

## **ORDINANCE NO. DRAFT**

**AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO ESTABLISH A DEFAULT ZONES FOR THE PLANNED COMMUNITY (PC) 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 7H to establish default zones for the Planned Community; and

**WHEREAS**, the Santaquin City Planning Commission held a public hearing on October 13, 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 7H is amended as follows:** (underlined text is added, stricken text is deleted)

#### **ARTICLE H. PC PLANNED COMMUNITY ZONE**

10-7H-1: DEFINITIONS:

10-7H-2: PURPOSE:

10-7H-3: DESIGN GUIDELINES:

10-7H-4: DENSITY:

10-7H-5: MINIMUM SITE AREA FOR RECLASSIFICATION:

10-7H-6: PRESUBMISSION CONFERENCE; REZONING APPLICATION REQUIREMENTS:

10-7H-7: REVIEW, RECOMMENDATION, AND APPROVAL:

10-7H-8: SUBMISSION AND APPROVAL REQUIREMENTS:  
10-7H-9: PRELIMINARY PLANS AND DOCUMENTS:  
10-7H-10: AGREEMENTS:  
10-7H-11: PLANNING COMMISSION ACTION:  
10-7H-12: RECOMMENDATION OF THE PRELIMINARY PLAN TO THE CITY COUNCIL:  
10-7H-13: PUBLIC HEARING:  
10-7H-14: TIME LIMIT FROM PRELIMINARY PLAN APPROVAL:  
10-7H-15: FINAL PLAT:  
10-7H-16: DEVELOPMENT REVIEW COMMITTEE CONFORMANCE REVIEW; APPEAL:  
10-7H-17: FILING FEE:  
10-7H-18: OPEN SPACE AND LANDSCAPE AREA REQUIREMENTS:  
10-7H-19: STREET AND SUBDIVISION DESIGN REQUIREMENTS:  
10-7H-20: SIGN REGULATIONS:  
10-7H-21: GRAVEL, SAND, EARTH EXTRACTION, AND MASS GRADING:  
10-7H-22: NONAPPLICABILITY OF OTHER PROVISIONS; ANALOGOUS APPLICATIONS:

### **10-7H-1: DEFINITIONS:**

As used in this article, the following terms have the meanings ascribed to them, unless the context requires otherwise:

**DESIGN GUIDELINES:** Documentation that is submitted with an application for PC district zoning and that identifies in the proposed PC district the requirements and standards for residential densities, building height, bulk and setback requirements by land use type, signage, landscaping, parking, open space, site plan review procedures, and procedures for modifying the planned community program.

**DEVELOPMENT PLAN:** A map or maps that are submitted with an application for PC district zoning and that identifies in the proposed PC district general land use designations, transportation plans, open space, and community facilities.

**PLANNED COMMUNITY PROGRAM:** The development plan and design guidelines that are submitted with an application for PC district zoning. (Ord. 2-01-2002, 2-5-2002, eff. 2-5-2002)

### **10-7H-2: PURPOSE:**

- A. The planned community (PC) district is established to permit and encourage the development of comprehensively planned communities, with a minimum of eight hundred (800) contiguous acres of land under one ownership or control, which can flourish as unique communities as a result of the comprehensive planning required for this size of development. The reclassification of property to the PC district is appropriate only if the planned community program, with respect to such property, will accomplish the objectives set forth in subsection C of this section.
- B. The PC district designation is intended to permit a greater amount of flexibility to the developer of a planned community because of the extended period of time necessary for

development. The PC district regulations are intended to provide to the developer, and its successors and assigns, the rights described herein and to expressly set forth the procedures for obtaining review and approval of zoning and related site plans. The PC district regulations are also intended to provide opportunity and incentives to the developer to achieve excellence in physical, social, and economic planning.

