

ORDINANCE 07-01-2021

AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO CLARIFY THAT A MULTIPLE-UNIT DWELLING IS NOT A PERMITTED LAND USE IN THE R-8 RESIDENTIAL ZONE AND R-10 RESIDENTIAL ZONE, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE

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 Sections 070 and 080 to clarify that a multi-family dwelling is not a permitted land use in the R-8 Residential zone and the R-10 Residential zone; and

WHEREAS, the Santaquin City Planning Commission held a public hearing on July 13, 2021, 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 Council of the Santaquin City, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “10.20.070 R-8 RESIDENTIAL ZONE” of the Santaquin City Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.20.70 R-8 RESIDENTIAL ZONE

- A. Objectives And Characteristics: The objective of establishing the R-8 Residential Zone is to provide a residential environment within the City which is characterized by smaller lots and somewhat more dense residential development than is characteristic of the R-10 Zone. Nevertheless, this zone is characterized by spacious yards and other residential amenities adequate to maintain desirable residential conditions. The uses permitted in this zone shall be single~~—and multiple~~-family dwellings, ~~apartments~~, 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 objective and purpose of this title and to promote the characteristics of this zone, the following regulations shall apply in the R-8 Residential

Zone. (Ord. 2-01-2002, 2-5-2002, eff. 2-5-2002)

B. 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 SCC 10.24.060		P/C
Caretaker facilities associated with a permitted or conditional use		C
Cemeteries		P
Child daycare centers		C
Crisis respite		C
Dwelling, accessory unit attached		P
Dwelling, accessory unit detached		P
Dwelling, multiple-unit		N
Dwelling, single-family detached		P
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 SCC 10.40		P/C
Large scale developments		C
Parks		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
Social or reception centers	C
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; Ord. 09-03-2019, 9-17-2019, eff. 9-18-2019)

C. Area Requirements:

1. Standard Lot Size: A land area of not less than eight thousand (8,000) square feet shall be provided and maintained for each lot, tract, or parcel of land within the R-8 Zone. This shall include cornerlots.
2. Infill Properties: Lot areas for applicable infill development may be reduced according to the infill development standards of this title.
3. ~~Multi-Family Lots: Lot areas for multi-family development shall be in accordance with the multi-family development standards as found in SCC 10.16.060, "Multiple Unit Dwellings". However, the minimum parcel area for a two-unit structure shall be nine thousand (9,000) square feet (i.e., 4,500 square feet per dwelling unit). (Ord. 10-01-2014, 10-1-2014, eff. 10-2-2014)~~

D. Width Requirements:

1. Standard Lot Widths:
 - a. Interior Lots: The minimum width of lots in this zone shall be eighty (80) linear feet.
 - b. Corner Lots: All corner lots shall have a minimum of eighty feet (80') width for at least one frontage adjacent to a public street.
2. Infill Properties: Lot widths for applicable infill development may be reduced according to the infill development standards of this title.
3. ~~Multi-Family Parcels: Parcels on which a multi-family development will be constructed, must comply with the standard frontage requirements of the R-8 Zone. However, approved two-unit structures having divided ownership may be allowed to have minimum frontages, for the individual owners, of forty feet (40') (e.g., a two-unit dwelling with individual ownership of the entire site would have an 80 foot by 100 foot frontage on a corner lot. If the two-unit dwelling had separate ownership of the units and associated land, each owner would have a lot with at least 40 feet of frontage on interior lots and at least a 100 foot by 40 foot parcel on corner lots). (Ord. 10-01-2014, 10-1-2014, eff. 10-2-2014)~~

E. Location Requirements:

1. Dwellings And Other Main Buildings: Dwellings and other main buildings on interior and corner lots shall comply with the following setback requirements. Unless specifically stated, the following setbacks are intended to create a building envelope and are not necessarily connected to building orientation:
 - a. Front Setback:
 - (1) To living area or garage side: Twenty feet (20') from the front lot line(s).
 - (2) To garage doors: Twenty five feet (25') from the front lot line(s).

