

## **ORDINANCE NO. DRAFT**

### **AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO PROVIDE CLARIFICATION OF FENCING REQUIREMENTS ON A CORNER LOT, 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 260 to provide clarification of fencing requirements on a corner lot; and

**WHEREAS**, the Santaquin City Planning Commission held a public hearing on March 8, 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.

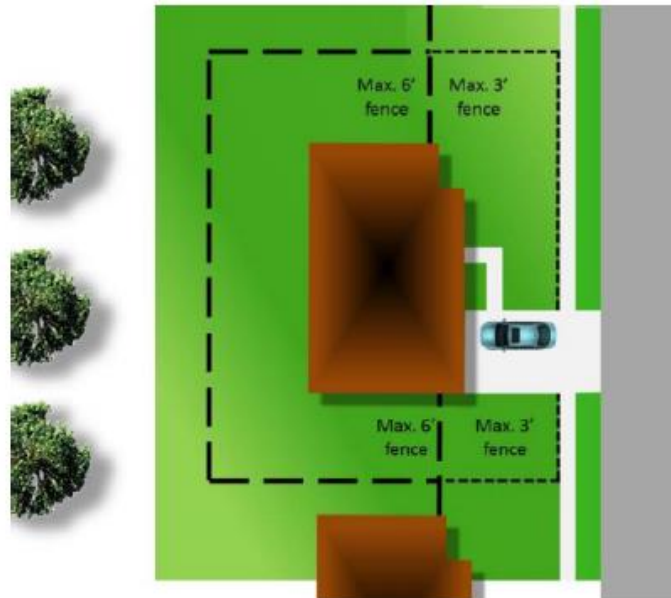
**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Santaquin City, State of Utah, as follows:

#### **Section I. Amendments**

**Title 10 Chapter 16 Section 260 is amended as follows:** (underlined text is added, stricken text is deleted)

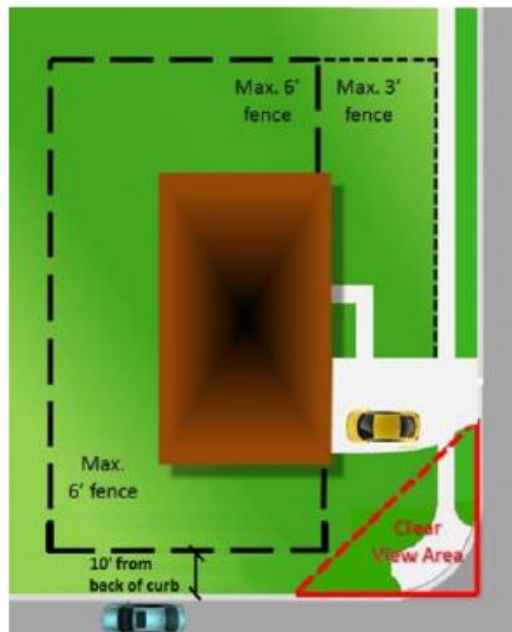
- A. Restrictions: Fences, walls, hedges and other similar screening elements (hereafter referred to as fencing, for purposes of this section), which enclose all or a portion of any lot or property shall not exceed six feet (6') in height, subject to paragraphs B and C, provided that no fencing shall exceed thirty six inches (36") in height within the front yard, nor in the clear view triangle, as defined in SCC 10.16.090.
  1. Interior Lots And Properties: Fencing in excess of thirty six inches (36") in height, subject to paragraph B, shall not extend beyond the front setback or front outside corners of a building, whichever is farther from the front property line, as depicted in figure 1 of this section.

FIGURE 1 Interior lot maximum fencing height areas.



2. Corner Lots And Properties: Fencing in excess of thirty six inches (36") in height, ~~subject to paragraph B,~~ shall be allowed for the interior side of the property as outlined in paragraph A.1. For corner lots where no sidewalk exists along the secondary frontage, no fencing exceeding thirty six inches (36") in height shall be installed within ten feet (10') of the back of curb (see figure 2 of this section). Where sidewalk is installed along the secondary frontage, fencing may be installed to the property line. Where there is no sidewalk, curb, or gutter installed along the secondary frontage, fencing may be installed to the property line.

FIGURE 2 Maximum fence height areas on a corner lot.



- B. Retaining Walls: All retaining walls of four feet (4') in height or greater, from finished grade, are to be approved by the city and shall be designed, drawn, and the plans stamped by an engineer licensed to work in the state of Utah. In the event fencing is to be placed on top of a retaining wall, the height of the fence shall be measured from finished grade along the side of the retaining wall where earth is being retained.
- C. Uneven Property: In the event that land is uneven the following shall apply:
  - 1. Following Contour: Where a fence is to follow or closely follow a line of contour, the height of the fence shall be measured from finished grade at the base of the fence along the higher side.
  - 2. Perpendicular To Contour: Where a fence is to be perpendicular or closely perpendicular to a line of contour, the height of the fence shall be measured from finished grade at the base of the fence at all points along the fence.
  - 3. Angular To Contour: Where a fence is to be located at an angle to a line of contour which does not cleanly fit paragraph C,1 or C,2, the zoning administrator shall determine which case is more closely applicable and that shall apply.
- D. Parallel Fence Lines: Parallel fences shall abut or have a minimum separation of eight feet (8').

## **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, March 16<sup>th</sup>, 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.

PASSED AND ADOPTED this 15<sup>th</sup> day of March 2021.

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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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Dennis L Marker, City Recorder

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF UTAH                )

I, DENNIS L. MARKER, 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 15<sup>th</sup> day of March 2022, entitled

**“AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO ALLOW TO PROVIDE CLARIFICATION OF FENCING REQUIREMENTS ON A CORNER LOT, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, SEVERABLILITY, 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 15<sup>th</sup> day of March, 2022.

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Dennis L. Marker  
Santaquin City Recorder

(SEAL)

AFFIDAVIT OF POSTING

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF UTAH                )

I, Dennis L. Marker, 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 15<sup>th</sup> day of March, 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.

\_\_\_\_\_  
Dennis L. Marker  
Santaquin City Recorder

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by Dennis L. Marker.

\_\_\_\_\_  
Notary Public