

## ORDINANCE NO. 02-02-2023

**AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO MODIFY TITLE 10, CHAPTER 16 SECTION 060 “MULTIPLE-UNIT DWELLINGS” TO MODIFY TOT-LOT REQUIREMENTS, 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 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 16, Section 060 “Multiple-Unit Dwellings” (A.3) “Required Open Space” to allow for the consolidation of tot lots into a playground area and providing opportunity for other amenities.

**WHEREAS**, the Santaquin City Planning Commission held a public hearing on January 24, 2023, which hearing was preceded by the posting of public notice in at least three public places within the City limits of Santaquin City 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 16 Section 060 is amended as follows:** (*underlined text is added, stricken text is deleted*)

#### **10.16.060 MULTIPLE-UNIT DWELLINGS**

A. In addition to the architectural standards in paragraph C, 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:

1. Distance: Developments under paragraph 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 SCC 10.48.

3. Required Open Space:

- a. Landscape yard requirements shall be the same as those outlined in SCC 10.52.
- b. There shall be a minimum 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 for each development consisting of at least eight (8) residential units except when developments are located within a publicly traversable distance of one thousand (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. When developments are large and require several tot lots, the Planning Commission may approve another amenity (e.g., barbeque pavilion, gazebo, sports court, etc.) as a replacement for the tot lot(s) to diversify the amenities for the development. The appropriate balance of tot lots and other amenities will be determined by the Planning Commission on a case-by-case basis.

Each tot lot or approved amenity shall be at least six hundred (600) square feet and may be consolidated to create larger tot lots and/or amenities. The size of playground equipment in a tot lot should accommodate and be designed for five (5) to twelve (12) year old children. The required tot lots and approved amenities can count towards the open space requirement.



Examples of open space (above left) and tot lot (above right) in a townhome style multiple-unit development.

### **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**

This ordinance shall become effective at 5:00 p.m. on Wednesday, February 8, 2023. 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 7<sup>th</sup> day of February 2023.



  
Daniel M. Olson, Mayor

|                                 |       |            |
|---------------------------------|-------|------------|
| Councilmember Art Adcock        | Voted | <u>YES</u> |
| Councilmember Elizabeth Montoya | Voted | <u>YES</u> |
| Councilmember Lynn Mecham       | Voted | <u>YES</u> |
| Councilmember Jeff Siddoway     | Voted | <u>YES</u> |
| Councilmember David Hathaway    | Voted | <u>YES</u> |

ATTEST:


  
Amalie R. Ottley, City Recorder

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF UTAH                )

I, AMALIE R. OTTLEY, 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 7<sup>th</sup> day of February 2023, entitled

**“AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO MODIFY TITLE 10. CHAPTER 16 SECTION 060 “MULTIPLE-UNIT DWELLINGS” TO MODIFY TOT-LOT REQUIREMENTS, 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 7<sup>th</sup> day of February 2023.

  
\_\_\_\_\_  
Amalie R. Ottley  
City Recorder

(SEAL)



AFFIDAVIT OF POSTING


STATE OF UTAH                    )  
  ) ss.  
COUNTY OF UTAH                )

I, Amalie R. Ottley, 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 7<sup>th</sup> day of February 2023.

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.

  
\_\_\_\_\_  
Amalie R. Ottley  
City Recorder

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of February, 2023, by Amalie R. Ottley.

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

