

ORDINANCE NO. 03-02-2018

AN ORDINANCE AMENDING THE SANTAQUIN CITY CODE PERTAINING TO REQUIREMENTS FOR MULTIPLE-UNIT DEVELOPMENTS INCLUDING A TOT LOT ON THE SITE, PROVIDING SEVERABILITY AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, a request has been made to amend Santaquin City Code section 10-6-6A and section 10-7M-11C regarding tot lot requirements for multiple-unit developments; and

WHEREAS, the Santaquin City Planning Commission held a public hearing on February 13, 2018, 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 the Payson Chronicle 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 for approval of the amendments,

WHEREAS, the City Council has been given specific authority in Title 10, Chapter 9a Utah Code Ann. 1953 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;

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

Section I. Amendments

Section 10-6-6A is amended as follows: (Underlined text is added, stricken text is deleted)

- A. In addition to the architectural standards in subsection C of this section, the following site requirements shall apply to developments with multiple-unit dwellings having five (5) or more units and that are not part of a planned unit development: (Ord. 09-02-2015, 9-9-2015, eff. retroactive to 9-5-2015)
 1. Distance: Developments under this subsection A shall be separated by a five hundred foot (500') linear distance along the same street and a two hundred fifty foot (250') radial distance. All distances shall be measured from the nearest point of any lot containing an existing multiple-unit dwelling having five (5) or more units. These buffer requirements do not apply to or from properties located in the Main Street business district zones.
 2. Parking Standards: Parking shall comply with the commercial design standards found in chapter 14 of this title.

3. Required Open Space:

- a. Landscape yard requirements shall be the same as those outlined in chapter 15 of this title.
- b. There shall be a minimum ~~fifty (50)~~ sixty (60) square foot private area attached to each unit, which may be a patio or balcony area, for the use and enjoyment of the associated tenant.
- c. For multi-story or condominium developments of five (5) or more units, an additional four hundred (400) square feet of usable recreation open space per unit shall be provided exclusive of the required front yards.
- ~~d. One tot lot area shall be provided per each eight (8) units. The size of playground equipment should accommodate and be designed for five (5) to twelve (12) year old children~~
- d. One tot lot area shall be provided for each development consisting of at least eight (8) residential units except when developments are located within a publically traversable distance of 1,000 linear feet of a public park that has a tot lot. In such cases, a tot lot may be replaced with another amenity (e.g. barbeque pavilion, gazebo, sports court, etc.) as approved by the Planning Commission. Each tot lot or approved amenity shall be at least six hundred (600) square feet. The size of playground equipment should accommodate and be designed for five (5) to twelve (12) year old children. An additional tot lot or approved amenity shall be provided for each additional twenty (20) units. The required tot lots and approved amenities can count towards the open space requirement.

Section 10-7M-11C is amended as follows: (Underlined text is added, stricken text is deleted)

C. Open Space And Amenities:

1. There shall be a minimum sixty (60) square feet of open space per unit. This open space may be a patio or balcony area, for the use and enjoyment of the associated tenant or consolidated open area for the use and enjoyment of all building tenants.
2. Thirty percent (30%) of the site shall be landscaped including required building setbacks. At least one-half ($\frac{1}{2}$) of the required open space shall be unobstructed for general tenant recreation purposes, including sidewalks and paths which run through landscape yards to building entrances or recreation amenities.
- ~~3. One tot lot in an area of at least six hundred (600) contiguous square feet shall be provided for four (4) to ten (10) units. An additional sixty (60) square feet of tot lot area shall be provided for each unit above ten (10). An additional tot lot shall be provided for each additional twenty (20) units. The size of playground equipment should accommodate and be designed for five (5) to twelve (12) year old children. The required tot lot area can count toward the open space requirement listed in subsection C2 of this section. (Ord. 08-02-2008, 8-20-2008, eff. 8-21-2008)~~
3. One tot lot area shall be provided for each development consisting of at least eight (8) residential units except when developments are located within a publically traversable distance of 1,000 linear feet of a public park that has a tot lot. In such cases, a tot lot may be

replaced with another amenity (e.g. barbeque pavilion, gazebo, sports court, etc.) as approved by the Planning Commission. Each tot lot or approved amenity shall be at least six hundred (600) square feet. The size of playground equipment should accommodate and be designed for five (5) to twelve (12) year old children. An additional tot lot or approved amenity shall be provided for each additional twenty (20) units. The required tot lots and approved amenities can count towards the open space requirement.

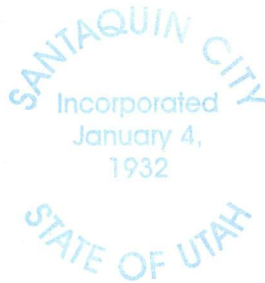
Section II. Severability

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. Posting and Effective Date

This ordinance shall become effective at 5:00 p.m. on Thursday, March 22, 2018. 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 21st day of March 2018.



Nick Miller, Mayor Pro-Tem

Councilmember Elizabeth Montoya	Voted	<u>Aye</u>
Councilmember Lynn Mecham	Voted	<u>Aye</u>
Councilmember Keith Broadhead	Voted	<u>Aye</u>
Councilmember Nick Miller	Voted	<u>Aye</u>
Councilmember Chelsea Rowley	Voted	<u>Aye</u>

ATTEST:

Susan Farnsworth, City Recorder