

## **ORDINANCE NO. DRAFT**

**AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO MODIFY REGULATIONS FOR AND PERMIT DETACHED ACCESSORY DWELLING UNITS IN THE R-10 RESIDENTIAL 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 16, Section 080 and Title 10, Chapter 20, Section 080 to modify some regulations for and permit detached accessory dwelling units in the R-10 Residential Zone; and

**WHEREAS**, the City Council hereby implements one of their strategies in the Moderate-Income Housing Plan, as required by Utah Code Annotated 10-9a-408, in order address the need for moderate income housing within Santaquin City; and

**WHEREAS**, the Santaquin City Planning Commission held a public hearing on October 11, 2022, which hearing was preceded by the posting of public notice in at least three public places within the City limits of Santaquin City; 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 16 Section 080 is amended as follows:** (underlined text is added, stricken text is deleted)

#### **10.16.080 ACCESSORY 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.
- B. Attached (i.e., 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)
  - 1. Location: Attached accessory dwelling units shall not be allowed on any parcel except those containing a single-family dwelling.
  - 2. Parking: 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.
  - 3. Utility Meters: A single-family dwelling with an attached accessory dwelling unit may have up to two (2) meters for each water and pressurized irrigation service. (Ord. 04-01-2003, 4-2-2003, eff. 4-3-2003; amd. Ord. 03-02-2007, 3-7-2007)
  - 4. 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)
  - 5. Building Entrances: In order to preserve the single-family residential appearance of the building, a new single-family structure approved with an 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 attached accessory dwelling unit. An 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)
  - 6. Construction And Remodeling: Any person constructing, causing the construction of a residence that has an attached accessory dwelling unit, remodeling, or causing the remodeling of a residence for an attached accessory dwelling unit, or any person desiring an attached accessory dwelling unit shall obtain a building permit from the city of Santaquin. Before a permit may be issued, the applicant shall:
    - a. 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.
    - b. Include detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses.
    - c. Pay fees in accordance with the city of Santaquin resolution establishing fees and charges.
  - 7. Prior Uses: For preexisting attached accessory dwelling units, a permit for the 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 attached accessory dwelling unit is located. The city building official shall issue a

permit for any such 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:

- a. The attached accessory dwelling unit is in compliance with the zoning ordinance, and
  - b. 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. (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)
8. Other Similar Units: Attached accessory dwelling units 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)
- C. 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, and the Residential R-10 zone, subject to the following criteria:
  1. 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.
  2. Size and Setbacks: The maximum footprint of a detached accessory dwelling unit shall be 800 square feet. The maximum square footage of a detached accessory dwelling unit shall be 1,600 square feet. The maximum height of a detached accessory dwelling unit shall not exceed the height of the primary dwelling unit or 24 feet, whichever is less. The setbacks of a detached accessory dwelling unit shall be at least 12 feet from the primary dwelling and 8 feet from the side and rear property lines.
  3. Foundation: Detached accessory dwelling units shall be on a permanent foundation. Recreational vehicles and mobile homes shall not be considered detached accessory dwelling units.
  4. Design: The architectural style and color of a detached accessory dwelling unit shall be compatible with the primary dwelling and approved by the Zoning Administrator.
  5. Garages: Accessory dwelling units which are connected to a detached garage, together, shall not exceed a height of 24 feet regardless of the height of the primary dwelling. The maximum square footage of an accessory dwelling unit, inclusive of the garage area, shall be 1,600 square feet. A

carport will not be counted towards the square footage of the accessory dwelling unit, but it must meet the setback requirements in Subsection C2 of this Section.

6. 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.
7. Utility Meters: A single-family dwelling with a detached accessory dwelling unit may have up to two (2) meters for each water and pressurized irrigation service.
8. Trash: Each detached accessory dwelling unit shall have their own trash can.
9. Building Code: All construction and remodeling shall comply with building codes in effect at the time of construction or remodeling.
10. 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:
  - a. 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.
  - b. Include detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses.
  - c. Pay fees in accordance with the city of Santaquin resolution establishing fees and charges.
11. 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:
  - a. The detached accessory dwelling unit is in compliance with the zoning ordinance, and
  - b. 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.

**Title 10 Chapter 20 Section 080 is amended as follows:** (underlined text is added, stricken text is deleted)

### **10.20.080 R-10 RESIDENTIAL ZONE**

- A. Objectives And Characteristics: The objective in establishing the R-10 Residential Zone is to encourage the creation and maintenance of residential areas within the City which are characterized by smaller to medium sized lots on which single-family dwellings are situated, surrounded by well kept lawns, trees, and other plantings. A minimum of vehicular and pedestrian traffic and quiet residential conditions favorable to family living are also characteristic of this zone. The uses permitted in this zone shall be single-family dwellings and certain other public facilities needed to promote and maintain stable residential neighborhoods. (Ord. 04-01-2003, 4-2-2003, eff. 4-3-2003)

In order to accomplish the objectives and purposes of this title and to promote the characteristics of this zone, the following regulations shall apply in the R-10 Zone. (Ord. 2-01-2002, 2-5-2002, eff. 2-5-2002)

- B. Permitted Uses: Land uses in the R-10 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-10
<a href="#">Accessory use</a>	<a href="#">P</a>
Adult daycare	C
Assisted living facility - large	C
Assisted living facility - small	P/C
Caretaker facilities associated with a permitted or conditional use	C
Cemeteries	P

Child daycare centers	C
<a href="#"><u>Dwelling, accessory unit attached</u></a>	<a href="#"><u>P</u></a>
<a href="#"><u>Dwelling, accessory unit detached</u></a>	<a href="#"><u>P</u></a>
<a href="#"><u>Dwellings, single-family detached</u></a>	<a href="#"><u>P</u></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-10 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 SCC 10.40	P/C
Large scale developments	C
Parks	P
Public and quasi-public buildings	P
Recreational vehicle (RV) parks	N
Religious center	P
Residential facilities for persons with a disability pursuant to SCC 10.60	P
Residential facilities for the elderly pursuant to SCC 10.56	P
Residential support facility	P
Schools	P
Sheltered workshop	C
<del>Single family dwellings and related accessory uses</del>	<del>P</del>

Telecommunications sites. See SCC 10.16.340 paragraph D	
Temporary uses, subject to the provisions of SCC 10.16.300	P
Treatment facility	N

(Ord. 07-01-2011, 7-27-2011, eff. 7-28-2011; amd. Ord. 03-02-2014, 4-16-2014, eff. 4-17-2014; Ord. 02-01-2018, 2-7-2018, eff. 2-8-2018)

## **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, October 19, 2022. 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 October 2022.

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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:

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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 18<sup>th</sup> day of October 2022, entitled

**“AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO MODIFY REGULATIONS FOR AND PERMIT DETACHED ACCESSORY DWELLING UNITS IN THE R-10 RESIDENTIAL 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 October 2022.

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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 18<sup>th</sup> day of October 2022.

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