

ORDINANCE NO. 10-01-2014

AN ORDINANCE MODIFYING THE CITY'S CORE AREA AND INFILL DEVELOPMENT STANDARDS; AND ALSO PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY AND EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, the City of Santaquin is a fifth class city of the state of Utah; and

WHEREAS, the City Council has been given specific authority in the Utah Code Annotated, Title 10, Chapter 9a, to adopt land use ordinances to regulate the erection, construction, reconstruction, alteration, repair and use 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, the Santaquin City Council adopted a zoning ordinance on February 5, 2002, to establish zones for various uses of property within the City, which ordinance has been amended from time to time; and

WHEREAS, Santaquin City desires to amend development standards in the Core Area of town and the infill development standards within Santaquin City Code, Title 10 (The Land Development Code); and

WHEREAS, the Santaquin City Planning Commission held public hearing on October 10, 2013, and open houses or other public meetings on June 27, 2013, July 11, 2013, August 8 and 22, 2013, August 28, 2014 and September 11, 2014. The first noted public hearing was preceded by the posting of public notice in at least 3 places within the City Limits of Santaquin City and which notice was published in the Payson Chronicle Newspaper in accordance with Section 10-9a-205 of the Utah State Code, and;

WHEREAS, The Planning Commission has forwarded its recommendations for the proposed amendment to the City Council with a positive recommendation; and

WHEREAS, the drafted amendments serve to achieve the following goals and policies from the City's adopted General Plan:

- Channel future growth and development into areas that can be efficiently and effectively served by public infrastructure and facilities.
- Developed areas in the city core should be revitalized by promoting new development on vacant lands and the adaptive reuse of existing community resources.
- A variety of quality housing types should be provided to accommodate a growing population. Innovative planning, development patterns and building methods that define the unique living opportunities in Santaquin are encouraged.
- Growth should be directed to locations contiguous to existing development or on "in-fill" properties to provide city services and transportation in a cost-effective and efficient manner.

- To enable higher density residential developments which support local retail establishments, promote a walkable community, support transit development and provide housing options for varying income levels and lifestyles.
- Provide design standards for the development of higher density housing in close proximity to public recreation facilities, services, schools, mass transit and shopping centers.

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

Section I. Title 10-6-6 Multiple Unit Dwellings.

Paragraph D of Title 10-6-6 is modified as follows: (Underlined text is added, stricken text is deleted)

D. Additional standards applicable to all multiple-unit developments:

1. Accessory Uses: Dwelling units which are part of an approved multiple-unit development may not have accessory apartments.
2. Landscaping: A landscaping plan shall be submitted for approval by the architectural review committee. All landscaping and maintenance systems shall be installed prior to a certificate of occupancy being granted. Where landscaping cannot be completed before October in the same year construction begins, a certificate of occupancy may be granted if a cash bond for completion of the landscaping is provided to Santaquin City. Bond amounts shall be determined by the city engineer consistent with the city development bonding regulations. Landscaping must be installed within six (6) months of bond posting.
3. Multiple Unit structures may not be built on a flag lot or on properties created under the city's infill development standards.

Section II. Title 10-7A-3

Title 10-7A-3: AREA REQUIREMENTS is modified as follows:
(Underlined text is added, stricken text is deleted)

A. Standard Lot Size. A land area of not less than eight thousand (8,000) square feet shall be provided and maintained for each lot, tract, or parcel of land within the R-8 zone. This shall include corner lots.

~~Corner lots shall contain a minimum of nine thousand twenty five (9,025) square feet pursuant to subsection 10-6-9A4 of this title.~~

B. Infill Properties. Lot areas for applicable infill development may be reduced according to the infill development standards, of this title.

