

## **ORDINANCE NO. 09-04-2020**

**AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO ALLOW DETACHED ACCESSORY DWELLING UNITS IN THE MAIN STREET RESIDENTIAL AREA, MODIFYING LAND USE DESIGNATIONS, AND CREATING A MINIMUM LOT SIZE AND UNITS PER ACRE FOR MULTI-FAMILY DEVELOPMENTS IN THE MAIN STREET BUSINESS DISTRICT ZONE, 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 7M Section 2 and Title 10 Chapter 7M Section 11 to allow detached accessory dwelling units in the main street residential area, modifying land use designations, and creating a minimum lot size for multi-family developments in the main street business district zone

**WHEREAS**, the Santaquin City Planning Commission held a public hearing on July 28, 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 7M Section 11A is amended as follows:** (underlined text is added, stricken text is deleted)

**10-7M-2: PERMITTED USES:**

General land uses within the Main Street Commercial District shall complement the Main Street overlay map found in the economic element of the City's General Plan.

Abbreviations and alphabetic use designations in the matrix and throughout this chapter have the following meanings:

CBD	The area represented as the Central Business District.
MSC	The area represented as the Main Street Commercial area.
MSR	The area represented as the Main Street Residential area.
P	The listed use is a permitted use within the represented area, based on City development standards and ordinances.
C	The listed use requires a conditional use permit within the represented area in addition to complying with all applicable development standards and ordinances.
A	The listed use is only permitted as an accessory use within the represented area.
N	The listed use is a prohibited use within the represented area.

Use	CBD	MSC	MSR
Accessory building	A	A	A
<del>Accessory residential use</del>	<del>C</del>	<del>C</del>	<del>A</del>
Adult daycare	N	P	P
Alcoholic beverage class A license (store; beer only)	P	P	N
Alcoholic beverage class B license (bars)	C	C	N
Alcoholic beverage class C license (restaurants/clubs)	P	C	N
Alcoholic beverage class D license (hotel/conventions)	P	P	N
Alcoholic beverage class E license (liquor store, etc.)	N	C	N
Arcade	A	A	N
Art gallery	P	P	P
Automotive service station	C	P	N
Bakery, commercial	C	P	C
Bed and breakfast homes	N	C	P

Use	CBD	MSC	MSR
Brewpub	P	C	N
Commercial, ancillary	P	P	N
Commercial, convenience store	C	P	N
Commercial parking lot or garage	A	A	A
Commercial, recreation	P	P	C
Commercial, repair services	P	P	N
Commercial, retail sales and services	P	P	N
Conference and convention facility	C	N	N
Convalescent home, rest home, or nursing home	N	P	P
Dance hall, discotheque	C	C	N
Daycare center	A	P	C
Drive-in retail	N	P	N
<u>Dwelling, Accessory Unit Attached</u>	<u>N</u>	<u>N</u>	<u>A</u>
<u>Dwelling, Accessory Unit Detached</u>	<u>N</u>	<u>N</u>	<u>A</u>
Dwelling, caretaker	N	N	A
<del>Dwelling, condominium</del>	<del>P</del>	<del>P</del>	<del>P</del>
Dwelling, multiple-family	<u>CA</u>	C	C
<del>Dwelling, single-family attached</del>	<del>N</del>	<del>N</del>	<del>P</del>
Dwelling, single-family detached	N	N	P
<del>Dwelling, townhome</del>	<del>N</del>	<del>N</del>	<del>P</del>
<del>Dwelling, two-family</del>	<del>N</del>	<del>N</del>	<del>P</del>
Dwelling units above first story office, retail or commercial	P	C	C
Furniture and appliance stores	P	P	N
Governmental offices	P	P	P
Hotel	P	P	C
Institutions	P	P	P

Use	CBD	MSC	MSR
Library	P	P	P
Mixed use development	C	C	C
Mortuary, funeral home	N	P	C
Motel	N	N	N
Permanent makeup establishment	P	P	N
Private club	P	C	N
Professional office or financial services	P	P	P
Public or quasi-public buildings	C	C	C
Public park, private park or playground	P	P	P
Public safety buildings	C	C	P
Recreational vehicle (RV) parks	N	N	N
Religious center	P	P	P
Resident healthcare facility	P	P	P
Residential facility for persons with a disability	N	N	P
Residential facility for the elderly	N	N	P
Restaurant	P	P	C
Restaurant with drive-through facilities	N	P	N
School, commercial (art, music, hair, massage)	P	P	C
School, public or quasi-public	C	C	C
Seasonal businesses	C	P	N
Sexually oriented business	N	N	N
Social or reception center	P	C	C
Street vendors	P	P	N
Tattoo parlor	C	P	N
Telecommunications sites. See subsection <u>10-6-34D</u> of this title			
Tobacco specialty shop in accordance with Utah State Code	P	C	N

Use	CBD	MSC	MSR
Transitional treatment home - large	N	N	C
Transitional treatment home - small	N	N	C
Transitional victim home	N	N	C
Veterinary hospital, large animal	N	N	N
Veterinary hospital, small animal	N	P	C
Wedding chapels	P	P	C

**Title 10 Chapter 7M Section 11A is amended as follows:** (underlined text is added, stricken text is deleted)

**10-7M-11: MULTI-FAMILY DEVELOPMENT STANDARDS:**

The maximum density allowed for multi-family developments shall be conditioned upon the architectural design of the development and its ability to meet the following zone standards. The following housing and open space and amenities standards shall also be applied to mixed use developments unless addressed in the general standards above.

A. Minimum Lot and Unit Size: The minimum lot size for a multi-family development in the Main Street Residential (MSR) area shall be one (1) acre. The minimum density of a multi-family development shall be 8 units/acre. The maximum density of a multi-family development shall be 12 units/acre. The average minimum livable unit area shall be five hundred (500) square feet for a studio unit, seven hundred fifty (750) square feet for a single bedroom unit, and nine hundred (900) square feet for a two (2) bedroom unit. No unit shall have less than ninety percent (90%) of the required average. Units with more than two (2) bedrooms shall provide an additional one hundred fifty (150) square feet per additional bedroom.

**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**

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**

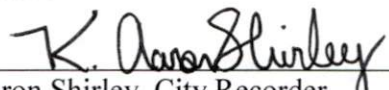
This ordinance shall become effective at 5:00 p.m. on Wednesday, September 2<sup>nd</sup>, 2020. Prior to that time, the City Recorder shall deposit a copy of this ordinance in the official records of the City and place a copy of this ordinance in three places within the City.

PASSED AND ADOPTED this 1<sup>st</sup> 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                )

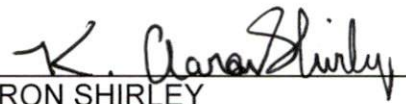
I, K. AARON SHIRLEY, City Recorder of Santaquin City, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the City Council of Santaquin City, Utah, on the 1<sup>st</sup> day of September, 2020, entitled

**“AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO ALLOW DETACHED ACCESSORY DWELLING UNITS IN THE MAIN STREET RESIDENTIAL AREA, MODIFYING LAND USE DESIGNATIONS, AND CREATING A MINIMUM LOT SIZE AND UNITS PER ACRE FOR MULTI-FAMILY DEVELOPMENTS IN THE MAIN STREET BUSINESS DISTRICT ZONE, 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 September, 2020.



(SEAL)

  
\_\_\_\_\_  
K. AARON SHIRLEY  
Santaquin City Recorder

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 1<sup>st</sup> 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  
Santaquin City Recorder

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

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

