

NOTICE AND AGENDA
SANTA CLARA CITY COUNCIL MEETING
Wednesday, January 12, 2022

Time: 5:00 p.m.

AGENDA

NOTICE is hereby given that the Santa Clara City Council will hold a Regular Meeting on the 12th day of January 2022 in the City Council Chambers of the Town Hall at 2603 Santa Clara Drive, Santa Clara Utah, which meeting will begin at 5:00 PM. **The Meeting will be available to view live on the YouTube link:** https://www.youtube.com/channel/UCxLBLm30_XLqM1AEmhpcMA
Council Chambers will be available to residents, but we will have limited availability and follow Covid-19 guidelines.

1. Call to Order

2. Opening Ceremony:

- Pledge of Allegiance: Christa Hinton
- Opening Comments: Christa Hinton

3. Conflicts and Disclosures:

4. Working Agenda:

A. Public Hearing(s) 5:00 p.m.

1. Public Hearing to discuss and receive public comment regarding approval of a Single Event Beer Permit for the True Grit Epic Race. Applicant Ryan Miller.
2. Public Hearing to discuss and receive public comment regarding approval of a Firearm Restriction in Santa Clara City Limits.

B. Consent Agenda:

1. Approval of Claims and Minutes

- Dec. 8, 2021 Regular City Council Meeting Minutes
- Dec. 8, 2021 Executive Session Minutes
- Jan. 5, 2022 City Council Work Meeting Minutes
- Claims through Jan. 12, 2022

2. Calendar of Events

- Jan 17, 2022 Martin Luther King Day – Offices Closed
- Jan. 26, 2022 Regular City Council Meeting
- Feb. 2, 2022 City Council Work Meeting
- Feb. 9, 2022 Regular City Council Meeting

3. Consider approval of the 2022 Council & City Manager Assignments.

C. General Business:

1. Consider approval of a Single Event Beer Permit for the True Grit Epic Race -Ryan Miller, Applicant. Presented by Brad Hays, Parks & Trails Director.
2. Consider approving Ordinance 2022-01 A Firearm Restriction for Santa Clara City.

Presented by Brad Hays, Parks & Trails Director.

3. Consider a proposed code amendment to the Santa Clara City Zoning Ordinance, Chapter 17.28, Requirements for Walls, and Fences and approve Ordinance 2022-02. Presented by Jim McNulty, City Planner.
4. Consider approval of the 2022 Budget Calendar. Presented by Brock Jacobsen, City Manager.
5. Appoint the Santa Clara City Mayor Pro-Tem.
6. Power Cost Adjustment (PCA) discussion. Presented by Gary Hall, Power Director.
7. Set Public hearing to receive public input regarding the Power Cost Adjustment (PCA) for Jan. 26, 2022 at 5:00 pm.
8. Consider amending a PDR Zone for Regal Homes at Black Desert and approve Ordinance 2022-03. Dade Rose, Applicant. Presented by Jim McNulty, City Planner

5. **Reports:**

- a. Mayor / Council Reports:

6. **Executive Session:**

7. **Adjournment:**

Note: In compliance with the Americans with Disabilities Act, individuals needing special accommodation during this meeting should notify the city no later than 24 hours in advance of the meeting by calling 435-673-6712. In accordance with State Statute and Council Policy, one or more Council Members may be connected via speakerphone or may by two-thirds vote to go into a closed meeting.

Zoom Meeting Participants: Participants on the Zoom call are limited to City Staff, Council Members, and applicants on the agenda. E-mail calendar invitations will be sent out in advance of the meeting. Instructions for each meeting will include the meeting link, ID, and password to join. When joining the meeting your screen name must show your Full Name. Each applicant will be accepted into the meeting when their item is up for discussion. Submissions from this form will be sent directly to the city. Please contact Chris Shelley at (435) 673-6712 Ext. 203 with any questions regarding public meetings.

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Santa Clara City limits on this 6th day of Jan. 2022 at Santa Clara City Hall, on the City Hall Notice Board, at the Santa Clara Post Office, on the Utah State Public Notice Website, and on the City Website at <http://www.sccity.org>. The 2022 meeting schedule was also provided to the Spectrum on January 6, 2022.

Chris Shelley – City Recorder

Mayor

Rick Rosenberg

City Manager

Brock Jacobsen



City Council

Denny Drake

Wendell Gubler

Leina Mathis

Ben Shakespeare

Jarett Waite

CITY COUNCIL

Meeting Date: January 12, 2022

Agenda Item: 1

Applicant: Ryan Miller

Requested by: Brad Hays

Subject: Application for Single Event Beer

Permit

Description:

The Epic True Grit Mountain Bike Race on March 11-13 will start and finish at the Santa Clara City Office grounds. Ryan Miller whos' business is Salt Fire Brewing Company from Salt Lake City is applying for a Single Event Beer permit as a vendor for the race participants. Beer sales will not be located on City property but will be located on the west side of the Steve Hafen property. Steve has provided written permission to allow the vendor to use his property. The sales and consumption of beer will be in a fenced and secure area on the private property and no beer will be permitted outside the controlled fenced area. Ryan has been granted the Single Event Beer Permit during True Grit races for the past several years without incident.

Recommendation: Approval

Attachments:

Cost: 0

Legal Approval: Yes

Finance Approval: N/A

Budget Approval: N/A



True Grit Epic

Signature requested on December 08, 2021

Use of Property for True Grit Epic bike race

Business: True Grit Epic

info@groraces.com

(970) 759-3048

Recipient: Steve Hafen

rktballhafen@hotmail.com

This contract is between True Grit Epic (the "Business") and Steve Hafen (the "Client") dated 12/08/2021.

RE: True Grit Epic Bike Race

March 11-13, 2022

Santa Clara Utah

To Whom it may concern,

This letter is to acknowledge " a verbal agreement" Between GRO Promotions LLC -True Grit Bike Race (GRO) and owners of Property SC 188-D-1 in the City of Santa Clara, Utah as follows:

Beginning (March 10, 2022) GRO can have access to the above-mentioned lots to use for (a) set up for the distributions of beer, non-alcoholic drinks, food, preparation of the same; (b) equipment relating to serving meals, ie vehicles, trailers, tents, private automobiles. Services on-site will be provided by the following vendors: Salt Fire Brewery,

GRO will remove all of the above in paragraph 1, including trash, assuring the lots are in the same condition as prior to the scheduled event, by end of day March 14, 2022.