C. In order for property to qualify for PC district zoning, the master developer, including its successors and assigns, must demonstrate the potential for achievement of the following specific objectives throughout the planning, design, and development stages:

1. Providing for an orderly and creative arrangement of land uses with respect to each other, to the entire planned community, and to all adjacent land;
2. Providing for a variety of housing types, employment opportunities, and commercial services to achieve a balanced community for families of a wide variety of ages, sizes, and levels of income;
3. Providing for a planned and integrated comprehensive transportation system for pedestrian and vehicular traffic, which may include provisions for mass transportation, roadways, bicycle or equestrian paths, pedestrian walkways, and other similar transportation facilities;
4. Providing for cultural, educational, medical, religious, and recreational facilities;
5. Locating and siting structures to take maximum advantage of the natural and manmade environment and to provide view corridors; and
6. Providing for adequate, well located, and well-designed open space and community facilities. (Ord. 2-01-2002, 2-5-2002, eff. 2-5-2002)

### **10-7H-3: DESIGN GUIDELINES:**

Development in the PC district may consist of any use or combination of uses that are specifically approved for the property in the planned community program. The developer shall include in the planned community program a listing of the uses proposed and the general arrangement thereof for each land use category within the proposed PC district. The listing and general arrangement of the approved land uses shall be shown in the planned community program that is adopted as part of the PC district approval. (Ord. 2-01-2002, 2-5-2002, eff. 2-5-2002)

### **10-7H-4: DENSITY:**

The number of dwelling units permitted per gross acre in the PC district shall be determined at the time the planned community program is approved. The approved planned community program shall establish the maximum number of dwelling units per gross acre for each

residential category, as well as for the entire property. (Ord. 2-01-2002, 2-5-2002, eff. 2-5-2002)

#### **10-7H-5: MINIMUM SITE AREA FOR RECLASSIFICATION:**

The minimum site area that is eligible for reclassification to the PC zoning district is eight hundred (800) acres. Additional tracts which contain less than the minimum site area and which are contiguous to property previously zoned PC may also be zoned PC by the city council if they otherwise qualify for the PC zoning designation. The reclassification of any such additional property shall be made subject to an approved planned community program applicable to that property. (Ord. 2-01-2002, 2-5-2002, eff. 2-5-2002)

#### **10-7H-6: PRESUBMISSION CONFERENCE; REZONING APPLICATION REQUIREMENTS:**

- A. Before submitting an application for PC district zoning, the prospective developer, or its authorized representative, shall engage in a presubmission conference with the staff of the city to discuss preliminary land planning, including land use relationships, residential density, transportation systems, community facilities, and landscaping and open space provisions.
- B. Plans and documentation which must accompany a rezoning application are as follows:
  - 1. A development plan for the property, including general land use designations, transportation plans, and plans for open space and community facilities. A general phasing plan shall be included to indicate the intended timing of development;
  - 2. Design guidelines that set forth densities, building height, bulk and setback requirements, requirements for signage, landscaping, parking, and open space; and procedures for site plan review, modification, and deviation from the planned community program;
  - 3. Storm drainage information, which shall consist of a preliminary drainage study completed by a registered professional engineer on a map with a minimum contour interval of two feet (2');
  - 4. Conceptual utility layout that includes tentative sewer and water main corridors;
  - 5. Proposed conditions, covenants, and restrictions, including design guidelines; and
  - 6. Culinary and secondary water plan including source, type, and quantity of water shares or rights. (Ord. 2-01-2002, 2-5-2002, eff. 2-5-2002)