C. Multi-Family Lots. Lot areas ~~may also be reduced when in conjunction with~~ for a city approved multi-family development ~~shall be~~ in accordance with the multi-family development standards ~~for two-unit structures~~ as found in section 10-6-6, "Multiple-Unit Dwellings", of this title. ~~However, The the~~ minimum parcel area for a two-unit structure shall be nine thousand (9,000) square feet (i.e., 4,500 square feet per dwelling unit). ~~Multiple-unit dwellings may not be constructed on lots created using the city's infill standards or on flag lots.~~

Section III. Title 10-7A-4

Title 10-7A-4: WIDTH REQUIREMENTS is modified as follows:
(Underlined text is added, stricken text is deleted)

A. Standard Lot Widths.

1. Interior Lots. The minimum width of lots in this zone shall be eighty (80) linear feet.

2. Corner Lots. All corner lots shall have a minimum of eighty (80) ninety-five feet (95') width for at least one frontage all property lines adjacent to a public street.

B. Infill Properties. Lot widths for applicable infill development may be reduced according to the infill development standards, ~~found in chapter 10, "Infill And Flag Lots",~~ of this title.

C. Multi-Family Parcels. ~~Parcels~~ on which a multi-family development will be constructed, ~~compliant with section 10-6-6 of this title,~~ must ~~similarly~~ comply with the standard frontage requirements of the R-8 zone. ~~Multiple-unit dwellings may not be constructed on lots created using the city's infill standards or on flag lots.~~ However, approved two-unit structures having divided ownership may be allowed to have minimum frontages, for the individual owners, of forty feet (40') (e.g., a 2-unit dwelling with individual ownership of the entire site would have ~~80 feet of frontage or 95-80 x 100~~ 95 frontage on a corner lot. If the 2-unit dwelling had separate ownership of the units and associated land, each owner would have a lot with at least 40 feet of frontage on interior lots and at least a 95-100 feet x 40 feet parcel on corner lots).

Section IV. Title 10-7A-5

Title 10-7A-5: LOCATION REQUIREMENTS is modified as follows:
(Underlined text is added, stricken text is deleted)

A. 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: ~~Thirty feet (30')~~ 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. Front setback on corner lot: Thirty feet (30') from primary frontage, twenty-five feet (25') from secondary frontage.~~
- ~~32. Side setback: Ten-Eight feet (10'8") from side property line.~~
- ~~43. Rear setback: Twenty five feet (25') from rear property line.~~

B. Accessory Structures (Including Detached Garages):

1. General Setbacks: All accessory structures must be located at least twelve feet (12') from any associated dwelling or main structure and may not be located in any utility easements without written consent from those affected entities.
2. Front Setback: Accessory structures are not permitted in the front yard of a dwelling.
3. Front Setback On Corner Lot: Accessory structures are not permitted in the front yard of a dwelling along a primary frontage nor within twenty ~~five~~-feet (25'20') from secondary frontages.
4. Side Setback: Accessory structures must be ~~ten-eight~~ feet (10'8") from a side property line, except that a three foot (3') side setback shall be permitted if the accessory structure walls closest to the side property line are constructed with one hour or more fire resistant walls.
5. Rear Setback: Accessory structures must be ten feet (10') from the rear property line, except that a two foot (2') rear setback shall be permitted if the accessory structure walls closest to the rear property line are constructed with one hour or more fire resistant walls.

C. Clear View: All structures must be placed in conformance with the clear view standards found in section 10-6-9 of this title.

Section V. Title 10-7A-6

Title 10-7A-6: DWELLING SIZE is modified as follows:
(Underlined text is added, stricken text is deleted)

Minimum dwelling size shall be nine hundred (900) square feet floor area on the main floor (excluding garages and basement areas) for single-story structures. Similarly, multi-story dwellings shall have a minimum of one thousand two hundred (1,200) square feet.