GRO will maintain Insurance coverage protecting owners from liability of the above lots:

Additional Insured:

1. Steve Hafen

GRO will maintain contact with property owners and provide any updated insurance documents prior to the event.

Terms

Force Majeure

If an Event is postponed or canceled by reason of inclement weather, fire, flood, (pandemic) epidemic, earthquake, explosion, accident, casualty or other Act of God; war or armed conflict, blockade, embargo, government rules or regulation, restrains, sanctions, or orders of civil, civil defense, or military authorities; act of public enemy, riot or civil disturbance or threat that would make the property unsafe; or any other cause or causes, similar to or dissimilar to the foregoing, and not reasonably within the control of the property owner or GRO, use of the property may be terminated.

Cancellation. If GRO determines that it is necessary to cancel an Event for any reason other than those listed in (4.), it will so notify Land Owner and this Agreement shall automatically terminate with respect to the affected Event only, without liability to either party.

Signatures

This contract may be signed electronically or in hard copy. If signed in hard copy, it must be returned to the Business for valid record. Electronic signatures count as original for all purposes.

By typing their names as signatures below, both parties agree to the terms and provisions of this agreement.

Business signature

Owner name Cimarron Chacon

Owner signature *Cimarron Chacon*

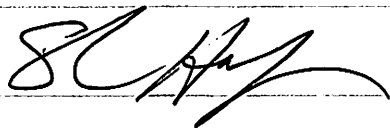
Business date signed 12/08/2021

Recipient signature

Recipient name



Recipient signature

A handwritten signature in black ink, appearing to be "SL" followed by a stylized flourish.

Recipient date signed

SANTA CLARA CITY
2603 Santa Clara Drive
Santa Clara, UT 84765

APPLICATION FOR A SINGLE EVENT BEER PERMIT



Date: 11/30/21

Applicant Name: Ryan Miller

Business Name: Anvil Brewing Company/DBA SaltFire

Date of Birth: 10/19/1972

SSN: _____

Residence Address: 2639 S Imperial St. Salt Lake City, UT 84106
Street# City State Zip

Applicant Phone#: 8016611947 Business Ph. #: _____ Email: sugarhousebrewing@gmail.com

Name of Special Event: True Grit Epic

Location of Event: 2620 Santa Clara Dr, Santa Clara City, UT
Street City State Zip

REQUIREMENTS:

☐ \$50 Non-Refundable Application Fee

☐ \$50 Single Event Permit Fee

☐ Copy of Applicant's Current City Business License

☐ Copy of Applicant Driver's License

☐ Character references from three (3) individuals who personally know the applicant (or if business entity, the agent for applicant), and whom the City may contact for an opinion on the moral character of the applicant and applicant's fitness to obtain a permit; and if the applicant has previously held a license in the state of Utah, the references shall have personal knowledge of the applicant's conduct in relation to said prior licensing or permitting.

☐ Evidence of distance to the nearest school, church, public library, public playground or park

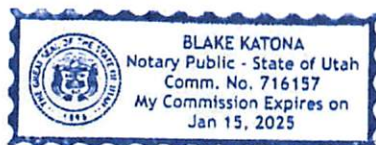
☐ Signed consent stating that permittee will permit any authorized representative of the city or any law enforcement officer the unrestricted right to enter event site.

☐ Applicant must be over 21 years of age

☐ List any convictions for crimes which could disqualify applicant

I certify under penalty of law that I have received a copy of the Beer Ordinance and complied with all requirements and possess all qualifications for issuance of a Single Event Permit and that all information contained in the application is true.

[Signature]
Signature of applicant



Sworn before me this 1 day of December 2021

[Signature]
Notary Public

MACU Sugarhouse
Residing at:

January 15, 2025
My Commission Expires

Public Safety Approval: _____

Approval by City Council: _____

Mayor
Rick Rosenberg

City Manager
Brock Jacobsen



City Council
Denny Drake
Wendell Gubler
Leina Mathis
Ben Shakespeare
Jarett Waite

CITY COUNCIL

Meeting Date: January 12, 2022 Agenda Item: 2

Applicant: Parks Department **Requested by:** Brad Hays

Subject: Consider approval of Ordinance 2022-1 to ban Recreational shooting within Santa Clara City Limits

Description:

The Ordinance will ban recreational shooting in the City limits to ensure public safety. Recreational shooting frequently occurs in the South Hills area owned by the Bureau of Land Management. The South Hills has been historically a permitted shooting area but in light of the nearby developments being constructed and the large increase in other types of recreation such as mountain biking, OHV riding, trailing running and other types of recreation the South Hills have become unsafe. City Staff and Public Safety support and endorse the recreational shooting ban. THE BAN DOES NOT ELIMINATE USE OF FIREARMS FOR PUBLIC SAFETY AND OTHER EXEMPTIONS as listed in the proposed Ordinance 2022-1 .

Recommendation: Approval

Attachments:

Cost: 0

Legal Approval: Yes

Finance Approval: N/A

Budget Approval: N/A

ORDINANCE NO. 2022-01

AN ORDINANCE OF THE CITY OF SANTA CLARA, UTAH, TO ADOPT SECTION 9.12.120 OF THE MUNICIPAL CODE OF SANTA CLARA REGULATING THE DISCHARGE OF FIREARMS AND TRAPPING WITHIN THE CITY LIMITS

WHEREAS, the City of Santa Clara respects and values the rights of all citizens to own and use firearms in a constitutional, lawful, and responsible way; and

WHEREAS, the City also recognizes the recreational, educational, and cultural value of shooting and trapping sports and traditions that have been pursued by residents of the City for generations; and

WHEREAS, the City also recognizes its responsibility for the health, safety, and welfare of its residents and others present within the City, and to adopt reasonable regulations protecting the same;

WHEREAS, the Santa Clara City Council has become concerned about the actual and potential consequences of the unrestrained discharge of firearms and use of traps within the City limits, including but not limited to damage to property, injury to persons and loss of life; and

