

ORDINANCE NO. 06-01-2011

AN ORDINANCE CREATING THE ONE ACRE LOT (R-43) SINGLE FAMILY RESIDENTIAL ZONE, PROVIDING FOR CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City Council has been given specific authority in Title 10, Chapter 9a Utah Code Ann. 1953 to adopt a zoning plan including ordinances which regulate the erection, construction, reconstruction, alteration, repair and uses of buildings and structures and the uses of land; and

WHEREAS, the City's Land Use Development and Management Code regulates the location and development requirements for certain uses of property within the City; and

WHEREAS, a request to amend Title 10, Chapter 7, Zones Established, of the Revised Ordinances of Santaquin City (the Land Development Code) has been submitted requesting the creation of a 1 acre lot single family residential zone; and

WHEREAS, the Santaquin City Planning Commission held a public hearing on April 28, 2011 and subsequently forwarded its positive recommendation for the proposed amendment to the City Council. The noted 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 the Payson Chronicle Newspaper in accordance with Section 10-9a-205 of the Utah State Code, and;

WHEREAS, a public meeting was held before the Santaquin City Council on May 25, 2011 and June 1, 2011 to consider adoption of the proposed amendment; and

WHEREAS, the following goals of the City's General Plan are better implemented by adoption of the proposed amendment:

- A variety of quality housing types should be provided to accommodate a growing population. Innovative planning, development patterns and building methods that define the unique living opportunities in Santaquin are encouraged.
- Transitions between different land uses and intensities should be made gradually with compatible uses, particularly where natural or man-made buffers are not available.
- To provide for residential areas in Santaquin that support and complement the unique rural quality and characteristics of the city.
- Provide a mix of lot sizes and housing types in new residential developments so that a variety of household and demographic types can be integrated with a neighborhood and not isolated in one development area.
- Regulate development densities in areas that are determined to have geologic hazards or constraints.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Santaquin City, State of Utah, as follows:

Section I.

Santaquin City Code (S.C.C.), Title 10, Chapter 7, Zones Established is amended as follows:

1. S.C.C. Section 10-7-1 is amended as follows: (underlined text is added)

In order to carry out the purposes of this title, Santaquin City, Utah, is hereby divided into zones as follows:

- R-8 Residential zone
- R-10 Residential zone
- R-12 Residential zone
- R-15 Residential zone
- R-20 Residential zone
- R-43 Residential Zone
- C-1 Interchange commercial zone
- I-1 Industrial zone
- PC Planned community zone
- RC Residential commercial zone
- PF Public facilities zone
- Main Street business districts zone
- Ag Agriculture zone
- R-Ag Residential agriculture zone

2. S.C.C. Title 10-7 Article P, R-43 Residential Zone is created and reads as follows:

ARTICLE P. R- 43 RESIDENTIAL ZONE

10-7P-1: OBJECTIVES AND CHARACTERISTICS:

The objective of establishing the R-43 residential zone is to encourage the creation and maintenance of residential areas within the city which are characterized by large lots on which detached single-family dwellings are situated, surrounded by well kept lawns, trees, and other plantings. This zone is established to help transition between agricultural areas of the City and those areas of higher intensity uses. It is also intended to be used to regulate development densities in areas that are determined to have geologic hazards or constraints or where the City has determined needs for increased open spaces or land preservation.

10-7P-2: PERMITTED USES:

Land uses in the R-43 residential zone are permitted as follows. Alphabetic use designations in the table below have the following meanings:

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.
N	The listed use is a prohibited use within the represented area.

Use	R- 43
Accessory building	P
Accessory building without dwelling structure	N
Agribusiness	N
Agriculture	P
Assisted Living Facility – Large	N
Assisted Living Facility – Small	P/C
Bed and breakfast homes	N
Boarding facility	N
Dwelling, caretaker	N
Dwelling, guest cottage	N
Dwelling, single-family detached	P
Gravel, sand, earth extraction, and mass grading	N
Home Occupations, in accordance with Section 10-12	P/C
Institutions	N
Public park, private park or playground	P
Public safety buildings	P
Religious center	P
Residential facility for persons with a disability	P
Residential facility for the elderly	P
Residential Support Facility	P
School, public or quasi-public	C
Social or reception center	N
Sheltered Workshop	C
Telecommunications sites	C
Temporary Uses, subject to the provisions of section 10-6-30	P
Treatment Facilities	N

10-7P-4: AREA REQUIREMENTS:

A land area of not less than 1 acre shall be provided and maintained for each lot, tract, or parcel of land within the R-43 zone.

10-7P-5: WIDTH REQUIREMENTS:

The minimum width of lots in this zone shall be one hundred (100) linear feet per street frontage, except on cul-de-sacs or private lanes. Properties with frontage on cul-de-sacs must have a minimum of 50 feet of frontage along front property lines.