- (3) To covered porches: Fifteen feet (15') from the front lot line(s).
 - b. Side Setback: Eight feet (8') from side property line.
 - c. Rear Setback: Twenty five feet (25') from rear property line.
 - d. Setback Modification: A property which fronts onto an urban or multiuse, nonequestrian trail corridor, as shown in the adopted Parks, Recreation and Open Space Master Plan, may reduce the front setback along such corridor. The setback reduction may not exceed the width of such corridor, as measured from back of curb, and a minimum ten foot (10') setback must be maintained. The modification must still provide for twenty four feet (24') of parking between the structure and the lot line. (Ord. 5-05-2015, 5-6-2015, eff. 5-7-2015)
- 2. Accessory Structures (Including Detached Garages):
 - a. General Setbacks: All accessory structures must be located at least twelve feet (12') from any associated dwelling or main structure and may not be located in any utility easements without written consent from those affected entities.
 - b. Front Setback: Accessory structures are not permitted in the front yard of a dwelling.
 - c. Front Setback On Corner Lot: Accessory structures are not permitted in the front yard of a dwelling along a primary frontage nor within twenty feet (20') from secondary frontages except that accessory structures that are less than two hundred (200) square feet may be within the setback from a secondary frontage if the accessory structure is located at least three feet (3') from the property line that is along a secondary frontage.
 - d. Side Setback: Accessory structures must be eight feet (8') from a side property line, except that a three foot (3') side setback shall be permitted if the accessory structure walls closest to the side property line are constructed with one hour or more fire resistant walls.
 - e. Rear Setback: Accessory structures must be ten feet (10') from the rear property line, except that a three foot (3') rear setback shall be permitted if the accessory structure walls closest to the rear property line are constructed with one hour or more fire resistant walls. (Ord. 02-03-2018, 4-4-2018, eff. 4-5-2018)
- 3. Clear View: All structures must be placed in conformance with the clear view standards found in SCC 10.16.090. (Ord. 10-01-2014, 10-1-2014, eff. 10-2-2014)
- F. Dwelling Size: Minimum dwelling size shall be nine hundred (900) square feet floor area on the main floor (excluding garages and basement areas) for single-story structures. Similarly, multi-story dwellings shall have a minimum of one thousand two hundred (1,200) square feet. (Ord. 10-01-2014, 10-1-2014, eff. 10-2-2014)
- G. Parking And Access Standards: Each dwelling is required to have a minimum of two (2) parking spaces per dwelling unit located on the property unless otherwise specified. (Ord. 10-01-2014, 10-1-2014, eff. 10-2-2014)

SECTION 2: **AMENDMENT** “10.20.080 R-10 RESIDENTIAL ZONE” of the Santaquin City Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10.20.80 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-~~and multiple~~-family dwellings, ~~apartments~~, 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
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
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