WHEREAS, the City Council recognizes that there are multiple locations and venues beyond the boundaries of the City where residents of the City may conduct these pursuits safely and conveniently, but also that in certain circumstances, the discharge of firearms or the use of traps within the City limits may still be appropriate to the rural and agricultural nature of the community; and

WHEREAS, the City Council has reviewed the ordinances of several other towns and cities in Utah which govern the discharge of firearms and use of traps, and believes that a similar ordinance in the City is prudent and necessary in order to both protect the general health, safety, and welfare and preserve such pursuits in certain appropriate circumstances; and

WHEREAS, the Santa Clara City Council, after due deliberation, has elected to adopt the regulations set forth herein, in order to fulfill these values and objectives.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of Santa Clara, Utah, that a new Section 9.12.120, "Discharge of Firearms and Trapping," be added to Title 9, Chapter 12, as follows:

9.12.120: DISCHARGE OF FIREARMS AND TRAPPING:

A. Definitions: For purposes of this chapter, these terms shall be defined as follows:

FIREARM: A pistol, revolver, shotgun, short barreled shotgun, rifle or short barreled rifle, or a device that could be used as a dangerous weapon from which is expelled a projectile by action of an explosive.

TRAPPING: The use of any "body gripping" device which entraps, snares or snaps closed on any animal, excluding the trapping of rodents.

B. Discharge of Firearms Prohibited; Exceptions: It is unlawful for any person to discharge any firearm within, from, or into Santa Clara City limits, except under the following circumstances:

1. In the use of force in defense of self, others, habitation, or property which is justified under any provision of Utah Code Title 76, Chapter 2, Part 4;
2. In any case of any law enforcement officer in the discharge of his/her duty;
3. When discharged at a city approved shooting range or gallery;
4. When discharged for the purpose of nuisance wildlife control;
5. When used for the slaughter of an animal lawfully trapped under subsection C. below; or
6. When used for the slaughter of domestic livestock.

C. Trapping Prohibited; Exceptions: It is unlawful for any person to trap, set a trap, or engage in trapping in Santa Clara City, except for the following:

1. Any trapping deemed necessary and performed by either the Utah Division of Wildlife Resources or the Santa Clara City public safety department;
2. When using live box or cage traps;
3. When performed by a licensed trapper in accordance with Utah law; provided, that no lethal conibear type traps are used; or
4. When performed on private property in accordance with Utah law by a person having legal ownership of or right to use the property.

D. Penalty: Violations of this chapter may be enforced either criminally as a class C misdemeanor or civilly by imposing a monetary penalty under Chapter 1.16.010, "General Penalty," of this code.

BE IT FURTHER ORDAINED that this Ordinance shall take effect following publication and posting as required by law, but in no event earlier than thirty (30) days following the adoption hereof.

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ADOPTED AND APPROVED by a duly constituted quorum of the City Council of the City of Santa Clara, State of Utah, on this 12th day of January, 2022.

CITY OF SANTA CLARA

Rick Rosenberg, Mayor

Attest:

Chris Shelley, Recorder

Mayor
Rick Rosenberg

City Manager
Brock Jacobsen



City Council
Denny Drake
Wendell Gubler
Leina Mathis
Ben Shakespeare
Jarett Waite

CITY COUNCIL

Meeting Date: January 12, 2022 Agenda Item: 3

Applicant: City of Santa Clara

Requested by: Jim McNulty

Subject: Chapter 17.28, Requirements for Walls, and
Fences

Description:

To consider a proposed Code Amendment to Chapter 17.28, Requirements for Walls, and Fences. This includes a rewrite of the entire chapter allowing for a code that is user friendly for property owners, developers, fencing companies, and city staff. On November 3, 2021, city staff had a discussion with the City Council on this item. On November 9, 2021, city staff had a discussion with the Planning Commission. On December 9, 2021, the Planning Commission held a public hearing and forwarded a positive recommendation to the City Council for approval of the proposed code amendment.

Recommendation: Approval

Cost: N/A

Legal Approval: Yes

Finance Approval: N/A

Budget Approval: N/A

Attachments:

https://sccity.org/wp-content/uploads/formidable/41/Walls-Fences-CC-Memo_January_2022.docx, https://sccity.org/wp-content/uploads/formidable/41/santaclaraut-ut-Fencing-003_JM-CM_Working-copy.pdf, https://sccity.org/wp-content/uploads/formidable/41/santaclaraut-ut-Walls-Fencing_Clean-copy.pdf



TO: Santa Clara City Council
FROM: Jim McNulty, Planning Manager
DATE: January 12, 2022
RE: Chapter 17.28: Requirements for Walls, and Fences

During the past few months, city staff has been working on needed revisions to Chapter 17.28, Requirements for Walls, and Fences. This includes a rewrite of the entire chapter allowing for a code that is more user friendly for property owners, developers, fencing companies as well as city staff. A draft working copy and clean copy are attached for your review and consideration.

On November 3, 2021, city staff had a discussion with the City Council on this item. This included several photos showing some problematic and allowable fencing scenarios in the community. This item was also discussed with the Planning Commission on November 9, 2021. Staff intends to include these photos (as needed) in the presentation for this item during the City Council meeting on January 12, 2022.

The proposed ordinance update includes revised language for most of the sections included in Chapter 17.28 as discussed during our City Council work meeting on November 3, 2021. The proposed code amendment also includes the following new sections:

- Section 17.28.030: General Standards
- Section 17.28.140: Utility Meters
- Section 17.28.150: Wall & Fence Material

State Code Requirements:

Utah State Code, Section 10-9a-205 includes requirements for land use ordinance amendments. To amend an ordinance, a City Planning Commission must hold at least one public hearing. Additionally, a public hearing to consider an ordinance amendment requires a 10-day notice which requires the date, time, and place of the public hearing. Planning staff has determined that all State Code requirements have been met with this application.

Recommendation:

On December 9, 2021, the Planning Commission held a public hearing and forwarded a positive recommendation to the City Council. At this time, Planning Staff recommends that the Santa Clara City Council approve the ordinance amendment to Chapter 17.28, Requirements for Walls, and Fences.