#### **10-7H-7: REVIEW, RECOMMENDATION, AND APPROVAL:**

- A. The initial zoning approval of a PC district shall consist of a review and recommendation by the planning commission and approval by the city council, in accordance with the provisions of this title. The approval of a PC district by the city council shall be accomplished directly by ordinance and shall include the approval and adoption of a planned community program. An approved planned community program shall be a matter of record and shall be made available in the city offices.
- B. The developer, and its successors and assigns, may develop property in the PC district in accordance with, but only in accordance with, the approved planned community program and any approved modifications thereto or deviations therefrom. No modification or deviation shall be effective unless and until it is approved in accordance with subsection C of this section and the procedures set forth in the planned community program. The city planner may request modification of a program in accordance with the modification procedures set forth in the program.
- C. A planned community program shall contain procedures to provide for modification of and deviation from the program pursuant to review by the development review committee, the planning commission, and the city council, and such procedures shall be exclusive of any other procedure, other than the procedures for notification of public hearings, that is provided in this title for the approval of any reclassification, variance, or conditional use permit. Modification or deviation may be approved only upon a finding by the planning commission or city council, as the case may be, that:
  - 1. The requested modification or deviation, if approved, will not affect the rights of property owners or residents within the PC district to maintain and enforce previously approved conditions, covenants, and restrictions and other rights in the planned community program; and
  - 2. The requested modification or deviation, if approved, will be consistent with the planning objectives and goals of the approved planned community program. (Ord. 2-01-2002, 2-5-2002, eff. 2-5-2002)

#### **10-7H-8: SUBMISSION AND APPROVAL REQUIREMENTS:**

Project approvals required by the city, according to [chapter 19](#) of this title, to comply with this article shall be submitted and reviewed by city bodies in accordance with city subdivision and site plan review procedures. Any submittal requirements under this zone, which are above and beyond the city's typical application standards, shall still apply. (Ord. 06-04-2010, 6-16-2010, eff. 6-17-2010)

#### **10-7H-9: PRELIMINARY PLANS AND DOCUMENTS:**

- A. Vicinity Plan: The developer shall prepare a vicinity plan which shows a simple concept of the major features of the development in relation to existing conditions and developments

within one-fourth ( $\frac{1}{4}$ ) mile of the outside boundaries of the development. Five (5) twenty four inch by thirty six inch (24" x 36") copies and ten (10) eleven inch by seventeen inch (11" x 17") copies of the vicinity plan, the required fee, and the environmental impact statement shall be submitted to the community development department.

B. Environmental Review: The environmental review shall describe the impact the development will likely have on the natural features of the immediate area. The statements shall also indicate the measures that will be taken to mitigate any negative conditions that will occur as a result of the project with respect to those items listed in the definition of "Environmental Review", in section [10-2-2](#) of this title.

C. Preliminary Plan: The developer shall prepare a preliminary plan and shall submit five (5) twenty four inch by thirty six inch (24" x 36") copies and ten (10) eleven inch by seventeen inch (11" x 17") copies of the plan to the planning commission for approval. The plan must be submitted at least forty five (45) days prior to the meeting of the planning commission at which the plan will be considered. The preliminary plan shall be drawn to a scale not smaller than one inch to one hundred feet (1":100'), or as recommended by the planning commission. The plan shall show the following information:

1. Type(s) of development;
2. Name of development;
3. Name, address, and phone number of the property owner(s) and the developer;
4. Name, address, and phone number of the engineer and land surveyor;
5. A site plan showing location of proposed streets and building sites;
6. Proposed open space areas, i.e., parks, play equipment, dimensioned side, rear, and front yards, and the general location and description of all recreational and open space areas and facilities;
7. Size and type of recreational buildings and other structures proposed for the common use of the residents with an indication of building materials to be used in the construction of buildings;
8. Typical lot layout;
9. North arrow and scale;
10. Legal description with section tie;
11. Zone boundaries and designations;

12. Tabulation showing:

- a. Area of land within the residential development;
- b. Number of residential lots proposed;
- c. Percent of area to be devoted to parks and playgrounds; and
- d. Number of off street visitor parking spaces;

13. Proposed location of off street parking spaces;

14. Typical street cross sections;

15. Adjacent property owners;

16. Existing and proposed easements, waterways, utility lines, canals, and ditches;

17. A plan for accommodating waterways, ditches, and canals;

18. Existing and proposed sewage disposal facilities;

19. Existing and proposed storm drain system with the related runoff calculations for the development site;

20. Existing and proposed water system indicating size of water lines and fire hydrant locations;

21. An indication of the capacity of the water system as it relates to the project;

22. Preliminary landscape plan indicating areas of landscaping and the various types of landscape materials to be used; and