Section VI. Title 10-7A-7

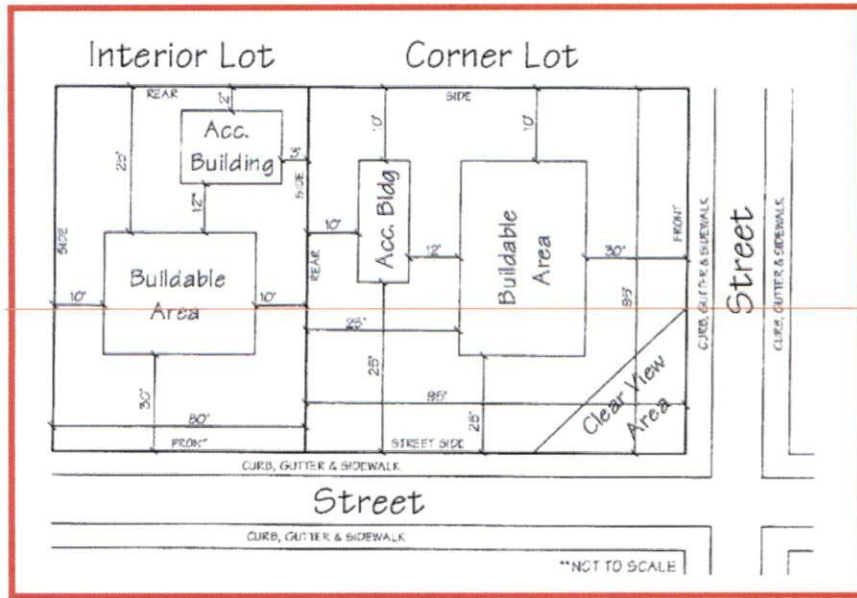
Title 10-7A-7: PROPERTY DEVELOPMENT STANDARDS is modified as follows:
(Underlined text is added, stricken text is deleted)

10-7A-7: PROPERTY DEVELOPMENT PARKING AND ACCESS STANDARDS

Each dwelling is required to have a minimum of 2 parking spaces per dwelling unit located on the property unless otherwise specified.

Zoning Requirements: R-8 Property Development Standards

Residential Lots: Interior And Corner Lots



~~All setbacks and lot dimensions are minimums unless otherwise noted.~~

~~Property lines shown are in accordance with the Santaquin City construction standards and details and are usually not located at the back of the sidewalk.~~

~~Minimum lot area: 6,500 8,000 square feet (9,025 square feet for corner lots).~~

~~Accessory building setbacks may be reduced, as shown on the typical lot above, as outlined in this code.~~

~~Minimum dwelling size: 900 square feet.~~

~~Clear view area: The size, location and regulation of the clear view area of corner lots are determined according to section 10-6-9 of this title and do not necessarily reflect the representation in the diagram above.~~

~~*Accessory building setback measured to the closest point of the primary structure.~~

Section VII. Title 10-10

Title 10-10 INFILL AND FLAG LOTS is modified as follows:
(underlined text is added, stricken text is deleted)

10-10-1: DEFINITION:

"Infill development" means development in the core area only consisting of either:

- A. Construction on one or more lots in an area which is mostly developed, or
- B. New construction between two (2) existing structures, or
- C. Development of a flag lot site which is landlocked except for an access lane.

10-10-2: PURPOSE AND INTENT:

The purpose of this chapter is to provide for and encourage infill development of vacant lots with compatible land uses which offer opportunities to live, work, and shop within a compact area. The intent is to provide opportunities to more fully utilize properties in the city, which have ready access to utilities, thus reducing the need for additional infrastructure, reducing long term maintenance costs, and promoting the revitalization and beautification of properties which may be vacant, blighted, or difficult to develop due to size or physical constraints. Uses should not conflict with the objectives and characteristics of any zone, or with the general plan. Goals include the efficient use of land, reduced reliance on the automobile, and minimization of urban sprawl.