CHAPTER 17.28

REQUIREMENTS FOR WALLS, AND FENCES

SECTION:

17.28.010: Setback Area Defined

17.28.020: Permit Required

17.28.030: General Standards

17.28.040: Interior Lot Requirements

17.28.050: Corner Lot Requirements

17.28.060: Retaining Walls; Difference in Grade

17.28.070: Vacant Lots

17.28.080: Fences on The Public Right-Of-Way

17.28.090: Fences on Controlled Access Streets

17.28.100: Fences for Recreation Use

17.28.110: Fences Required in Certain Areas

17.28.120: Nonconforming Fences

17.28.130: Courtyard Walls or Fences

17.28.140: Utility Meters

17.28.150: Wall & Fence Material

17.28.160: Fences Not Otherwise Identified

17.28.170: Barbed Wire

17.28.010: SETBACK AREA DEFINED:

The term "front setback area" for the purpose of this title shall refer to the setback area (as required by this title) along any street frontage.

17.28.020: PERMIT REQUIRED:

A. A building permit and engineered design is required for the construction of a fence, wall, or retaining wall when one of the following conditions exists:

1. The fence system exceeds seven feet (7') in height.

2. A retaining wall that exceeds a height of four feet (4') as measured from the bottom of footing to the top of wall.

3. The retaining wall is less than four feet (4') in height supporting a surcharge.

4. Any fence that is reviewed and approved by the Planning Commission, prior to the beginning of construction.

B. Each wall and fence system installed requires a review by the building official or designee to ensure the proposed installation is consistent with this code prior to construction.

17.28.030: GENERAL STANDARDS

A. The finished grade may not be bermed for the purpose of increasing the fence height.

B. No fence or obstruction to view shall be placed within a triangle area formed by a driveway line, the front yard property line, and a line connecting them at points twelve feet (12') along the driveway line and twelve feet (12') along the front property line.

C. When installed on a shared property line, a fence, wall, or retaining wall located on an interior property line separating two residential lots with differing elevations, the maximum height of the fence, wall, or retaining wall shall not exceed six feet (6') above grade on either side unless:

1. The property owners adjoining the fence, wall, or retaining wall agree in writing to a greater height; and

2. A retaining wall is placed against the cut area to retain the natural grade, in which case the fence, wall, and retaining wall combined shall not exceed nine feet (9') in height when measured from the lower lot side.

D. A fence or wall system constructed solely on a residential lot (including footprint) may be constructed to a maximum height of nine feet (9').

17.28.040: INTERIOR LOT REQUIREMENTS:

A. On all interior lot lines, a fence, not to exceed six feet (6') in height, may be erected along all side and rear property lines as per the following requirements:

1. To a point measured fifteen feet (15') from the front property line if the property line is from back of sidewalk.

2. To a point measured twenty-five feet (25') from the front property line if the property line is from back of curb, but not in the front yard setback area.

B. In any front setback area along interior front and side property lines, no ~~fence, wall, fence, or wall~~, or retaining wall shall exceed three feet (3') in height unless: a non-sight obstructing fence system that is at least fifty percent (50%) open is installed at which, a four foot (4') high fence may be erected on property line, for a distance of fifteen feet (15') even though the required front setback area is twenty-five feet (25'). A see-through fence that is at least fifty percent (50%) open is allowed at a height of four feet (4') and may be erected on the property line.

17.28.050: CORNER LOT REQUIREMENTS:

A. On all corner lots, a fence not to exceed six feet (6') in height may be erected along the rear and interior side lot lines. A solid fence or wall shall not be erected in the front yard or street side yard setback area to a height in excess of three feet (3'), except as provided for in subsection C below, and as approved by the building official or designee, designee. Where the fence or wall is located within five feet (5') of the sidewalk, the fence height shall be measured from sidewalk grade. Where the fence or wall is more than five feet (5') from the sidewalk, the height shall be measured from the adjacent grade on the street side.

B. In all zones requiring a front yard setback, no obstruction to view in excess of two feet (2')-(3') in height shall be placed on any corner within a triangular area formed by the street property lines and a line connecting them at points thirty feet (30') from the intersection of the property lines allowing for site visibility.

C. Fences or walls erected within the side yard setback that fronts on a public street side setback area may have a height up to six feet (6') provided the following conditions are met:

1. Solid fences or walls up to six feet (6') ~~over three feet (3')~~ in height shall maintain a minimum five-foot (5') setback from the property line.

2. Non-sight obstructing See-through fences that are at least fifty percent (50%) open shall be allowed to a height of six feet (6') and may be erected on the property line.

~~—The building official or designee, may require either increased fence setback, or lower fence height along corner side yards to provide adequate line of sight for driveways.~~

17.28.060: RETAINING WALLS; DIFFERENCE IN GRADE:

When a difference in grade exists between adjoining properties, a retaining wall may be constructed, subject to the requirements set forth in this section. A rock wall whose height does not exceed four (4) vertical feet and whose angle of repose does not exceed a ratio of one to one (1:1) is not a retaining wall for the purpose of this section.

A. The height of the retaining wall shall not exceed six feet (6'). If the retaining wall exceeds four feet (4') in height, the wall shall be engineered and approved pursuant to the International Residential Code Residential Code (IRC) standards.

~~B. Where a fence, wall or retaining wall is located along an interior property line separating two residential lots and there is a difference in grade, the maximum height of the fence, wall or retaining wall shall not exceed six feet (6') above grade on either side of the fence, wall, or retaining wall. However, the following exceptions may apply on a case-by-case basis:~~

~~—1. The property owners adjoining the fence, wall or retaining wall agree, in writing, to a greater height and a copy of said agreement, or letter(s) be submitted to the building official or designee to be placed in the project file; or~~

~~—2. Where a retaining wall is placed into a cut area to retain the natural grade without additional fill being added.~~

~~C. In no case shall the fence, wall or retaining wall, or combination of a fence on top of a retaining wall, exceed nine feet (9') in height unless approved by the Planning Commission.~~

~~B.D. Retaining wall systems over six feet (6') in height shall be terraced-stepped to form benches or landings which can be landscaped. Terraced Benched walls shall be offset at a one to one (1:1) ratio.~~

~~C. Retaining walls shall be moisture proofed on the retaining side of the wall below grade.~~

~~D. Walls installed during the project development process will be required to comply with the Santa Clara City Construction Design Standards, Section 4.3.2.5, Retaining Walls Required.~~

17.28.070: VACANT LOTS:

For the purpose of this chapter, it shall be presumed that a vacant lot shall contain a minimum front, side and rear yard that are otherwise required by ordinance. In any required side and rear yard on vacant lots, the maximum height of fences shall not exceed

six feet (6'). In any required front yard setback, the maximum height of fences shall not exceed three feet (3'). A non-site obstructing see-through fence that is at least fifty percent (50%) open is allowed at four feet (4') in height and may be erected at the property line.