23. Any other information the city engineer, city planner, development review committee, planning commission, or city council may determine necessary relating to the particular site of the proposed project. (Ord. 2-01-2002, 2-5-2002, eff. 2-5-2002)

#### **10-7H-10: AGREEMENTS:**

The developer shall submit to the city an agreement between the developer and the city stating among other things:

- A. That in the event of failure or neglect on the part of the owners, successors, or assigns to maintain the water and sewage facilities, common areas, landscaping, or other improvements in good condition, the city may perform the necessary work and for that

purpose may enter upon the land and do the work and charge the cost thereof, including reasonable attorney fees, to the owners or their successors or assigns;

- B. That the owners, successors, or assigns will reimburse the city for all costs which the city incurs as a result of performing the necessary work;
- C. That the terms of the contract shall be binding upon the heirs, assigns, receivers, and successors of the project for the life of the project or development; and
- D. Any other conditions that the planning commission and/or city council deems to be reasonably necessary to carry out the intent of this title. (Ord. 2-01-2002, 2-5-2002, eff. 2-5-2002)

#### **10-7H-11: PLANNING COMMISSION ACTION:**

Upon presentation of the preliminary plan and documents, the planning commission shall either recommend approval of them as submitted, recommend approval of them with conditions, or may refer them back to the developer for one or more of the following reasons:

- A. If the project is determined to be inconsistent with this title or the general plan;
- B. The planning commission requires that certain specific changes be made within the plans;
- C. The plans or documents are not complete; and/or
- D. The fees have not been paid in full by the applicant.

The planning commission may impose such conditions on preliminary development plans as it may deem appropriate to meet the goals and objectives of this article. The planning commission may disapprove plans which are found to be deficient in meeting the intent of these provisions. Any such disapproval may be appealed to the city council within ten (10) days after the decision of the planning commission. (Ord. 2-01-2002, 2-5-2002, eff. 2-5-2002)

#### **10-7H-12: RECOMMENDATION OF THE PRELIMINARY PLAN TO THE CITY COUNCIL:**

Upon approval of the preliminary plans, the planning commission shall recommend the plans to the city council and recommend that a public hearing be held. (Ord. 2-01-2002, 2-5-2002, eff. 2-5-2002)



**10-7H-13: PUBLIC HEARING:**

After receiving notice of planning commission approval of the preliminary plans, the city council shall set and hold a public hearing to consider approval of the project. The hearing shall be completed as set forth in the Utah state code. (Ord. 2-01-2002, 2-5-2002, eff. 2-5-2002)

**10-7H-14: TIME LIMIT FROM PRELIMINARY PLAN APPROVAL:**

Any failure to submit a final development plan within one year of receiving preliminary approval for the development plans by the city council shall terminate all proceedings and render the preliminary plan null and void. (Ord. 2-01-2002, 2-5-2002, eff. 2-5-2002)

**10-7H-15: FINAL PLAT:**

Final plats shall be reviewed in accordance with city subdivision review procedures. (Ord. 06-04-2010, 6-16-2010, eff. 6-17-2010)

**10-7H-16: DEVELOPMENT REVIEW COMMITTEE CONFORMANCE REVIEW; APPEAL:**

- A. Each site plan that is submitted in connection with the implementation of a planned community program shall be reviewed for conformance therewith by the development review committee. The committee may require modifications that bring the site plan into conformance with applicable standards of health, safety and welfare and may recommend design adjustments to better fulfill the intent of the planned community program approval and the purposes of the PC district.
- B. An applicant that is aggrieved by the decision of the development review committee with respect to a proposed site plan may request a review of such decision by the planning commission. An applicant that is aggrieved by the decision of the planning commission may appeal such decision to the city council by filing a written request for appeal with the city recorder within fifteen (15) calendar days after the date of the planning commission's decision. (Ord. 2-01-2002, 2-5-2002, eff. 2-5-2002)

