

**CITY OF SANTA CLARA, UTAH
ORDINANCE NO. 2020-03**

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF SANTA CLARA UTAH BY AMENDING TITLE 17, SECTION 17.64, “SINGLE FAMILY RESIDENTIAL ZONE” AND SECTION 17.60 “RA RESIDENTIAL AGRICULTURAL ZONE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, it is important to update the City’s code from time to time to remain relevant and reflective of the ever-changing operating environment of the City; and

WHEREAS, staff would like to amend Title 17, Section 17.64.060 and Title 17, Section 17.60.060 Modifying Regulations; and

WHEREAS, the purpose of the amendment would allow for a detached single-story accessory dwelling unit in the R-1-10 Single Family Residential Zone (Chapter 17.64) and the RA zone (Chapter 17.60) as a Conditional Use in those zones; and

WHEREAS, the Planning Commission held a Public Hearing on Jan.9, 2020 on the proposed amendment to Title 17, Section’s 17.64.060 and 17.60.060 Modifying Regulations, and made recommendations to the City Council; and

WHEREAS, the legislative body of the City of Santa Clara reviewed the recommendations of the Planning Commission and acted on the proposed amendment to Title 17, Section 17.64 “R-1-10 Single Family Residential Zone” and Title 17, Section 17.60 “RA Residential Agricultural Zone” and acted on January 22, 2020; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Santa Clara, Utah, that Title 17, Section 17.64.060 “Single Family Residential Zone” and Title 17, Section 17.60.060 “RA Residential Agricultural Zone” be amended as follows.

Section 1. Amendment:

See Exhibit “A”

Section 2. Effective Date:

This Ordinance shall become effective immediately upon adoption, recording and posting in the manner prescribed by law.

ADOPTED and approved by a duly constituted quorum of the City Council of the City of Santa Clara, Utah this 22nd day of January 2020.

IN WITNESS, THERETO:

RICK ROSENBERG, Mayor

ATTEST:

CHRIS SHELLEY, City Recorder

“Exhibit A”

17.64.060, and 17.60.060: MODIFYING REGULATIONS

- A. Side yard setbacks on a "street side" shall be the same as for a front yard setback.
- B. Private garages and accessory buildings located to the rear, and at least ten feet (10') away from the main dwelling may be built five feet (5') from the property line provided that: 1) projection beyond exterior wall shall not exceed twelve inches (12") into the area where openings are prohibited, 2) stormwater runoff from the building shall not run onto adjacent property, 3) all corner lots shall maintain required setbacks on street sides, and 4) construction shall comply with current international residential code (IRC) exterior wall and opening protection. No building, or swimming pool, shall be in any easement without city approval.
 - 1. After first obtaining a building permit from the Santa Clara City building official, a carport or awning may be constructed in the required twelve-foot (12') side yard setback or ten foot (10') rear yard area subject to the following conditions:
 - a. All three (3) sides of the carport/awning away from the dwelling shall be kept completely open. No storage areas shall be permitted as any part of the carport/awnings.
 - b. The height of the carport/awning shall not exceed the height of the top plate of the walls of the first floor of the dwelling, or a maximum of ten feet (10') above the normal grade of the side yard setback.
 - c. A two-foot (2') setback shall be maintained from the side property line.
 - d. The roof shall be sloped away from the dwelling, and a rain gutter shall be installed along the roof edge on the side yard of the two-foot (2') setback to keep all roof runoff on the property of the owner of the carport/awning.
 - 2. All construction materials shall be completely noncombustible and shall meet all applicable requirements of the international residential code.
 - a. Color of the construction material shall be of earth tones or harmonize with the colors of the dwelling unit.
 - b. The carport/awning shall always be well maintained and shall be repainted from time to time as necessary.
 - 3. The side of the carport/awning nearest the front street shall be set back a minimum of ten feet (10') behind the front face of the dwelling unit.
- C. The front yard width in a cul-de-sac may be approved by the land use authority with less than the required width.
- D. The size of an accessory unit shall meet the minimums prescribed in the current edition of the international residential code, section R 304.1 unless otherwise approved by the land use authority.

