

Ordinance 5-05-2015

AN ORDINANCE AMENDING REGULATION OF SETBACKS ADJACENT TO TRAIL CORRIDORS, PROVIDING FOR CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Council has been given specific authority in Utah Code Annotated, Title 10, Chapter 9a. to adopt land use and subdivision ordinances to regulate the erection, construction, reconstruction, alteration, repair and uses of buildings and structures and the uses of land, which are reasonably and appropriately related to the objectives of providing for the public safety, health, morals, and welfare; and

WHEREAS, Santaquin City adopted land use regulations pertaining to setbacks of structures along roads in accordance with Utah State Code, Annotated 1953, as amended, Section 10-9a; and

WHEREAS, a request has been made to amend Santaquin City Code, Title 10 of the Revised Ordinances of Santaquin City (the Land Development Code) by amending structure setback regulations for those properties which may abut a public trail corridor, and

WHEREAS, the Santaquin City Planning Commission discussed the proposal at a public meeting held on April 9, 2015 and conducted a public hearing on the amendment on April 23, 2015, after which they forwarded the amendment with a positive recommendation to the City Council; and

WHEREAS, the aforementioned public 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 the Daily Herald Newspaper on April 12, 2015 in accordance with Section 10-9a-205 of the Utah State Code.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SANTAQUIN, UTAH, AS FOLLOWS:

Section I.

1. Santaquin City Code, §10-7A-5: LOCATION REQUIREMENTS, Paragraph A of the R-8 Zone regulations is amended as follows: (underlined text is added, stricken text is deleted)
 - A. 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:
 1. Front setback:
 - a. To living area or garage side: Twenty feet (20') from the front lot line(s).
 - b. To garage doors: Twenty five feet (25') from the front lot line(s).
 - c. To covered porches: Fifteen feet (15') from the front lot line(s).
 2. Side setback: Eight feet (8') from side property line.

3. Rear setback: Twenty five feet (25') from rear property line.

4. Setback Modification: A property which fronts onto an Urban or Multi-Use, Non-Equestrian 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 10' setback must be maintained. The modification must still provide for 24' of parking between the structure and the lot line.

2. Santaquin City Code, §10-7B-5: LOCATION REQUIREMENTS, Paragraph A of the R-10 Zone regulations is amended as follows: (underlined text is added, stricken text is deleted)

A. Dwellings And Other Main Buildings:

1. Front setback: Thirty feet (30') from the front lot line.

2. Front setback on corner lot: Thirty feet (30') from property line along primary frontage, twenty five feet (25') from property line along secondary frontage.

3. Side setback: Ten feet (10') from side property line.

4. Rear setback: Twenty five feet (25') from rear property line.

5. Setback Modification: A property which fronts onto an Urban or Multi-Use, Non-Equestrian 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 10' setback must be maintained. The modification must still provide for 24' of parking between the structure and the lot line.

3. Santaquin City Code, §10-7C-5: LOCATION REQUIREMENTS, Paragraph A of the R-12 Zone regulations is amended as follows: (underlined text is added, stricken text is deleted)

A. Dwellings And Other Main Buildings:

1. Front setback: Thirty feet (30') from the front lot line.

2. Front setback on corner lot: Thirty feet (30') from property line along primary frontage, twenty five feet (25') from property line along secondary frontage.

3. Side setback: Ten feet (10') from side property line.

4. Rear setback: Twenty five feet (25') from rear property line.

5. Setback Modification: A property which fronts onto an Urban or Multi-Use, Non-Equestrian 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 10' setback must be maintained. The modification must still provide for 24' of parking between the structure and the lot line.