**10-7H-17: FILING FEE:**

- A. The applicant shall pay the fees that are set forth in the fee schedule for filing applications, requests for review and appeals under this chapter.
- B. With respect to any review or appeal that is described in this article and that will involve a public hearing, the notification of public hearing shall be in conformity with the procedure set forth in this title. (Ord. 2-01-2002, 2-5-2002, eff. 2-5-2002)

#### **10-7H-18: OPEN SPACE AND LANDSCAPE AREA REQUIREMENTS:**

A minimum of twenty percent (20%) of the gross property area in the PC district shall consist of open space, recreation facilities, pedestrian and bikeway facilities, other common community facilities and landscaped areas in public rights of way. Any private recreation facility which serves more than one individual lot may be counted as a part of the minimum requirement. Specific open space and landscaped area requirements shall be set forth in the planned community program. (Ord. 2-01-2002, 2-5-2002, eff. 2-5-2002)

#### **10-7H-19: STREET AND SUBDIVISION DESIGN REQUIREMENTS:**

All development shall conform to the standard street and subdivision design requirements set forth in this title and the construction and design guidelines of the city, except as otherwise provided for specifically in an approved planned community program. (Ord. 2-01-2002, 2-5-2002, eff. 2-5-2002)

#### **10-7H-20: SIGN REGULATIONS:**

A. Freestanding Signs Allowed: Within the PC zone a maximum of six (6) freestanding signs shall be allowed between Interstate 15 and any collector or higher class road. The following standards shall apply to these signs:

1. Maximum height shall be twenty five feet (25') above the closest freeway travel lane.
2. Maximum sign area shall be five hundred (500) square feet.
3. All illumination shall be internal or directed exterior lighting which does not spill off of the sign faces.
4. No one business may occupy more than seventy percent (70%) of the maximum allowable sign area per sign. The intent of this provision is that signs shall be multi-tenant signs. (Ord. 02-02-2009, 2-18-2009, eff. 2-19-2009)

#### **10-7H-21: GRAVEL, SAND, EARTH EXTRACTION, AND MASS GRADING:**

Gravel, sand, earth extraction, and mass grading operations may be approved by the city council with recommendation for approval by the planning commission as a part of a larger development project under the provisions applicable within the planned community zoning classification and those of section [10-6-28](#) of this title. Any such development shall be required to put forth a bond with the city for the reclamation of the site following the site's project completion. Such bonding may be waived by the city subject to provisions of bonding for the overall project. (Ord. 2-01-2002, 2-5-2002, eff. 2-5-2002; amd. Ord. 02-02-2009, 2-18-2009, eff. 2-19-2009)

#### **10-7H-22: NONAPPLICABILITY OF OTHER PROVISIONS; ANALOGOUS APPLICATIONS:**

- A. Except as otherwise specifically provided for the planned community program, variances from the provisions of the program outlined herein shall not be permitted within the PC zone.
- B. With regard to any issue and land use regulation that may arise in connection with the PC district and that is not addressed or provided for specifically in this chapter or in an approved planned community program, the governing body may apply by analogy the general definitions, principles and procedures set forth in this title, taking into consideration the intent of the approved planned community program. (Ord. 2-01-2002, 2-5-2002, eff. 2-5-2002; amd. Ord. 02-02-2009, 2-18-2009, eff. 2-19-2009)

#### **10-7H-23: DEFAULT ZONING:**

**In the event that the agreement which establishes the development plan expires and is not extended or is not reestablished, the land use regulations shall default to regulations contained within the Residential R-10 zone for those areas that were primarily designated as residential in the development plan. In such cases when the property was designated commercial in the development plan, the land use regulations shall default to regulations contained within the Interchange Commercial (C-1) zone. If it is not clear which zone should apply based on the development plan, the City Council shall have the discretion to apply the appropriate default zone.**

#### **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 21<sup>st</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 20<sup>th</sup> day of September 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 20<sup>th</sup> day of October, 2020, entitled

**“AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO ESTABLISH A DEFAULT ZONES FOR THE PLANNED COMMUNITY (PC) 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 20<sup>th</sup> day of October, 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 20<sup>th</sup> day of October, 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