

# MEMO



To: Mayor Olson and City Council

From: Ryan Harris, Senior Planner

Date: October 1, 2024

RE: **Code Amendment Adopting Residential Rear Yard Setback Exceptions**

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It is proposed that the City Council consider creating language related to residential rear yard setback exceptions to meet State Code requirements and House Bill (HB) 476, which passed earlier this year. The residential rear setback exceptions can be found in Utah State Code 10-9a-540.

Below are some of the proposed changes to the Santaquin City Code.

- An "Allowable Feature" is defined, and the definition is copied from the State Code.
- Landings and Walkout Porches are allowed to extend into the rear setback if the area of the landing or walkout porch that is within the rear setback is no more than 32 square feet and is used for ingress to and egress from the rear of the residential dwelling.
- Window wells are allowed within the rear setback.

The attached draft ordinance has the proposed language and meets the State Code and HB 476 requirements.

The Planning Commission reviewed the proposed code amendment on September 24, 2024, and made the following motion.

Commissioner Nixon made a motion to recommend approval of the proposed code amendment, which adopts residential rear yard exceptions. Commissioner Weight seconded the motion.

Commissioner Hoffman, Yes; Commissioner Moak, Yes; Commissioner Nixon, Yes; Commissioner Romero, Absent; Commissioner Tolman, Yes; Commissioner Weight, Yes; Commissioner Wood, Yes; The motion passed.

**Motion:** " Motion to approve Ordinance No. 10-04-2024, an ordinance amending Santaquin City Code to adopt residential rear setback exceptions to meet State Code requirements, providing for codification, correction of scrivener's errors, severability, and an effective date for the ordinance."

# ORDINANCE NO. 10-04-2024

**AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO ADOPT RESIDENTIAL REAR SETBACK EXCEPTIONS TO MEET STATE CODE REQUIREMENTS, 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 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, and welfare; and

**WHEREAS**, the City Council desires to adopt Santaquin City Code Title 10 Chapter 16 Section 135 to adopt residential rear setbacks exceptions to meet State Code requirements.

**WHEREAS**, the Santaquin City Planning Commission held a public hearing on September 24, 2024, 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 135 is adopted as follows:** (underlined text is added)

### **10.16.135 Residential Rear Yard Setback Exceptions**

A. As used in this section, an Allowable Feature includes:

1. Landing: an uncovered, above-ground platform, with or without stairs, connected to the rear of a residential dwelling.
2. Walkout porch: an uncovered platform on the ground connected to the rear of a residential dwelling.
3. Window well: a recess in the ground around a residential dwelling to allow for ingress and egress through a window installed in a basement that is fully or partially below ground.

B. Allowable Features are allowed within the rear setback if:

1. The area of the landing or walkout porch that is within the rear setback is no more than 32 square feet in size; and
2. The landing or walkout porch is used for ingress to and egress from the rear of the residential dwelling; or
3. The Allowable Feature is a window well.

**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 2, 2024. 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 1st day of October 2024.

\_\_\_\_\_  
Daniel M. Olson, Mayor

Councilmember Art Adcock	Voted	___
Councilmember Brian Del Rosario	Voted	___
Councilmember Lynn Mecham	Voted	___
Councilmember Jeff Siddoway	Voted	___
Councilmember Travis Keel	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 1<sup>st</sup> day of October 2024, entitled

**“AN ORDINANCE ADOPTING SANTAQUIN CITY CODE TO ALIGN RESIDENTIAL REAR SETBACKS WITH STATE CODE, 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 1<sup>st</sup> day of October 2024.

\_\_\_\_\_  
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 and Santaquin City Code 1-2-050(D)

I further certify that copies of the ordinance were posted online at [www.santaquin.org](http://www.santaquin.org), at the City Hall Building at 110 S. Center Street 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 on this \_\_\_\_ day of \_\_\_\_ 2024,  
by AMALIE R. OTTLEY.  
My Commission Expires:

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