

ORDINANCE NO. 06-01-2023

AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO MODIFY THE PLANNED UNIT DEVELOPMENT (PUD) SECTION TO PROVIDE A DENSITY BONUS FOR THE INCLUSION OF QUALIFIED MODERATE-INCOME HOUSING IN A DEVELOPMENT, 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 state legislature requires that a moderate income housing element be included in the general plan of the City and that it include strategies and an implementation plan to provide moderate income housing; and

WHEREAS, the City Council approved a strategy and an implementation plan related to zoning incentives for moderate income units in new developments; and

WHEREAS, the City Council desires to amend Santaquin City Code Title 10 Chapter 20 Section 170 to create a density bonus for qualified moderate income housing which will help satisfy state moderate income housing requirements; and

WHEREAS, the Santaquin City Planning Commission held a public hearing on June 13, 2023, which hearing was preceded by the posting of public notice on the City's website (www.santaquin.org), on the State of Utah's Public Notice Website, and in at least three public places within the City limits of Santaquin City in accordance with Section 10-3-711 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 170 is amended as follows: (underlined text is added, stricken text is deleted)

10.20.170 PLANNED UNIT DEVELOPMENT (PUD)

E. Density Bonuses: An applicant for a PUD is eligible for a density bonus based on additional amenities provided in the project approval. Density in excess of the base density may be considered for projects which satisfy the requirements of one or more of the density bonus amenities listed below:

1. Base Density: For purposes of this section, the base density for a development shall be based upon a yield plan prepared by the developer. Yield plans are to be reviewed by the community development director and planning commission as part of development concept review and be finalized prior to a recommendation on the development for PUD designation to the city council. The resulting yield plan shall represent the total number of base units appropriate for the development site. Yield plans are to be prepared under the following requirements:
 - a. Yield Plan Layout: Yield plans must be prepared as conceptual layout plans in accordance with the standards of the subdivision ordinance, containing proposed lots, streets, rights of way, and other pertinent features. Although it must be drawn to scale, it need not be based on a field survey. However, it must be a realistic layout reflecting a development pattern that could reasonably be expected to be implemented, taking into account the presence of floodplains, geologic hazard areas, steep slopes, drainage channels, existing easements or other encumbrances.
 - b. Yield Plan Dimensional Standards: Yield plans must reflect the dimensional standards for lots in the underlying zone. No more than fifty percent (50%) of the minimum required lot area may consist of sensitive lands, including wetlands, slopes greater than thirty percent (30%), and land under high tension electrical transmission lines (69 kV or greater). (Ord. 08-01-2008, 8-6-2008, eff. 8-7-2008)
 - c. Yield Plan Lot Buildability Standards: The determined buildable area on lots must be contiguous, unencumbered, and contain nonsensitive lands. Minimum buildable areas, not including underlying zone setbacks, shall be as follows:

Zone	Minimum Buildable Area On Lots
RC	2,900 square feet
R-10	3,500 square feet
R-12	4,100 square feet

R-15	5,000 square feet
R-20	8,000 square feet

2. **Density Bonus Amenities:** An application for a planned unit development may include one or more of the following amenities in the design of the subdivision and be considered for a density bonus in accordance with this section. Each amenity is followed by a percentage increase in total project density for providing the amenity. The density increases for the amenities outlined herein shall be cumulative with a maximum density bonus equal to a forty five percent (45%) increase in dwelling units above the base density. The density increases listed represent the maximum allowed, and the city council, after receiving recommendation from the planning commission, is entitled to approve less than the maximum amount listed.
- a. **Active Recreation:** Active recreation facilities which are provided for residents of the planned unit development, or the citizens of Santaquin City, are entitled to a density bonus. Active recreation areas may include swimming pools, sports courts, spas, common buildings or facilities constructed for use by the residents of the project, or citizens of the community, for meetings, indoor recreation, receptions, classes, or other similar uses and other similar areas are eligible for up to a twenty percent (20%) density increase based on the following table:

Amenity Per 100 Units Or Equivalent	Percent Increase
Tot lot sized for ages 12+	2.0
30,000 square foot sports court or similar	3.0
400 square foot bowery with tables and barbecue areas	4.0
Community clubhouse (per thousand square feet)	2.0
Community size swimming pool and clubhouse	6.0
Equestrian facilities (stabling, exercise arena, etc.) for up to 20 horses	6.0
Others subject to approval by city council proportionate to above increases	

- b. Design Theme: Developments which incorporate design elements into the project consistent with an architectural style or motif encouraged by the city in a manner compatible with surrounding or planned development are eligible for up to a four percent (4%) density increase.
- c. Fencing: Developments which incorporate fencing throughout the project in harmony with the architectural features of the structures such as brick columns with vinyl or wood fencing, decorative iron, or cast in place walls and have provisions for the perpetual maintenance of such are eligible for up to a six percent (6%) density increase based on the following table. Chainlink fencing is not permitted. Vinyl coated chainlink is not allowed unless utilized around sports courts or similar facilities, or along natural open space/sensitive lands boundaries. All fencing and decorative materials or treatments must be approved by the city.

