

ORDINANCE NO. 09-03-2020

AN ORDINANCE AMENDING SANTAQUIN CITY CODE WHICH CLARIFIES LAND USE DEFINITIONS, 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 2 to clarify land use definitions.

WHEREAS, the Santaquin City Planning Commission held a public hearing on August 11, 2020, 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 a 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;

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

Section I. Amendments

Title 10 Chapter 2 is amended as follows: (underlined text is added, stricken text is deleted)

10-2-2 TERMS DEFINED

ACCESSORY APARTMENT: See definition of Dwelling, Accessory Unit Apartment.

BUILDING: Any structure built for the support, shelter, or enclosure of persons, animals, or property of any kind.

Accessory Building: A subordinate building, the use of which is incidental to that of the main building. See definition of Dwelling, Accessory Unit Apartment.

Building Line: A line designating the minimum distance which buildings must be set back from a street or lot line.

Main Building: One or more principal buildings upon a lot.

DWELLING, ACCESSORY UNIT/APARTMENT: A dwelling unit that is located on the parcel of a single-family home or within a single-family home. One accessory dwelling unit together with a single-family dwelling shall not constitute a two-family dwelling for the purposes of this code, so long as the owner of the property maintains either dwelling as their primary residence. A housing unit which is self-contained but secondary to and incorporated within a primarily single-family dwelling and will not substantially alter any structure or the appearance of any structure as a single-family residence.

- A. ATTACHED: A dwelling unit which is self-contained but secondary to and incorporated within an owner-occupied single-family dwelling and which will not substantially alter any structure or the appearance of any structure as a single-family residence.
- B. DETACHED: A dwelling unit which is self-contained but secondary to and on the same parcel as an owner-occupied single-family dwelling.

DWELLING, BACHELOR: A dwelling unit which is designed to be occupied by three (3) or more nonrelated adults.

DWELLING, BUNKHOUSE: A city approved building which provides sleeping quarters and possibly limited food preparation and/or personal hygiene facilities for ranch hands, seasonal workers or farm help.

DWELLING, CARETAKER: A dwelling which is designed and intended to be occupied by a person whose function it is to watch or take care of a business or industry which is located on the same premises as the dwelling. This may also include a detached guest cottage on parcels with detached single-family dwellings.

DWELLING, CONDOMINIUM: An owner occupied dwelling unit in a condominium together with an undivided interest in the common areas and facilities of associated condominiums.

DWELLING, MULTIPLE-UNIT OR MULTIPLE-FAMILY: A building or series of buildings consisting of three (3) ~~two (2)~~ or more independent dwelling units, each of which is designed for and occupied by only one family. Multiple-family dwellings include the following dwelling types:

- A. DWELLING, CONDOMINIUM: An owner occupied dwelling unit in a condominium together with an undivided interest in the common areas and facilities of associated condominiums.
- B. DWELLING, SINGLE-FAMILY ATTACHED: A dwelling unit sharing a common wall or walls with an adjoining dwelling unit, but located on an individual lot.
- C. DWELLING, TOWNHOME: An independent dwelling unit, under individual ownership which is attached by a common wall to one or more similarly designed units, which are typically designed to be several in-line units, each of which is located on separate lots or parcels of land, and which have no other housing units built over or under them.
- D. DWELLING, TWO-FAMILY: A building which consists of two (2) independent dwelling units which share one or more common walls and have no direct internal access to one another. These developments are often referred to as twin homes or duplexes, depending upon

ownership status.

~~DWELLING, SINGLE-FAMILY ATTACHED: A dwelling unit sharing a common wall or walls with an adjoining dwelling unit, but located on an individual lot.~~

~~DWELLING, SINGLE-FAMILY DETACHED: A dwelling unit on a separate parcel and sharing no common walls which is designed for and occupied by only one family, but which may contain one accessory dwelling unit apartment. A single-family dwelling together with one accessory dwelling unit apartment shall not constitute a two-family dwelling for the purposes of this code, so long as the owner of the property maintains either the dwelling as their primary residence.~~

~~DWELLING, TOWNHOME: An independent dwelling unit, under individual ownership which is attached by a common wall to one or more similarly designed units, which are typically designed to be several in-line units, each of which is located on separate lots or parcels of land, and which have no other housing units built over or under them.~~

~~DWELLING, TWO FAMILY: A building which consists of two (2) independent dwelling units which share one or more common walls and have no direct internal access to one another. These developments are often referred to as twin homes or duplexes, depending upon ownership status.~~

~~DWELLING UNIT: A single unit providing complete, independent living facilities for one or more persons, including permanent, nonmobile provisions for living, sleeping, eating, cooking and sanitation.~~

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.

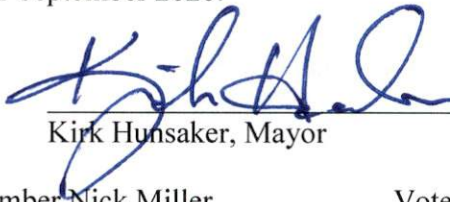
Section V. Posting and Effective Date

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, September 2nd, 2020. 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.

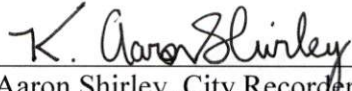
PASSED AND ADOPTED this 1st day of September 2020.



Kirk Hunsaker, Mayor

Councilmember Nick Miller	Voted	<u>Yes</u>
Councilmember Elizabeth Montoya	Voted	<u>Yes</u>
Councilmember Lynn Mecham	Voted	<u>Yes</u>
Councilmember Jennifer Bowman	Voted	<u>Yes</u>
Councilmember David Hathaway	Voted	<u>Yes</u>

ATTEST:


K. Aaron Shirley, City Recorder

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, K. AARON SHIRLEY, 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 September, 2020, entitled

“AN ORDINANCE AMENDING SANTAQUIN CITY CODE WHICH CLARIFIES LAND USE DEFINITIONS, 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 1st day of September, 2020.



A handwritten signature in cursive script that reads "K. Aaron Shirley".

K. AARON SHIRLEY
Santaquin City Recorder

(SEAL)

AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, K. AARON SHIRLEY, 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 September, 2020.

The three places are as follows:

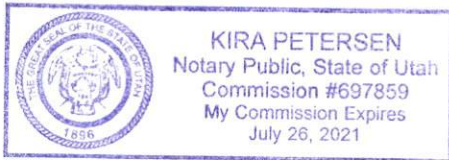
1. Zions Bank
2. Post Office
3. City Office

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

K. Aaron Shirley

K. AARON SHIRLEY
Santaquin City Recorder

The foregoing instrument was acknowledged before me this 8 day of September, 2020, by K. AARON SHIRLEY.



Kira Petersen

Notary Public