17.28.080: FENCES ON THE PUBLIC RIGHT OF WAY:

No fence approved under this chapter shall be erected beyond a property line or on the public right of way, without the issuance of a special permit by the city. Approval of a fence on the public right of way shall be considered subject to the following conditions:

A. No fence shall be erected within one foot (1') of an existing or future sidewalk, within a four-foot (4') radius of a fire hydrant, or within a two-foot (2') radius of small utility boxes, light and power poles. Obtain verification from the electrical department for radii on other utility boxes.

B. The city shall retain the right to remove any fence on the public right of way for any purpose it deems necessary. Removal shall be at the sole expense of the property owner.

C. Maintenance of the area between the sidewalk and the property line shall be the responsibility of the property owner.

17.28.090: FENCES ON CONTROLLED ACCESS STREETS:

On controlled access streets, walls, fences, or hedges may be erected to a height of six feet (6') in the setback area, except that a six-foot (6') fence may not be constructed within the area intersected by the right-of-way lines of the curb returns, but not less than thirty feet (30'). See subsection 17.28.030 B. of this chapter. The triangular area may be either landscaped with low, spreading shrubs, rock landscaping, or paved as part of the sidewalk area.

17.28.100: FENCES FOR RECREATION USE:

A. On interior side and rear property lines, a chain-link fence may be erected to a height of twelve feet (12') for the purpose of enclosing a tennis court, or other court game area. Said fence may not be located within the setback area of yards abutting a front or street side yard.

B. A fence not less than four feet (4') ~~six feet (6')~~ in height shall be erected around all private outdoor swimming pools ~~including inground, aboveground, or on ground pools~~, hot tubs, or other similar pools not otherwise enclosed (or covered for hot tubs). spas, or jacuzzis. The specifications for the fence and gates, ~~excluding height~~, for residential application, shall be the same as those provided in the International Swimming Pool and Spa Code (ISPSC) ~~Residential Code (IRC)~~. This required fence or wall may encompass any amount of the lot or parcel, except that a swimming pool on the same lot and accessory to a dwelling unit shall not be located within the front yard setback. Exceptions:

1. Spas and hot tubs with lockable safety cover that complies with the ASTM F 1346.
2. Swimming pools with a powered safety cover that complies with the ASTM F 1346.

C. A fence not less than six feet (6') in height shall be erected around all public or commercial swimming pools.

D. G. Fences at a minimum of six feet (6') in height shall be erected around all ponds, canals, or ditches, where, in the opinion of the planning commission, there is determined to be a potential hazard to the health, and safety of surrounding areas or developments.

17.28.110: FENCES REQUIRED IN CERTAIN AREAS:

A. Fences surrounding developments having no individual lots that front on public streets, such as subdivisions with limited access, or planned developments larger than one acre, may have a solid fence in the front setback area to a height of six feet (6'), except that such fence shall be reduced to three feet (3') at driveway entrances and intersections in the same manner as required elsewhere in this chapter.

B. All commercial and industrial developments, in areas zoned accordingly, having a common lot line with property used for residential purposes shall be considered the same as the requirements of a residential interior lot line. Refer to section 17.28.020 of this chapter. (Ord. 2012-18)

17.28.120: NONCONFORMING FENCES:

Nonconforming fences shall not be reconstructed except in conformance with the requirements of this chapter. (Ord. 2012-18)

17.28.130: COURTYARD WALLS OR FENCES:

A courtyard wall or fence (a solid wall, or fence attached to the front dwelling unit and located in the front yard setback area) is allowed as per theper the following conditions:

A. Front Yard Setback: Front yard facing courtyard walls shall be located fifteen feet (15') from the front property line. ~~The wall or fence may not extend into the front yard setback area closer than ten feet (10') from the face of the dwelling.~~

B. Height: The height of such wall or fence shall not exceed four feet (4') in height as measured from the main floor elevation of the dwelling.

C. Application And Review: A building permit as required by section 17.28.015 of this chapter shall be required for all courtyard walls and fences subject to the following:

1. A plan shall be prepared showing the total front yard of the dwelling unit drawn to scale and showing where the proposed courtyard will be located. The application shall also include a front elevation of the dwelling, or a picture of the front of the dwelling, showing how the front will appear with the wall or fence constructed.

2. A detailed plan is required to show how the wall or fence would tie in with the architectural theme of the home, which is complimentary in style and materials of the primary residence.

3. The application shall be submitted to the TRC staff for review. In addition to how the proposal complies with this section, the TRC shall also consider how the proposed wall or fence may impact adjacent dwellings. Construction materials and aesthetic appeal will also be considered in determining whether to approve the request and authorize a building permit for the courtyard fence. City staff may submit the request to the Planning

Commission for their review and consideration at the next ~~available meeting~~available meeting.

17.28.140: UTILITY METERS:

Access to utility meters shall be readily accessible. Enclosing a utility meter with a wall or fence is in violation of City Code, Section 13.08.270, Access to Premises.

17.28.150: WALL & FENCE MATERIAL:

Building materials that are not specifically manufactured, listed, or commonly used to construct walls or fences are prohibited.