~~10-10-3: INTENT:~~

~~The intent is to provide a transition between residential and commercial areas to the surrounding areas. Uses should not conflict with the objectives and characteristics of any zone, nor with the general plan.~~

10-10-~~4~~3: FLAG LOTS

A flag lot may be approved by the planning commission as a proposed infill development or within new developments, ~~once if~~ the proposed lot development has been found to completely satisfy the following conditions set forth in section 10-10-5 of this chapter.:

- A. Fire regulations must be met in their entirety. The Santaquin City fire chief must approve all site plans for new construction on a flag lot. No structure shall be constructed which is further than two hundred fifty feet (250') from an existing fire hydrant, measured without encroachment onto adjacent properties.
- B. In no case can a flag lot be less than 80% of the minimum lot size of the underlying zone in which the proposed lot is located. The access lane shall not be considered when calculating the minimum lot area.
- C. Structures must be compatible in appearance with surrounding structures and meet all architectural and landscape standards for infill development under section 10-10-6.
- D. Flag lots shall not be developed without proof of ownership of a permanent access. No flag lot access lane serving more than one lot may be approved without proof of continual maintenance plans, shared ownership, and obligation documents being recorded with the plat creating the lots.

- E. Residential structures must meet setback requirements of the zone in which the property is located. Setbacks shall be established based on the flag portion of the lot (i.e. a front setback is not measured from the access lane connection to the public or private street).
- F. Bulk standards, including utilities, drainage, etc., for the underlying zone must be met in their entirety.
- G. Multiple unit dwellings and accessory apartments are not permitted on flag lots.
- H. In no case can the access lane exceed two hundred fifty feet (250') in length from the edge of the right of way to the center point of the turnaround area.
- I. Flag lots must have a twenty four foot (24') minimum width access lane, of which a minimum of sixteen feet (16') must be paved or of a city approved hard surfacing with a minimum four foot (4') unpaved utility easement on both sides.
- J. At the end of the access lane there must be enough open area for a fire truck to turn around in accordance with NFPA standards.
- K. There must be accommodations for handling drainage both parallel and perpendicular at the point where the access lane intersects with the street frontage.
- L. No more than one flag building lot may be served by an access lane unless it complies with the private lane standards in 11-6-4. Shared Access driveways may not exceed 26 feet in width.
- M. The access lane is not to be dedicated to the public or treated as a public street and therefore shall be maintained, including snow removal, by the benefitting property owner(s).
- N. Flag lots may not exceed 10% of the lots proposed within a new development, outside of the Core Area.

10-10-5: FLAG LOT RESTRICTIONS:

Flag lot restrictions include:

- A. Fire regulations must be met in their entirety. The Santaquin City fire chief must approve all site plans. No structure shall be constructed which is further than two hundred fifty feet (250') from an existing fire hydrant, measured without encroachment onto adjacent properties.
- B. In no case can a flag lot be less than six thousand five hundred sixty (6,560) square feet. The access lane shall not be considered when calculating the minimum lot area.
- C. Structures must be compatible in appearance with surrounding structures.
- D. Flag lots shall not be developed without proof of ownership of a permanent access.

E. Residential structures must meet eighty two percent (82%) of the lot size and setback requirements of the zone in which the property is located.

F. Bulk standards, including utilities, drainage, etc., for the R-8 zone must be met in their entirety.

G. Multiple unit dwellings and accessory apartments are not permitted on flag lots.

H. In no case can the access lane exceed two hundred fifty feet (250') in length from the edge of the right of way to the center point of the turnaround area.

I. Flag lots must have a twenty four foot (24') minimum width access lane, of which a minimum of sixteen feet (16') must be paved or of a city approved hard surfacing with a minimum four foot (4') unpaved utility easement on both sides.

J. At the end of the access lane there must be enough open area for a fire truck to turn around.

K. There must be accommodations for handling drainage both parallel and perpendicular at the point where the access lane intersects with the street frontage.

L. No more than one flag building lot may be served by an access lane.

M. The access lane is not to be dedicated to the public or treated as a public street and therefore shall be maintained, including snow removal, by the property owner.

10-10-65: INFILL REDUCTION:

Infill development standards may be applied to ~~consisting of~~ no more than ~~two (2)~~ ~~three (3)~~ lots within a proposed development. Infill properties ~~shall~~ ~~may~~ be eligible for a reduction in the lot area, setback or and frontage requirements stipulated within the zoning classification in which the property is located. Use of these infill standards requires, pending planning commission conditional use approval. The following standards shall apply:

A. Infill Reduction: A proposed lot area or frontage ~~No such~~ reduction shall be no more than twenty percent (20%) of the provisions stipulated within the zoning classification in which the property is located.