10-7P-6: STRUCTURE REQUIREMENTS:

A. Setbacks

Yard	R-1-43
Front yard	50 feet from public road or centerline of private road
	40 feet from shared driveway
Secondary front yard	30 feet
Side yard	20 feet
Rear yard	30 feet

B. Accessory Structures (Including Detached Garages):

1. General Setbacks: All accessory structures must be located at least twelve feet (12') from any associated dwelling or main structure and may not be located in any utility easements without written consent from those affected entities.
2. Front Setback: Accessory structures are not permitted in the front yard of a dwelling.
3. Front Setback On Corner Lot: Accessory structures are not permitted in the front yard of a dwelling along a primary frontage nor within thirty feet (30') from secondary frontages.
4. Side Setback: Accessory structures must be ten feet (10') from a side property line, except that a three foot (3') side setback shall be permitted if the accessory structure walls closest to the side property line are constructed with one hour or more fire resistant walls.
5. Rear Setback: Accessory structures must be ten feet (10') from the rear property line, except that a two foot (2') rear setback shall be permitted if the accessory structure walls closest to the rear property line are constructed with one hour or more fire resistant walls.

C. Clear View: All structures must be placed in conformance with the clear view standards found in section 10-6-9 of this title.

10-7P-7: DWELLING SIZE:

Minimum dwelling size shall be twelve-hundred (1,200) square feet floor area on the main floor.

10-7P-7: PROPERTY DEVELOPMENT STANDARDS:

- A. Water Systems: Sufficient culinary and irrigation water rights and/or systems must be provided to each new lot created within this zone. Private water systems are not allowed.
- B. Sewer Systems: Individual or communal septic tanks may be utilized for new homes based on compliance with all applicable city, state and federal provisions, including, but not limited to, water source protection areas. Homes within three hundred feet (300') of a public sewer system must connect to the public system. Provision must be made with any new development for the eventual connection of dwellings to a public system. This may include installing dry sewer lines and stubs lines.
- C. Sensitive Lands: Environmentally sensitive lands (e.g., natural stream channels, floodplains, steep slopes, etc.) may not be included with lots as buildable areas. Such lands may be included with lots but shall not count toward the minimum lot area. The city council may accept these lands as permanent open space for general city recreation, scenic, or cultural purposes.
- D. Access:
 - 1. Roads. All properties must be accessed from improved public or private roads that comply with all public safety accessibility standards. Private roads may only be approved where documentation of a permanent maintenance and funding plan is provided. Though private roads are not encouraged, they are allowed with city council approval, whether or not a public road could be constructed with property development constraints.
 - 2. Driveways. Properties may utilize shared driveways for access up to 2 lots. Shared driveways may only be approved where documentation of a permanent maintenance and funding plan is provided as well as appropriate deeds establishing unilateral control and responsibility for the driveway between the benefitted properties.
- E. Development Agreements: Any property owner(s) wanting to develop within this zone must enter into a development agreement with the city prior to preliminary development approvals being granted. Such agreements should address the above development standards and any other criteria deemed appropriate by the property owner or city.

Section II. 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 corrected without need of public hearing by filing a corrected or re-codified copy of the same with the City Recorder.

Section III. Severability

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

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Section III. 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 the section, subdivision, sentence or part of the section held to be unconstitutional or otherwise invalid.


Section IV. Effective Date

The City Recorder shall deposit a copy of this ordinance in the official records of the City on June 30, 2011, 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 30, 2011.

PASSED AND APPROVED this 29th day of June, 2011.