17.28.160: FENCES NOT OTHERWISE IDENTIFIED:

The Planning Commission shall review all requests for any type of fence not specifically identified in this chapter, and may approve said fence if, in the opinion of the Commission, the fence does not impair the intent and purpose of this title. (Ord. 2012-18)

17.28.170: BARBED WIRE:

Barbed wire, or wire, or similar fencing material shall be prohibited in all zones except agricultural. However, barbed wire, or similar fencing material is allowed for security purposes for public utilities and/or facility uses, and shall conform to the following restrictions:

- A. Barbed wire, or wire, or similar material shall be pulled tight and not rolled or coiled.
- B. Straight strands of barbed wire, or similar material on top of fences or walls shall not exceed a total height of seven feet (7').

CHAPTER 17.28

REQUIREMENTS FOR WALLS AND FENCES

SECTION:

17.28.010: Setback Area Defined

17.28.020: Permit Required

17.28.030: General Standards

17.28.040: Interior Lot Requirements

17.28.050: Corner Lot Requirements

17.28.060: Retaining Walls; Difference in Grade

17.28.070: Vacant Lots

17.28.080: Fences on The Public Right-Of-Way

17.28.090: Fences on Controlled Access Streets

17.28.100: Fences for Recreation Use

17.28.110: Fences Required in Certain Areas

17.28.120: Nonconforming Fences

17.28.130: Courtyard Walls or Fences

17.28.140: Utility Meters

17.28.150: Wall & Fence Material

17.28.160: Fences Not Otherwise Identified

17.28.170: Barbed Wire

17.28.010: SETBACK AREA DEFINED:

The term "front setback area" for the purpose of this title shall refer to the setback area (as required by this title) along any street frontage.

17.28.020: PERMIT REQUIRED:

A. A building permit and engineered design is required for the construction of a fence, wall, or retaining wall when one of the following conditions exists:

1. The fence system exceeds seven feet (7') in height.
2. A retaining wall that exceeds a height of four feet (4') as measured from the bottom of footing to the top of wall.
3. The retaining wall is less than four feet (4') in height supporting a surcharge.
4. Any fence that is reviewed and approved by the Planning Commission, prior to the beginning of construction.

B. Each wall and fence system installed requires a review by the building official or designee to ensure the proposed installation is consistent with this code prior to construction.

17.28.030: GENERAL STANDARDS

- A. The finished grade may not be bermed for the purpose of increasing the fence height.
- B. No fence or obstruction to view shall be placed within a triangle area formed by a driveway line, the front yard property line, and a line connecting them at points twelve feet (12') along the driveway line and twelve feet (12') along the front property line.
- C. When installed on a shared property line, a fence, wall, or retaining wall located on an interior property line separating two residential lots with differing elevations, the maximum height of the fence, wall, or retaining wall shall not exceed six feet (6') above grade on either side unless:
 - 1. The property owners adjoining the fence, wall, or retaining wall agree in writing to a greater height; and
 - 2. A retaining wall is placed against the cut area to retain the natural grade, in which case the fence, wall, and retaining wall combined shall not exceed nine feet (9') in height when measured from the lower lot side.
- D. A fence or wall system constructed solely on a residential lot (including footprint) may be constructed to a maximum height of nine feet (9').

17.28.040: INTERIOR LOT REQUIREMENTS:

- A. On all interior lot lines, a fence, not to exceed six feet (6') in height, may be erected along all side and rear property lines as per the following requirements:
 - 1. To a point measured fifteen feet (15') from the front property line if the property line is from back of sidewalk.
 - 2. To a point measured twenty-five feet (25') from the front property line if the property line is from back of curb.
- B. In any front setback area along interior front and side property lines, no fence, wall, or retaining wall shall exceed three feet (3') in height unless: a non-sight obstructing fence system that is at least fifty percent (50%) open is installed at which, a four foot (4') high fence may be erected on property line.

17.28.050: CORNER LOT REQUIREMENTS:

- A. On all corner lots, a fence not to exceed six feet (6') in height may be erected along the rear and interior side lot lines. A solid fence or wall shall not be erected in the front yard or street side yard setback area to a height in excess of three feet (3'), except as provided for in subsection C below, and as approved by the building official or designee. Where the fence or wall is located within five feet (5') of the sidewalk, the fence height shall be measured from sidewalk grade. Where the fence or wall is more than five feet (5') from the sidewalk, the height shall be measured from the adjacent grade on the street side.
- B. In all zones requiring a front yard setback, no obstruction to view in excess of two feet (2') in height shall be placed on any corner within a triangular area formed by the street property lines and a line connecting them at points thirty feet (30') from the intersection of the property lines allowing for site visibility.
- C. Fences or walls erected within the side yard setback that fronts on a public street may have a height up to six feet (6') provided the following conditions are met:

1. Solid fences or walls up to six feet (6') in height shall maintain a minimum five-foot (5') setback from the property line.
2. Non-sight obstructing fences that are at least fifty percent (50%) open shall be allowed to a height of six feet (6') and may be erected on the property line.

17.28.060: RETAINING WALLS; DIFFERENCE IN GRADE:

When a difference in grade exists between adjoining properties, a retaining wall may be constructed, subject to the requirements set forth in this section. A rock wall whose height does not exceed four (4) vertical feet and whose angle of repose does not exceed a ratio of one to one (1:1) is not a retaining wall for the purpose of this section.

A. The height of the retaining wall shall not exceed six feet (6'). If the retaining wall exceeds four feet (4') in height, the wall shall be engineered and approved pursuant to the International Residential Code (IRC) standards.

B. Retaining wall systems over six feet (6') in height shall be terraced to form benches or landings which can be landscaped. Terraced walls shall be offset at a one to one (1:1) ratio.

C. Retaining walls shall be moisture proofed on the retaining side of the wall below grade.

D. Walls installed during the project development process will be required to comply with the Santa Clara City Construction Design Standards, Section 4.3.2.5, Retaining Walls Required.

17.28.070: VACANT LOTS:

For the purpose of this chapter, it shall be presumed that a vacant lot shall contain a minimum front, side and rear yard that are otherwise required by ordinance. In any required side and rear yard on vacant lots, the maximum height of fences shall not exceed six feet (6'). In any required front yard setback, the maximum height of fences shall not exceed three feet (3'). A non-site obstructing ~~see-through~~ fence that is at least fifty percent (50%) open is allowed at four feet (4') in height and may be erected at the property line.