A. Front Setback: For property requesting a reduction in the front setback requirement, such property shall not be eligible for such a reduction if all of the following apply:

1. All properties immediately adjacent are developed with structures that comply with all front setback requirements as stipulated in the zoning classification for which the properties are located.

2. The structures described in subsection A1 of this section are located not more than two hundred feet (200') apart.

B. Architectural Considerations ~~Exception:~~ Properties located immediately between a property of full setback and a property of reduced setback, as stipulated within this section, shall be eligible for a reduction in the front setback to a distance not closer to the street than the average setback of the two (2) adjacent properties.: The following architectural

requirements must be demonstrated prior to a building permit being given for construction on an infill property.

1. Architectural styles indicative of the 1890-1920 period should be utilized. These include Queen Anne, folk Victorian, shingle style, craftsman (arts & crafts), bungalow, American foursquare, or neoclassical.
2. Porches: Porch areas should be utilized to provide emphasis to the dwelling area. Porches must be a minimum of five (5) feet deep and should run the width of the dwelling area facing the front lot line. Porch areas may encroach into the front setback of an infill lot by five (5) feet unless otherwise specified in the underlying zone.
3. Building Materials: Elevations facing public rights of way must have a minimum fifty percent (50%) coverage of brick or masonry materials. The use of smooth faced concrete block, prefabricated steel panels, EIFS (stucco) or concrete siding materials will not count toward the minimum masonry requirement unless consistent with the architectural style of home proposed. Vinyl or aluminum siding is prohibited except in areas immediately under gable areas or on second story pop-out features (e.g. box window, etc.).

D. Landscaping: All front and visible side yard landscaping and maintenance systems shall be installed prior to a certificate of occupancy being granted. Where landscaping cannot be completed before October in the same year construction begins, a certificate of occupancy may be granted if a cash bond for completion of the landscaping is provided to Santaquin City. Bond amounts shall be determined by the city engineer consistent with the city development bonding regulations. Landscaping must be installed within six (6) months of bond posting.

Section VIII. Permitted Use Lists Modifications

1. The land use “Flag lots, in the core area only, subject to the provisions of [chapter 10](#) of this title” as listed in Titles 10-7A-2, 10-7B-2, 10-7C-2, 10-7D-2, 10-7E-2, and 10-7I-5, is modified to read as “Flag lots subject to the provisions of [chapter 10](#) of this title”.
2. The land use “Flag lots subject to the provisions of Chapter 10 of this title” is added to the Permitted Use lists of Title 10-7M-2 and listed as a “P” in the CBD and MSC zones, and listed as “C” in the MSR zone.
3. The land use “Flag lots subject to the provisions of Chapter 10 of this title” is added to the Permitted Use lists of Title 10-7O-2 and listed as a “C” in the Ag and R-Ag zones.
4. The land use “Flag lots subject to the provisions of Chapter 10 of this title” is added to the Permitted Use lists of 10-7P-2 and listed as a “C” in the R-43 zone.

Section IX. Title 10-15-4

TABLE 1: REQUIRED LANDSCAPE YARD AND AREAS under Title 10-15-4.A is amended to appear as follows:

