

ORDINANCE NO. 06-01-2015

AN ORDINANCE MODIFYING DEVELOPMENT REGULATIONS IN THE CORE AREA OF TOWN; 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 Land Use and Development Management Code to establish regulations and standards for new development within the city, which ordinances are amended from time to time; and

WHEREAS, Santaquin City desires to amend development standards in the Core Area of town and more specifically requiring street improvements with all new developments; and

WHEREAS, the Santaquin City Planning Commission held public hearings on January 13, 2011 and on May 14, 2015, and other public meetings on August 12, 2010, September 9, 2010, and November 11, 2010. Both public hearings were 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:

- To beautify and enhance City gateways and major roads.
- Developed areas in the city core should be revitalized by promoting new development on vacant lands and the adaptive reuse of existing community resources.
- Require neighborhoods and individual houses that exemplify design excellence and promote aesthetic qualities of a rural community while enhancing the pleasing appearance of existing residential neighborhoods.
- Improve the image and appearance of commercial corridors, especially along Main Street.
- Provides a more fiscally sound policy and means of addressing isolated storm drain issues.
- 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. Code Changes

1. The Santaquin City Code, Section 10-6-32: Commercial and Industrial Development; Guarantee of Improvements is amended as follows: (Underlined text is added, stricken text is deleted)

A. Required Improvements. All developments of a non-residential, mixed use or multi-family nature are required to improve the public street along the entire length of their property in accordance with city adopted street design and construction standards. This may include, but is not limited to, sidewalk, curbing, gutter, landscaping, storm drain, asphalt, etc. as outlined in the Subdivision Regulations of this Code.

BA. Required Guarantee. Prior to issuance of a building permit or conducting any site work, including grading and drainage improvements that pertain to construction of the development, all commercial and industrial developments shall provide the city with a guarantee for improvements, by following the process outlined in section 11-11-3 of this code. Improvements to be guaranteed shall include, but are not limited to, the following:

1. Curb, gutter and sidewalk improvements,
2. Asphalt or concrete improvements of parking areas,
3. Fencing and other screening materials,
4. Landscaping as approved by the development review committee, including irrigation systems,
5. All underground improvements including culinary and secondary water systems,
6. Fire hydrants and other required safety improvements,
7. Trash enclosures,
8. Other infrastructure improvements ~~for which the city finds a guarantee necessary~~ as outlined in the city's Subdivision Regulations.

CB. Warranty periods shall be for a minimum one year time frame. Required warranty amounts shall be the same as outlined in section 11-11-3 of this code.

2. The Santaquin City Code, Section 11-6-8 paragraph J is amended as follows: (Underlined text is added, stricken text is deleted)

J. Determination Of Frontage:

1. Interior Lots: Frontage shall be determined through measurement of the front property line from the point of intersection with the side property line to the same point on the opposite side of the lot, following the front lot line, as depicted in section 11-13-1, exhibit BA, of this title.
2. Corner Lots: Frontage for both streetside property lines shall be determined by extending both streetside property lines to their intersection. From this point, measuring along the property line, to the point of intersection with the interior lot line on each side shall determine frontage for each side of the corner lot respectively, as depicted in section 11-13-1, exhibit BA, of this title.

3. Cul-De-Sacs: Properties whose frontage is located entirely along the bowl of a cul-de-sac shall have frontage determined by measuring along each side property line to a point thirty feet (30') back from the front property line. The length of a straight line connecting the two (2) resulting points shall be the line used to determine the required frontage for the lot, as depicted in section 11-13-1, exhibit ~~CB~~, of this title. In addition, the length of the arc forming the front property line for such a lot shall not be less than twenty feet (20') less than the frontage requirement for the zone in which the property is located. Any lot partially on, or abutting the bowl area of an approved cul-de-sac shall have frontage as determined to be the distance from one front property corner to the same point on the opposite side of the lot, following the front lot line, as depicted in section 11-13-1, exhibit ~~CB~~, of this title.
4. Odd Shaped Lots: Lots containing property lines which are curvilinear, or partially curvilinear, along any side being measured for frontage and are not located on a cul-de-sac, shall have frontage measured as the distance from one property corner to the opposite property corner following the property line.

3 The Santaquin City Code, Section 11-9-3: Curbs, Gutters, Sidewalks, and Drainage Facilities is amended as follows: (underlined text is added, stricken text is deleted)

Curbs, gutters, sidewalks, and drainage facilities shall be installed along all streets, except ~~those listed in section 11-13-1, exhibit A, as noted in Section 11-11-1,~~ of this title, by the site developer or subdivider in all subdivisions and shall be constructed by the developer or subdivider in accordance with the standards, rules, and regulations of this title, the zoning title, the city construction standards and specification details, and any other applicable ordinance or regulation.

4. The Santaquin City Code, Section 11-11-1: APPLICABILITY: is amended as follows: (underlined text is added, stricken text is deleted)

A. The improvements required by ~~this~~ these Subdivision Regulations ~~title~~ apply to all subdividers and to all persons that purchase, lease, rent, or receive any interest in any land which is located within a subdivision. ~~except for curb, gutter, sidewalk, and drainage along those streets listed in section 11-13-1, exhibit A, of this title.~~ Such improvement requirements shall also apply to developers of non-residential, mixed use or multi-family developments.

B. Developments within the Core Area of the City must install the required improvements under the following circumstances.

1. Any development having at least 150 feet of frontage must install all required improvements.
2. Developments having less than 150 feet of frontage, but which abut properties having the required improvements already installed, must install all the required improvements.

3. Developments having less than 150 feet of frontage and which do not abut properties having existing required improvements shall:

a. install the required improvements, or

b. pay the City an amount, determined by the City Engineer, to cover the cost of the improvements at the time the development is approved. Any funds received will be reserved solely for the anticipated improvements in the Core Area. In such cases the funds will be considered satisfactory for the improvements along the development frontage and no additional charges or levees will be assessed to the property owners for such improvements.

4. In each situation listed in paragraphs 1-3 above, if the improvements will create a health and/or safety risk to persons or property, as determined by the City Engineer, the City may require the developer to not install such improvements, but pay the City the cost of the improvements in accordance with paragraph 3.b. above.

4 Exhibit A of the Santaquin City Code, Section 11-13: Exhibits is deleted and the remaining Exhibits are renumbered accordingly:

Section II. Contrary Provisions Repealed.

All 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 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.

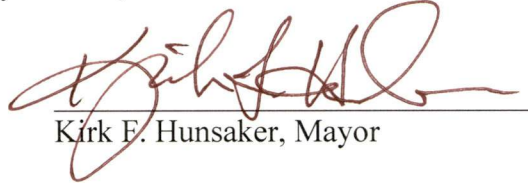
Section IV. Severability

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 June 18, 2015, 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 June 15, 2015.

PASSED AND APPROVED this 17th day of June, 2015.


Kirk E. Hunsaker, Mayor



Councilmember Keith Broadhead	Voted <u>aye</u>
Councilmember Matthew Carr	Voted <u>absent</u>
Councilmember David Hathaway	Voted <u>aye</u>
Councilmember Amanda Jeffs	Voted <u>aye</u>
Councilmember Nick Miller	Voted <u>aye</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 17th day of June, 2015, entitled

**“AN ORDINANCE MODIFYING DEVELOPMENT REGULATIONS IN THE CORE
AREA OF TOWN”**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Santaquin City Utah this 17th day of June, 2015.

Susan B. Farnsworth
SUSAN B. FARNSWORTH
Santaquin City Recorder

(SEAL)