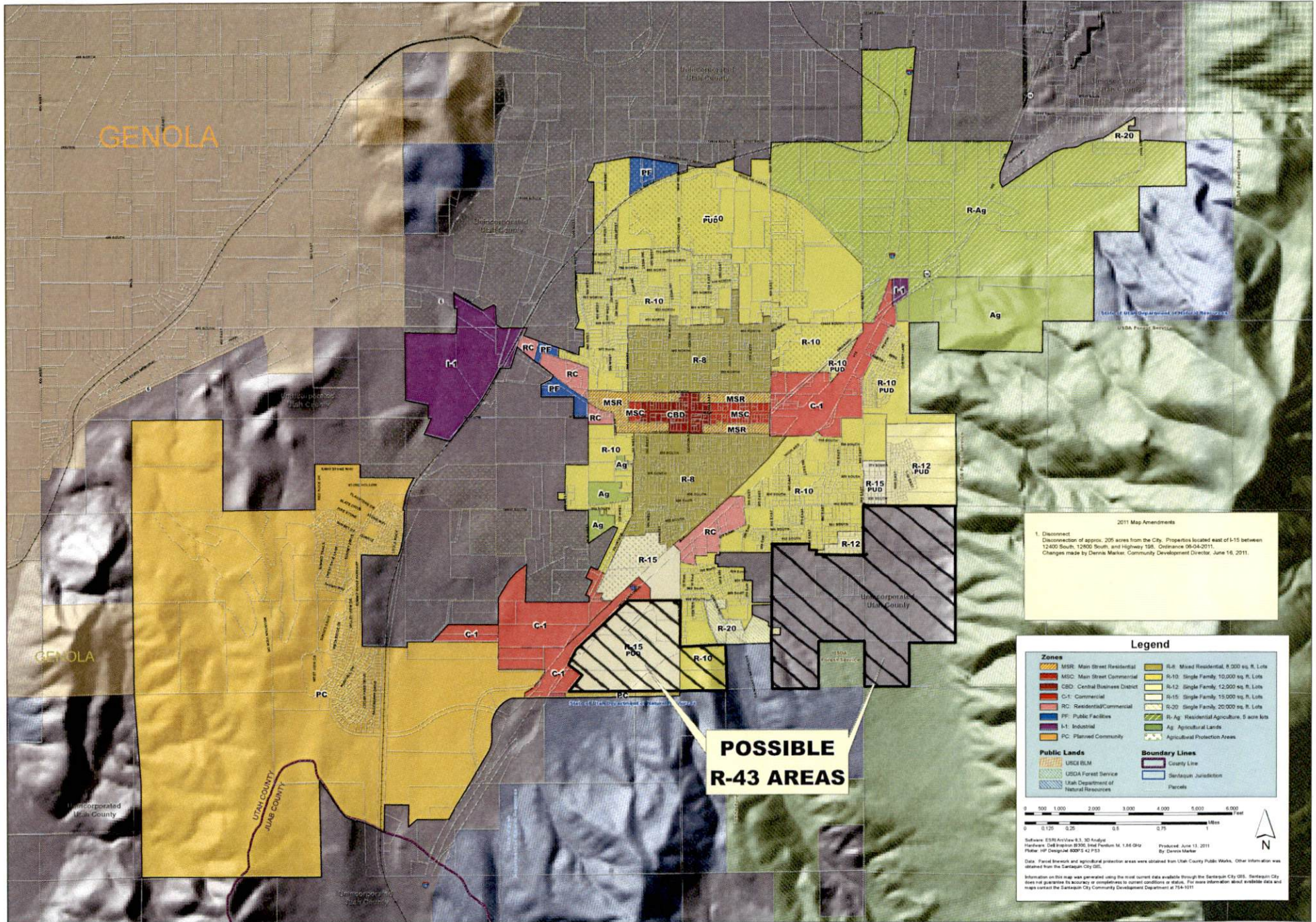

James E. DeGraffenried, Mayor

ATTEST:


City Recorder



Councilmember Filip Askerlund	Voted <u>yes</u>
Councilmember Martin P. Green	Voted <u>yes</u>
Councilmember James F. Linford	Voted <u>yes</u>
Councilmember Rick Steele	Voted <u>yes</u>
Councilmember Brent Vincent	Voted <u>ABSENT</u>



2011 Map Amendments

1. Disconnection
Disconnection of approx. 205 acres from the City. Properties located east of I-15 between 12400 South, 12400 South, and Highway 198. Ordinance 09-04-2011.
Changes made by Dennis Markin, Community Development Director, June 16, 2011.

Legend

MSR: Main Street Residential	R-8: Mixed Residential, 8,000 sq. ft. Lots
MSC: Main Street Commercial	R-10: Single Family, 10,000 sq. ft. Lots
CBD: Central Business District	R-12: Single Family, 12,000 sq. ft. Lots
C-1: Commercial	R-15: Single Family, 15,000 sq. ft. Lots
RC: Residential/Commercial	R-20: Single Family, 20,000 sq. ft. Lots
PF: Public Facilities	R-Ag: Residential Agriculture, 5 acre lots
I-1: Industrial	Ag: Agricultural Lands
PC: Planned Community	Agricultural Protection Areas
USDC BLM	County Line
USDA Forest Service	Santaquin Jurisdiction
Utah Department of Natural Resources	Parcels

Scale: 0 500 1,000 2,000 3,000 4,000 5,000 6,000 Feet
0 0.125 0.25 0.5 0.75 1 Miles

Software: ESRI ArcView 9.3.30 Analysis
Hardware: Dell Inspiron 8930 Intel Pentium M, 1.86 GHz
Printer: HP DesignJet 8025, 42"x57"
Date: Parcel Boundary and agricultural protection areas were obtained from Utah County Public Works. Other information was obtained from the Santaquin City GIS.
Produced: June 13, 2011
By: Dennis Markin

Information on this map was generated using the most current data available through the Santaquin City GIS. Santaquin City does not guarantee the accuracy or completeness of current conditions or data. For more information about available data and maps contact the Santaquin City Community Development Department at 754-1011

**POSSIBLE
R-43 AREAS**