Zone/Use	Front to		Street Side to		side	Rear	Side or Rear Abutting a Residential Zone ¹	Min. Percentage of Landscape Area
	Building	Parking	Building	Parking				
MBD (200 W to 100 E)	4'	10' ₂	4'	10' ²	5' ³	5'	15'	See MBD development standards
MBD	10'	10' ₂	10'	10' ²	5' ³	5'	15'	
Landscape yards within these zones shall be established in relationship to required setbacks for buildings and parking areas								
C-1								
RC	30'	15'	20'	10'	10'	10'	20'	10%
PC	30'	15' ₂	20'	10'	10'	10'	20'	10%
I-1	35'	20'	25'	20'	10' ⁴	10' ⁴	15'	8%
PO	30'	15'	20'	10'	10'	20'	20'	10%
Multiple-unit residential dwellings ⁵	30'	20'	30'	20'	20'	30'	30'	See multi-family development standards
Core Area (multi-family/nonresidential)	20'	20'	15'	20'	10'	20'	20'	10%
Nonresidential uses that may be appropriate in a residential zone	30'	20'	30'	20'	5'	5'	10'	15%

Notes:

- 1.A site is considered to abut a residential zone even if the residential zone begins at the centerline of an adjacent public street to the rear or side of the proposed development.
- 2.Where sites are constructed with outdoor eating and display areas along the public right of way, these areas may utilize pavers or other city approved hardscape in front of the associated building. If a building is set back farther than the 4 foot landscape area, the entire area in front of the building is to be landscaped. Parking areas must have a minimum 10 foot landscape buffer from the public right of way, 40 percent of which may include pavers or other city approved hardscape.
- 3.This side yard requirement for the building can be waived when the associated building is constructed with 0 setback from a side property line and an adjoining building is or will be constructed with a similar 0 setback as part of a master planned development or plans for the adjoining site are under review by the city.
- 4.Landscaping yards are not required within storage or materials yards unless adjacent to a residential zone.
- 5.Landscape yards are to be established from the outer walls of any attached unit structures.

Section X. Contrary Provisions Repealed.

All provisions of the Santaquin City Code that are contrary to the provisions of this Ordinance are hereby repealed.

Section XI. 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 City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, 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.

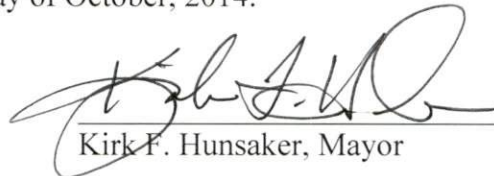
Section XII. Severability

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 V. Effective Date


The City Recorder shall deposit a copy of this ordinance in the official records of the City on October 2, 2014, and before 5:00 p.m. on that same day, shall place a copy of this ordinance in three places within the City. This ordinance shall become effective at 5:00 p.m. on October 2, 2014.

PASSED AND APPROVED this 1st day of October, 2014.


Kirk F. Hunsaker, Mayor

Councilmember Keith Broadhead	Voted	<u>yes</u>
Councilmember Matthew Carr	Voted	<u>yes</u>
Councilmember David Hathaway	Voted	<u>yes</u>
Councilmember Amanda Jeffs	Voted	<u>yes</u>
Councilmember Nick Miller	Voted	<u>yes</u>

ATTEST:


City Recorder



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 1st day of October, 2014, entitled

“AN ORDINANCE MODIFYING THE CITY’S CORE AREA AND INFILL DEVELOPMENT STANDARDS; AND ALSO PROVIDING FOR CORRECTION OF SCRIVENER’S ERRORS, SEVERABILITY AND EFFECTIVE DATE FOR THE ORDINANCE”

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Santaquin City Utah this 1st day of October, 2014.



SUSAN B. FARNSWORTH
Santaquin City Recorder



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 1st day of October, 2014.

The three places are as follows:

1. Zions Bank
2. Post Office
3. City Office

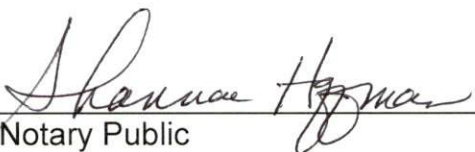
I further certify that copies of the ordinance so posted were true and correct copies of said ordinance.



SUSAN B. FARNSWORTH
Santaquin City Recorder

The foregoing instrument was acknowledged before me this 1st day of October, 2014, by SUSAN B. FARNSWORTH.

My Commission Expires: 10-1-17



Notary Public

Residing at: Utah County

