desire for high quality architecture, materials, and character as well as limit the impacts of building mass on nearby residential properties.

1. Floor Area Ratios (FARs): FARs are an acceptable ratio of constructed building area (i.e., occupiable space above ground) to the lot area. The FAR is calculated by dividing the constructed building area by the lot area. These help to establish appropriate massing of buildings in relation to sites and their surroundings. Properties in the CBD area should have FARs that range between 0.70 to 1.00. Properties within the MSC and MSR areas should have FARs that range between 0.35 and 0.80.
2. Building Height: Heights are measured from the average sidewalk elevation along the frontage of the adjacent major road to the midpoint of the roof on sloped roofs or to the highest point of a parapet. Roof midpoints shall be measured halfway between the highest ridgeline of the roof and the top of the fascia. Small architectural elements such as finials, cupolas, etc., may exceed heights listed. Steeples and towers shall be considered based on relational size and design. The following table outlines minimum and maximum building heights in the CBD, MSC and MSR areas of the zone:

	Use	CBD	MSC	MSR
	<del>Minimum stories<sup>1</sup>:</del>			
	<del>All uses</del>	<del>2</del>	<del>1</del>	<del>1</del>
	Minimum height:			
	Nonresidential	30 feet	25 feet	20 feet
	Mixed use developments	40 feet	20 feet	20 feet
	Multi-family	n/a	20 feet	20 feet
	Townhomes	n/a	20 feet	20 feet
	Maximum height:			
	Nonresidential	60 feet	60 feet	40 feet
	Mixed use developments	60 feet	60 feet	50 feet

	Multi-family	n/a	50 feet	50 feet
	Townhomes	n/a	40 feet	40 feet

~~3. Note:~~

~~<sup>†</sup>All building stories shall be constructed with occupiable space and/or at least completion of all firewalls and occupancy walls.~~

(Ord. 08-02-2008, 8-20-2008, eff. 8-21-2008)

## **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, January 18, 2023. 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 17<sup>th</sup> day of January 2023.

---

Daniel M. Olson, Mayor

Councilmember Art Adcock	Voted	___
Councilmember Elizabeth Montoya	Voted	___
Councilmember Lynn Mecham	Voted	___
Councilmember Jeff Siddoway	Voted	___
Councilmember David Hathaway	Voted	___

ATTEST:

---

Amalie R. Ottley, City Recorder

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF UTAH                )

I, AMALIE R. OTTLEY, 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 17<sup>th</sup> day of January 2023, entitled

**“AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO REPEAL LANGUAGE IN THE MAIN STREET BUSINESS DISTRICTS ZONE RELATED TO A MINIMUM STORY REQUIREMENT, 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 17<sup>th</sup> day of January 2023.

---

Amalie R. Ottley  
Santaquin City Recorder

(SEAL)

AFFIDAVIT OF POSTING

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF UTAH                )

I, Amalie R. Ottley, 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 17<sup>th</sup> day of January 2023.

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.

---

Amalie R. Ottley  
Santaquin City Recorder

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
by Amalie R. Ottley.

---

Notary Public