17.28.080: FENCES ON THE PUBLIC RIGHT OF WAY:

No fence approved under this chapter shall be erected beyond a property line or on the public right of way, without the issuance of a special permit by the city. Approval of a fence on the public right of way shall be considered subject to the following conditions:

A. No fence shall be erected within one foot (1') of an existing or future sidewalk, within a four-foot (4') radius of a fire hydrant, or within a two-foot (2') radius of small utility boxes, light and power poles. Obtain verification from the electrical department for radii on other utility boxes.

B. The city shall retain the right to remove any fence on the public right of way for any purpose it deems necessary. Removal shall be at the sole expense of the property owner.

C. Maintenance of the area between the sidewalk and the property line shall be the responsibility of the property owner.

17.28.090: FENCES ON CONTROLLED ACCESS STREETS:

On controlled access streets, walls, fences, or hedges may be erected to a height of six feet (6') in the setback area, except that a six-foot (6') fence may not be constructed within the area intersected by the right-of-way lines of the curb returns, but not less than thirty feet (30'). See subsection 17.28.030 B. of this chapter. The triangular area may be either landscaped with low, spreading shrubs, rock landscaping, or paved as part of the sidewalk area.

17.28.100: FENCES FOR RECREATION USE:

A. On interior side and rear property lines, a chain-link fence may be erected to a height of twelve feet (12') for the purpose of enclosing a tennis court, or other court game area. Said fence may not be located within the setback area of yards abutting a front or street side yard.

B. A fence not less than four feet (4') in height shall be erected around all private outdoor swimming pools, hot tubs, or other similar pools not otherwise enclosed (or covered for hot tubs). The specifications for the fence and gates, for residential application, shall be the same as those provided in the International Swimming Pool and Spa Code (ISPS). This required fence or wall may encompass any amount of the lot or parcel, except that a swimming pool on the same lot and accessory to a dwelling unit shall not be located within the front yard setback. Exceptions:

1. Spas and hot tubs with lockable safety cover that complies with the ASTM F 1346.
2. Swimming pools with a powered safety cover that complies with the ASTM F 1346.

C. A fence not less than six feet (6') in height shall be erected around all public or commercial swimming pools.

D. Fences at a minimum of six feet (6') in height shall be erected around all ponds, canals, or ditches, where, in the opinion of the planning commission, there is determined to be a potential hazard to the health, and safety of surrounding areas or developments.

17.28.110: FENCES REQUIRED IN CERTAIN AREAS:

A. Fences surrounding developments having no individual lots that front on public streets, such as subdivisions with limited access, or planned developments larger than one acre, may have a solid fence in the front setback area to a height of six feet (6'), except that such fence shall be reduced to three feet (3') at driveway entrances and intersections in the same manner as required elsewhere in this chapter.

B. All commercial and industrial developments, in areas zoned accordingly, having a common lot line with property used for residential purposes shall be considered the same as the requirements of a residential interior lot line. Refer to section 17.28.020 of this chapter. (Ord. 2012-18)

17.28.120: NONCONFORMING FENCES:

Nonconforming fences shall not be reconstructed except in conformance with the requirements of this chapter.

17.28.130: COURTYARD WALLS OR FENCES:

A courtyard wall or fence (a solid wall, or fence attached to the front dwelling unit and located in the front yard setback area) is allowed as per the following conditions:

A. Front Yard Setback: Front yard facing courtyard walls shall be located fifteen feet (15') from the front property line.

B. Height: The height of such wall or fence shall not exceed four feet (4') in height as measured from the main floor elevation of the dwelling.

C. Application and Review: A building permit as required by section 17.28.015 of this chapter shall be required for all courtyard walls and fences subject to the following:

1. A plan shall be prepared showing the total front yard of the dwelling unit drawn to scale and showing where the proposed courtyard will be located. The application shall also include a front elevation of the dwelling, or a picture of the front of the dwelling, showing how the front will appear with the wall or fence constructed.

2. A detailed plan is required to show how the wall or fence would tie in with the architectural theme of the home, which is complimentary in style and materials of the primary residence.

3. The application shall be submitted to the TRC staff for review. In addition to how the proposal complies with this section, the TRC shall also consider how the proposed wall or fence may impact adjacent dwellings. Construction materials and aesthetic appeal will also be considered in determining whether to approve the request and authorize a building permit for the courtyard fence. City staff may submit the request to the Planning Commission for their review and consideration at the next available meeting.

17.28.140: UTILITY METERS

Access to utility meters shall be readily accessible. Enclosing a utility meter with a wall or fence is in violation of City Code, Section 13.08.270, Access to Premises.

17.28.150: WALL & FENCE MATERIAL:

Building materials that are not specifically manufactured, listed, or commonly used to construct walls or fences are prohibited.

17.28.160: FENCES NOT OTHERWISE IDENTIFIED:

The Planning Commission shall review all requests for any type of fence not specifically identified in this chapter, and may approve said fence if, in the opinion of the Commission, the fence does not impair the intent and purpose of this title.

17.28.170: BARBED WIRE:

Barbed wire, or similar fencing material shall be prohibited in all zones except agricultural. However, barbed wire, or similar fencing material is allowed for security purposes for public utilities and/or facility uses, and shall conform to the following restrictions:

- A. Barbed wire, or similar material shall be pulled tight and not rolled or coiled.

B. Straight strands of barbed wire, or similar material on top of fences or walls shall not exceed a total height of seven feet (7').

DRAFT

ORDINANCE NO. 2022-02

AN ORDINANCE OF THE CITY OF SANTA CLARA, UTAH, TO AMEND TITLE 17, CHAPTER 28 OF THE MUNICIPAL CODE OF SANTA CLARA PERTAINING TO THE RULES AND REGULATIONS PERTAINING TO THE REQUIREMENTS FOR WALLS AND FENCES AND BY ADOPTING THE FOLLOWING SECTIONS 17.28.030 “GENERAL STANDARDS,” 17.28.140 “UTILITY METERS,” AND 17.28.150 “WALL & FENCE MATERIAL.