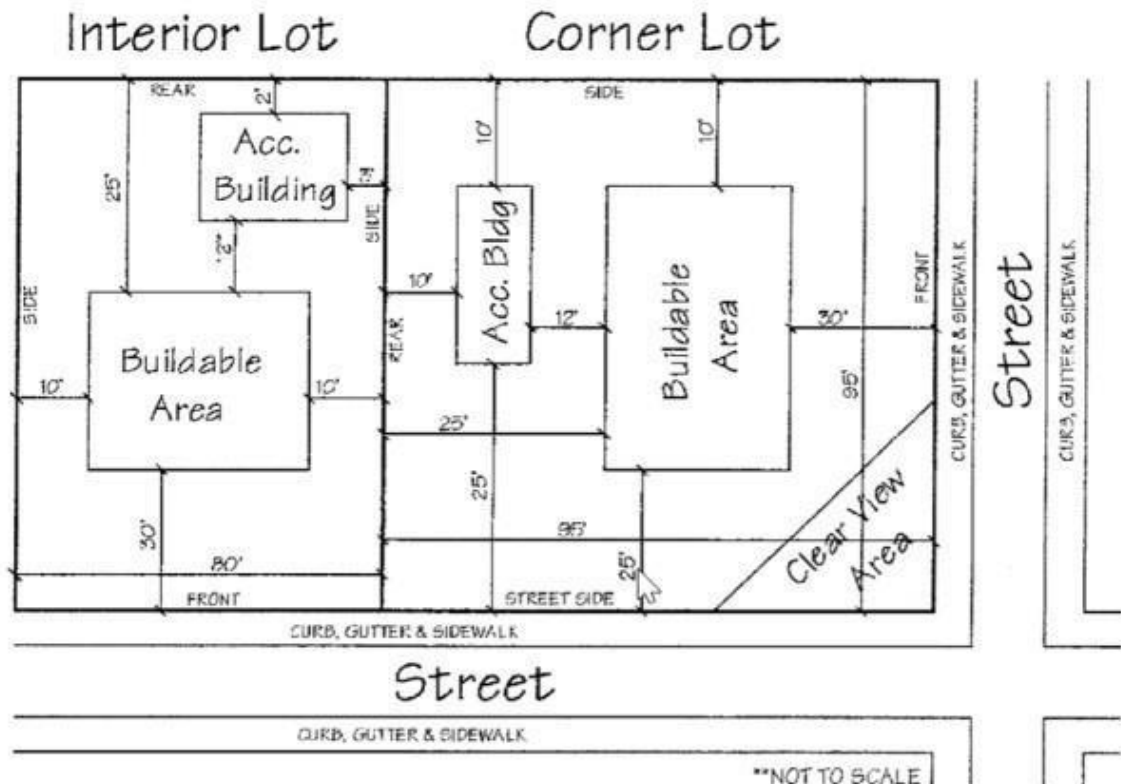
Recreational vehicle (RV) parks	N
Religious center	P
Residential facilities for persons with a disability pursuant to SCC 10.60	P
Residential facilities for the elderly pursuant to SCC 10.56	P
Residential support facility	P
Schools	P
Sheltered workshop	C
Single-family dwellings and related accessory uses	P
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)

- C. Area Requirements: A land area of not less than nine thousand six hundred (9,600) square feet shall be provided and maintained for each existing lot, tract, or parcel of land within the R-10 Zone. All lots, tracts or parcels created after adoption of this paragraph C shall have a minimum of ten thousand (10,000) square feet provided and maintained for each lot. (Ord. 03-01-2006, 3-1-2006, eff. 3-2-2006; amd. Ord. 07-01-2011, 7-27-2011, eff. 7-28-2011)
- D. Width Requirements: The minimum width of lots in this zone shall be eighty (80) linear feet. All corner lots shall have a minimum of ninety five feet (95') width for all property lines adjacent to a public street. (Ord. 2-01-2002, 2-5-2002, eff. 2-5-2002; amd. Ord. 07-01-2011, 7-27-2011, eff. 7-28-2011)
- E. Location Requirements:
 - 1. Dwellings And Other Main Buildings:
 - a. Front Setback: Thirty feet (30') from the front lot line.
 - b. Front Setback On Corner Lot: Thirty feet (30') from property line along primary frontage, twenty five feet (25') from property line along secondary frontage.
 - c. Side Setback: Ten feet (10') from side propertyline.
 - d. Rear Setback: Twenty five feet (25') from rear property line.
 - e. Setback Modification: A property which fronts onto an urban or multiuse, nonequestrian trail corridor, as shown in the adopted Parks, Recreation and Open Space Master Plan, may reduce the front setback along such corridor. The setback reduction may not exceed the width of such corridor, as measured from back of curb, and a minimum ten foot (10') setback must be maintained. The modification must still provide for twenty four feet (24') of parking between the structure and the lot line. (Ord. 5-05-2015, 5-6-2015, eff. 5-7-2015)
 - 2. Accessory Structures (Including Detached Garages):
 - a. General Setbacks: All accessory structures must be located at least twelve feet (12') from any associated dwelling or main structure and may not be located in any utility easements without written consent from those affected entities.
 - b. Front Setback: Accessory structures are not permitted in the front yard of a dwelling.

