

ORDINANCE NO. 10-03-2019

AN ORDINANCE AMENDING SANTAQUIN CITY CODE REGARDING THE APPROVAL PROCESS FOR A SECONDARY DRIVEWAY, 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 11 Chapter 6 Article 12 which allows the Zoning Administrator to review and approve secondary driveway requests; and

WHEREAS, the Santaquin City Planning Commission held a public hearing on October 8, 2019, 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 11 Chapter 6 Article 12 is amended as follows: (underlined text is added, stricken text is deleted)

11-6-12: RESIDENTIAL DRIVEWAYS:

- A. Driveways shall be provided for each residential building lot prior to the issuance of a certificate of occupancy for the lot. The drive approach for the driveway shall be a minimum width of twelve feet (12') and shall not exceed the maximum width of thirty feet (30'). A secondary drive approach, or an addition to the primary driveway, may be permitted upon ~~conditional use~~ review and approval by the ~~planning commission with recommendation from the community development department~~ Zoning Administrator.
- B. No negative grade driveways shall be permitted, unless approved by ~~the planning commission, as a conditional use, with recommendation from~~ the ~~e~~-City ~~e~~-Engineer, due to unusual

topographic constraints. Driveways must maintain a slope away from the home as required by the international building code, or subsequently adopted code.

- C. The minimum slope to which a driveway shall be built is two percent (2%) and the maximum slope to which a driveway shall be built is twelve percent (12%), except as hereafter provided. The ~~planning commission~~ City Engineer may grant ~~conditional use~~ approval, following application for such approval by the property owner, ~~with recommendation from the city engineer,~~ under exceptional circumstances, to allow driveway slopes having a grade exceeding twelve percent (12%) and may impose conditions of approval to mitigate any present or potential hazards created by the steepness of the driveway. (Ord. 05-01-2003, 5-7-2003, eff. 5-8-2003)
- D. Accesses onto residential driveways, including those for any extensions or expansions, shall be separated by at least twenty feet (20') in order to facilitate safe vehicle access and egress. In addition, no driveway access of any kind shall be permitted within clear view areas. (Ord. 11-03-2014, 11-5-2014, eff. 11-6-2014)
- E. The construction of residential driveway approaches shall conform to the standards as required for drive approaches and sidewalk sections as outlined in the Santaquin City construction standards. This shall include requirements for both concrete and untreated base course installation. (Ord. 05-01-2003, 5-7-2003, eff. 5-8-2003)

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.

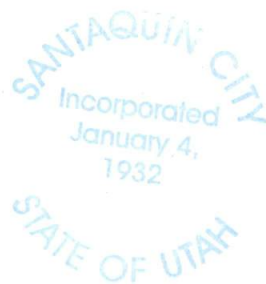
Section IV. Codification, Inclusion in the Code, and Scrivener's Errors

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, October 16, 2019. 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 15th day of October 2019.



Kirk Hunsaker, Mayor

Councilmember Elizabeth Montoya	Voted <u>Aye</u>
Councilmember Lynn Mecham	Voted <u>Aye</u>
Councilmember Keith Broadhead	Voted <u>Aye</u>
Councilmember Nick Miller	Voted <u>Aye</u>
Councilmember Chelsea Rowley	Voted <u>Aye</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 15th day of October, 2019, entitled

“AN ORDINANCE AMENDING SANTAQUIN CITY CODE WHICH WILL PROVIDE PREDETERMINED FENCING OPTIONS THAT ARE REQUIRED IN MULTI-FAMILY DEVELOPMENTS, 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 15th day of October, 2019.



(SEAL)

K. Aaron Shirley
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 15th day of October, 2019.

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 16 day of October, 2019, by K. AARON SHIRLEY.

My Commission Expires: 11/22/21



Notary Public

Residing at: Utah County