Fencing Type	Percent Increase
Vinyl or wood slat fencing	0.5
Decorative vinyl or wood fencing (e.g., split rail, partial trellis, etc.)	1.0
Decorative vinyl or wood fencing with masonry pillars maximum 24 foot spacing	2.0
Cast in place concrete wall (must be color treated and have antigraffiti coating)	4.0
Decorative fencing (i.e., decorative iron, full brick masonry, real stone, etc., but excluding CMU products)	5.0
Decorative fencing with masonry pillars maximum 10 foot spacing and half walls along fence	6.0

- d. Open Space In Addition To Fifteen Percent Minimum: Developments which provide either active or passive open space which meets the same standards for open space as outlined above, in addition to the fifteen percent (15%) minimum requirement are eligible for an equal percentage of density increase as illustrated in the following table:

Additional Open Space Above Required 15 Percent Minimum	Percent Increase
5 percent (equal to 20 percent total)	5.0
15 percent (equal to 30 percent total)	15.0
25 percent (equal to 40 percent total)	25.0

Lands being reserved as additional open space do not have to be improved for recreation purposes. However, if open spaces are to remain in a natural state, then such must be owned, managed, administered, and maintained by Santaquin City, or a recognized land trust or conservancy, or any other entity approved by the city council and have permanent conservation easements established upon them to prevent future development in such areas.

All improved open space areas for recreation purposes shall be maintained by the owner of the project if held in single ownership, a homeowners' association if sold separately, or dedicated to and accepted by the city for maintenance purposes. However, the city shall be under no obligation to accept such dedication.

- e. **Special Features:** Developments which provide special features such as fountains, streams, architectural features, design themes, or other features that are used commonly and are highly visible in the project are eligible for up to a five percent (5%) density increase based on the following table:

Special Feature	Percent Increase
Landscaped entry sign/feature area	1.0
Stream or other water feature, fountain, pond, etc.	2.0
Themed lighting throughout the development which is superior to city standard lighting	2.0
Public art consistent with the natural or rural setting of the development	3.0

- f. Nonresidential Uses: Nonresidential uses such as schools, religious centers, care facilities, etc., which may be located within a project area typically provide additional amenities or cultural opportunities to area residents and thus increase the quality of life and experiences in a project area. As such, some site elements associated with these uses and which are generally accessible to the public may be counted toward bonus density eligibility under the following standards:

(1) Religious or cultural sites may be eligible for bonus density based on the following:

(A) The amount of bonus density shall be the number of residential units that could be built on the site, as calculated by the number of units possible under the base zoning.

(B) No additional bonus density is available for on site amenities provided by the nonresidential uses.

(C) Uses under this paragraph E,2,f shall have a minimum three (3) acre site and be owned, operated and maintained by a public or tax exempt entity.

(D) Written acknowledgment and intent to accept the site by the anticipated public or tax exempt entity is required to receive the bonus density under this section.

(2) School sites may be eligible for bonus density based on the following:

(A) Half of any grass playing field areas may be counted as additional open space under paragraph E,2,d.

(B) The amount of bonus density shall also include the number of residential units that could be built on half of the school site, as calculated by the number of units possible under the base zoning.

(C) Written acknowledgment and intent to accept the site by a school entity is required to receive bonus density under this section.

(3) Because some religious, cultural or educational facilities use more water than the potential number of homes on a similar area, sufficient water shall be dedicated to cover the anticipated usage of the nonresidential use under this paragraph E,2,f.

g. Moderate Income Housing: Developments which provide moderate income housing for at least six percent (6%) of the total residential units are eligible for a six percent (6%) density increase. Units will only be identified as moderate income housing when a deed restriction is recorded with the Utah County Recorder's office on a subdivision plat or other appropriate deed restriction means which states that the "units must be reserved for occupancy by households with a gross household income equal to or less than eighty percent (80%) of the median gross income for households of the same size in Utah County".

3. Total Project Density: Total project density is determined by increasing the base density by the total percent of density increase earned through the approval and implementation of amenities into the development. In no case will the total project density exceed forty five percent (45%) more than the base density (i.e., if the base density for a project is 50

units and a density increase of 35 percent is earned, the maximum total project density shall be 67 units). (Ord. 07-02-2016, 10-20-2016, eff. 10-20-2016)

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, June 21, 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 20th day of June, 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 20th day of June 2023, entitled

“AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO MODIFY THE PLANNED UNIT DEVELOPMENT (PUD) SECTION TO PROVIDE A DENSITY BONUS FOR THE INCLUSION OF QUALIFIED MODERATE-INCOME HOUSING IN A DEVELOPMENT, 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 June 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 prior to the ordinance taking effect, I posted a short summary of the ordinance on the Utah Public Notice Website as required by Utah State Code 10-3-711(1)(b) as a Class A Notice.

I further certify that copies of the ordinance were posted online at www.santaquin.org, in three physical locations (Santaquin City Public Safety Building, Zions Bank, Santaquin Post Office), and on the State of Utah's Public Notice Website, <https://www.utah.gov/pmn/index.html>. A copy of the notice may also be requested by calling (801)754-1904.

Amalie R. Ottley
Santaquin City Recorder

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by AMALIE R.OTTLEY.

My Commission Expires:

Notary Public

Residing at Utah County