- c. Front Setback On Corner Lot: Accessory structures are not permitted in the front yard of a dwelling along a primary frontage nor within twenty five feet (25') from secondary frontages except that accessory structures that are less than two hundred (200) square feet may be within the setback from a secondary frontage if the accessory structure is located at least three feet (3') from the property line that is along a secondary frontage.
 - d. Side Setback: Accessory structures must be ten feet (10') from a side property line, except that a three foot (3') side setback shall be permitted if the accessory structure walls closest to the side property line are constructed with one hour or more fire resistant walls.
 - e. Rear Setback: Accessory structures must be ten feet (10') from the rear property line, except that a three foot (3') rear setback shall be permitted if the accessory structure walls closest to the rear property line are constructed with one hour or more fire resistant walls. (Ord. 02-03-2018, 4-4-2018, eff. 4-5-2018)
3. Clear View: All structures must be placed in conformance with the clear view standards found in SCC 10.16.090. (Ord. 03-02-2006, 3-1-2006, eff. 3-2-2006; amd. Ord. 07-01-2011, 7-27-2011, eff. 7-28-2011)
- F. Dwelling Size: Minimum dwelling size shall be nine hundred (900) square feet floor area on the main floor. (Ord. 2-01-2002, 2-5-2002, eff. 2-5-2002; amd. Ord. 07-01-2011, 7-27-2011, eff. 7-28-2011)
- G. Property Development Standards:

Zoning Requirements: R-10 Property Development Standards
Residential Lots: Interior And Corner Lots



- All setbacks and lot dimensions are minimums unless otherwise noted.
- Property lines shown are in accordance with the Santaquin City construction standards and

details and are usually not located at the back of the sidewalk.

-Minimum lot area: 9,600 square feet.

-Accessory building setbacks may be reduced, as shown on the typical lot above, as outlined in this code.

-Minimum dwelling size: 900 square feet.

-Clear view area: The size, location and regulation of the clear view area of corner lots are determined according to SCC 10.16.090 and do not necessarily reflect the representation in the diagram above.

*Accessory building setback measured to the closest point of the primary structure.

(Ord. 4-02-2005, 4-20-2005, eff. 4-21-2005; amd. Ord. 07-01-2011, 7-27-2011, eff. 7-28-2011)

SECTION 3: REPEALER CLAUSE Any and all other provisions of the Santaquin City Code that are contrary to the provisions of this Ordinance are hereby repealed.

SECTION 4: SEVERABILITY CLAUSE 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 5: 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 6: POSTING AND EFFECTIVE DATE This ordinance shall become effective at 5:00 p.m. on Wednesday, July 21st, 2021. 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.

SECTION 7: PASSED AND ADOPTED this 20th day of July 2021

PASSED AND ADOPTED BY THE SANTAQUIN CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Council Member Miller	_____	_____	_____	_____
Council Member Montoya	_____	_____	_____	_____
Council Member Mecham	_____	_____	_____	_____
Council Member Hathaway	_____	_____	_____	_____
Council Member Bowman	_____	_____	_____	_____

Presiding Officer

Attest

Kirk F. Hunsaker, Mayor, Santaquin
City

K. Aaron Shirley, City Recorder
Santaquin City

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 20th day of July, 2021, entitled

AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO CLARIFY THAT A MULTIPLE-UNIT DWELLING IS NOT A PERMITTED LAND USE IN THE R-8 RESIDENTIAL ZONE AND 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 20th day of July, 2021.

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 20th day of July, 2021.

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