

## **ORDINANCE NO. 05-03-2023**

**AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO MODIFY THE EXCEPTION FOR THE DRIVEWAY APPROACH WIDTH 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 City Council desires to amend Santaquin City Code Title 10 Chapter 16 Section 040 to modify the exception to the access width requirement to improve traffic circulation for large vehicles with trailers and general public safety.

**WHEREAS**, the Santaquin City Planning Commission held a public hearing on April 25, 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 shall forward 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 040 "Motor Vehicle Access": is amended as follows:**  
(underlined text is added, stricken text is deleted)

#### **10.16.040 MOTOR VEHICLE ACCESS**

Access to all lots and parcels of land having frontage on a public street shall comply with the Santaquin City Standards, Specifications, and Drawings, SCC 11.24, and the requirements as follows:

- A. Access shall be by not more than two (2) driveways from any one street, except as may be permitted by the Planning Commission, when it can be shown that additional driveways will promote traffic safety.
- B. Non-residential driveways shall be not closer to each other than thirty feet (30').
- C. Each non-residential driveway approach shall be not more than thirty feet (30') in width in all zones measured at right angles to the centerline of the driveway. (Ord. 2-01-2002, 2-5-2002, eff. 2-5-2002)
- D. Residential driveways shall comply with SCC 11.24.120.

The Development Review Committee (DRC) may grant an exception to non-residential access width requirements if it can be shown that a wider access is needed to accommodate the volume and type of vehicles that are expected to use the access on a regular basis and that it will improve the general public safety. Excluding public facilities (i.e. fire stations), a driveway width shall not exceed ~~forty feet (40')~~ fifty feet (50').

## **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, May 3, 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 2<sup>nd</sup> day of May, 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 2<sup>nd</sup> day of May 2023, entitled

**“AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO MODIFY THE EXCEPTION FOR THE DRIVEWAY APPROACH WIDTH 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 2<sup>nd</sup> day of May 2023.

(SEAL)



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

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 3<sup>rd</sup> day of May 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  
Santaquin City Recorder

The foregoing instrument was acknowledged before me this 3<sup>rd</sup> day of May, 2023, by Amalie R. Ottley

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