- E. Other conditions that may be required by the land use authority to protect the intent and purpose of the zone.
- F. The minimum square footage of any main residence shall be one thousand two hundred fifty (1,250) square feet of living space on the main floor of a single-story home. For a two-story home there shall be a minimum of one thousand (1,000) square feet of living space on the main floor, and a minimum of eight hundred (800) square feet of living space on the second floor. A split-level home shall have a minimum of one thousand two hundred fifty (1,250) square feet on the main and upper floor combined, but not including the square footage of the lower level.
- G. No trash, weeds, or other combustible material shall be allowed to remain on any lot outside of approved containers in any residential zone. No junk, debris, abandoned, inoperable, or dismantled automobile or automobile parts or similar material shall be stored or allowed to remain on any lot in any residential zone.
- H. One additional dwelling unit may be permitted as a conditional use in a single-family residential zone subject to the following conditions:
1. Before an additional dwelling unit occupancy permit is issued the applicant shall:
 - a. Submit a site plan, drawn to scale, that shows property lines and dimensions, the location of existing buildings and building entrances, proposed buildings or additions, distances from buildings or additions to property lines, the location of parking stalls and utility meters.
 - b. Include detailed floor plans drawn to scale with labels on rooms indicating uses or proposed uses.
 - c. Pay an application fee as determined by resolution of the city council.
 - d. Obtain a building permit following approval of the accessory dwelling and subject to all the requirements listed herein.
 - e. Determine from CC&Rs from the subdivision where the second dwelling is proposed as to whether a second dwelling is allowed. The city shall not enforce covenants and restrictions and may issue a permit for a second dwelling. However, other homeowners in the subdivision may have a legal recourse against a nonpermitted second dwelling.
 2. The additional unit may be permitted as a conditional use in a single-family residential zone subject to the following conditions:
 - a. Over a **detached or attached** garage, provided that the existing parking underneath the created additional living unit remains parking and is not converted to a living space. The garage must meet all building code and fire code requirements.
 - b. Inside the home through an internal conversion of the unit which meets all current building code requirements, **OR AS A DETACHED SINGLE-STORY UNIT WHICH COMPLIES WITH ALL SETBACK AND OTHER CODE REQUIREMENTS.**

- c. By an addition to the house, containing an internal connection between dwelling units, provided that the addition will not alter the single-family character or appearance of the dwelling unit.
 - d. The unit shall contain not less than four hundred fifty (450) square feet, nor more than eight hundred fifty (850) square feet unless otherwise approved by the land-use authority.
 - e. The unit may be a studio, one bedroom, or two (2) bedroom unit.
 - f. One additional off-street parking space shall be provided for a two (2) bedroom unit. Spaces required for the accessory unit need not be covered.
 - g. The side of a ground level unit nearest the narrowest side yard shall have opaque or obscure windows along the side of the dwelling unless a solid six foot (6') high fence exists along the property line. An accessory dwelling on an upper level shall have opaque or obscure windows along the side of the dwelling nearest the narrowest side yard.
 - h. The main dwelling and the additional living unit shall be served by the same electric meter, water meter, and sewer connection. Additional impact fees, as established by the city from time to time may be assessed for the second dwelling unit.
 - i. The primary and the accessory unit shall have the same address, except for a letter (A) designation, as may be approved by the city, to provide differentiation between the main dwelling and the additional unit for mail or emergency response purposes.
 - j. The second dwelling may not be constructed until after the building permit is issued for the main dwelling, and no certificate of occupancy may be issued for a second dwelling until after the certificate of occupancy is issued for the main dwelling.
3. The property owner shall occupy either the main or the additional dwelling unit.
 4. All building code requirements, height requirements, setbacks, etc., of the zone shall be maintained. Any remodeling shall comply with all building codes in effect at the time of remodeling.
 5. Only one family of related persons may occupy the additional dwelling unit at any time. Notwithstanding however, up to two (2) unrelated persons may be permitted to occupy the second dwelling.
 6. No plumbing of any kind except for a sink and/or toilet shall be allowed for any attached or detached garage, nonresidential studio, or workshop.