4. Santaquin City Code, §10-7D-5: LOCATION REQUIREMENTS, Paragraph A of the R-15 Zone regulations is amended as follows: (underlined text is added, stricken text is deleted)

A. Dwellings And Other Main Buildings:

1. Front setback: Thirty feet (30') from the front lot line.
2. Front setback on corner lot: Thirty feet (30') from property line along primary frontage, twenty five feet (25') from property line along secondary frontage.
3. Side setback: Ten feet (10') from side property line.
4. Rear setback: Twenty five feet (25') from rear property line.
5. Setback Modification: A property which fronts onto an Urban or Multi-Use, Non-Equestrian 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 10' setback must be maintained. The modification must still provide for 24' of parking between the structure and the lot line.

5. Santaquin City Code, §10-7D-5: LOCATION REQUIREMENTS, Paragraph A of the R-20 Zone regulations is amended as follows: (underlined text is added, stricken text is deleted)

A. Dwellings And Other Main Buildings:

1. Front setback: Thirty feet (30') from the front lot line.
2. Front setback on corner lot: Thirty feet (30') from property line along primary frontage, twenty five feet (25') from property line along secondary frontage.
3. Side setback: Ten feet (10') from side property line.
4. Rear setback: Twenty five feet (25') from rear property line.
5. Setback Modification: A property which fronts onto an Urban or Multi-Use, Non-Equestrian 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 10' setback must be maintained. The modification must still provide for 24' of parking between the structure and the lot line.

6. Santaquin City Code, §10-7I-8: LOCATION REQUIREMENTS; RESIDENTIAL; Paragraph A of the RC Zone regulations is amended as follows: (underlined text is added, stricken text is deleted)

A. Dwellings And Other Main Buildings:

1. Front setback: Thirty feet (30') from the front lot line.
2. Front setback on corner lot: Thirty feet (30') from property line along primary frontage, twenty five feet (25') from property line along secondary frontage.
3. Side setback: Ten feet (10') from side property line.
4. Rear setback: Twenty five feet (25') from rear property line.

5. Setback Modification: A property which fronts onto an Urban or Multi-Use, Non-Equestrian 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 10' setback must be maintained. The modification must still provide for 24' of parking between the structure and the lot line.

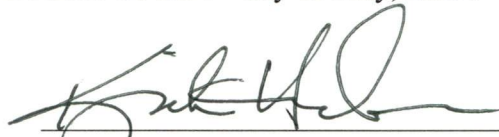
Section II. Contrary Provisions Repealed. Any and all other provisions of the Santaquin City Code that are contrary to the provisions of this Ordinance are hereby repealed.

Section III. 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. Sections of the ordinance may be re-numbered or re-lettered. 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 IV. Severability. If any section, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

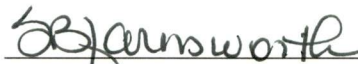
Section V. Posting and Effective Date. Prior to 5:00 p.m. on, the City Recorder shall: (a) deposit a copy of this ordinance in the official records of the City; and (b) post a copy of this ordinance in three places within the City. This ordinance shall become effective at 5:00 p.m. on May 7, 2015

ADOPTED by the Santaquin City Council on the 6th day of May, 2015.



Mayor Kirk Hunsaker

Attest:



Susan B. Farnsworth
Santaquin City Recorder



Council Member Keith Broadhead
Council Member Matt Carr
Council Member David Hathaway
Council Member Amanda Jeffs
Council Member Nick Miller



STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, SUSAN B. FARNSWORTH, 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 6th day of May, 2015, entitled

“AN ORDINANCE AMENDING REGULATION OF SETBACKS ADJACENT TO TRAIL CORRIDORS”

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Santaquin City Utah this 6th day of May, 2015.



SUSAN B. FARNSWORTH
Santaquin City Recorder

(SEAL)



AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, SUSAN B. FARNSWORTH, 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 7th day of May, 2015.

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.

 Susan B. Farnsworth
SUSAN B. FARNSWORTH
Santaquin City Recorder

The foregoing instrument was acknowledged before me this 7th day of May, 2015, by SUSAN B. FARNSWORTH.

My Commission Expires: 10/1/17

 Shannon Hoffm
Notary Public



Residing at: Utah County