WHEREAS, it is important to the City of Santa Clara to update it’s code from time to time to remain relevant, reflective, and clear in its rules and regulations for use by homeowners and developers;

WHEREAS, upon discussions with City Staff, the Planning Commission determined that certain amendments and adoptions were necessary to keep the rules and regulations of Chapter 17.28 of the City Zoning Code clearer, consistent, and understandable for homeowners and developers; and

WHEREAS, the Planning Commission has forwarded its recommendation to the City Council regarding these proposed changes; and

WHEREAS, the Santa Clara City Council has reviewed the recommendations of the Planning Commission and now desires to amend and adopt Chapter 28, of Title 17 establishing consistent and clear rules and regulations pertaining to the regulation of walls and fences.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of Santa Clara, Utah, that Title 17, Chapter 28 be amended, as provided herein, and Sections 17.28.030 General Standards; 17.28.140 Utility Meters; and 17.28.150 Wall & Fence Material be adopted, as follows:

Proposed Ordinance Adopting 17.28 Walls, Fences, and Hedges

17.28.010: SETBACK AREA DEFINED:

The term "front setback area" for the purpose of this title shall refer to the setback area (as required by this title) along any street frontage.

17.28.020: PERMIT REQUIRED:

- A. A building permit and engineered design is required for the construction of a fence, wall, or retaining wall when one of the following conditions exists:
 - 1. The fence system exceeds seven feet (7') in height.
 - 2. A retaining wall that exceeds a height of four feet (4') as measured from the bottom of footing to the top of wall.
 - 3. The retaining wall is less than four feet (4') in height supporting a surcharge.
 - 4. Any fence that is reviewed and approved by the Planning Commission, prior to the beginning of construction.
- B. Each wall and fence system installed requires a review by the building official or designee to ensure the proposed installation is consistent with this code prior to construction.

17.28.030: GENERAL STANDARDS

- A. The finished grade may not be bermed for the purpose of increasing the fence height.
- B. No fence or obstruction to view shall be placed within a triangle area formed by a driveway line, the front yard property line, and a line connecting them at points twelve feet (12') along the driveway line and twelve feet (12') along the front property line.
- C. When installed on a shared property line, a fence, wall, or retaining wall located on an interior property line separating two residential lots with differing elevations, the maximum height of the fence, wall, or retaining wall shall not exceed six feet (6') above grade on either side unless:
 - 1. The property owners adjoining the fence, wall, or retaining wall agree in writing to a greater height; and
 - 2. A retaining wall is placed against the cut area to retain the natural grade, in which case the fence, wall, and retaining wall combined shall not exceed nine feet (9') in height when measured from the lower lot side.
- C. A fence or wall system constructed solely on a residential lot (including footprint) may be constructed to a maximum height of nine feet (9').

17.28.040: INTERIOR LOT REQUIREMENTS:

- A. On all interior lot lines, a fence, not to exceed six feet (6') in height, may be erected along all side and rear property lines as per the following requirements:
 - 1. To a point measured fifteen feet (15') from the front property line if the property line is from back of sidewalk.
 - 2. To a point measured twenty-five feet (25') from the front property line if the property line is from back of curb.
- B. In any front setback area along interior front and side property lines, no fence, wall, or retaining wall shall exceed three feet (3') in height unless: a non-sight obstructing fence system that is at least fifty percent (50%) open is installed at which, a four foot (4') high fence may be erected on property line.

17.28.050: CORNER LOT REQUIREMENTS:

- A. On all corner lots, a fence not to exceed six feet (6') in height may be erected along the rear and interior side lot lines. A solid fence or wall shall not be erected in the front yard or street side yard setback area to a height in excess of three feet (3'), except as provided for in subsection C below, and as approved by the building official or designee. Where the fence or wall is located within five feet (5') of the sidewalk, the fence height shall be measured from sidewalk grade. Where the fence or wall is more than five feet (5') from the sidewalk, the height shall be measured from the adjacent grade on the street side.
- B. In all zones requiring a front yard setback, no obstruction to view in excess of two feet (2') in height shall be placed on any corner within a triangular area formed by the street property lines and a line connecting them at points thirty feet (30') from the intersection of the property lines allowing for site visibility.
- C. Fences or walls erected within the side yard setback that fronts on a public street may have a height up to six feet (6') provided the following conditions are met:

1. Solid fences or walls up to six feet (6') in height shall maintain a minimum five-foot (5') setback from the property line.
2. Non-sight obstructing fences that are at least fifty percent (50%) open shall be allowed to a height of six feet (6') and may be erected on the property line.

17.28.060: RETAINING WALLS; DIFFERENCE IN GRADE:

When a difference in grade exists between adjoining properties, a retaining wall may be constructed, subject to the requirements set forth in this section. A rock wall whose height does not exceed four (4) vertical feet and whose angle of repose does not exceed a ratio of one to one (1:1) is not a retaining wall for the purpose of this section.

- A. The height of the retaining wall shall not exceed six feet (6'). If the retaining wall exceeds four feet (4') in height, the wall shall be engineered and approved pursuant to the International Residential Code (IRC) standards.
- B. Retaining wall systems over six feet (6') in height shall be terraced to form benches or landings which can be landscaped. Terraced walls shall be offset at a one to one (1:1) ratio.
- C. Retaining walls shall be moisture proofed on the retaining side of the wall below grade.
- D. Walls installed during the project development process will be required to comply with the Santa Clara City Construction Design Standards, Section 4.3.2.5, Retaining Walls Required.

17.28.070: VACANT LOTS:

For the purpose of this chapter, it shall be presumed that a vacant lot shall contain a minimum front, side and rear yard that are otherwise required by ordinance. In any required side and rear yard on vacant lots, the maximum height of fences shall not exceed six feet (6'). In any required front yard setback, the maximum height of fences shall not exceed three feet (3'). A non-site obstructing ~~see-through~~ fence that is at least fifty percent (50%) open is allowed at four feet (4') in height and may be erected at the property line.

17.28.080: FENCES ON THE PUBLIC RIGHT OF WAY:

No fence approved under this chapter shall be erected beyond a property line or on the public right of way, without the issuance of a special permit by the city. Approval of a fence on the public right of way shall be considered subject to the following conditions:

- A. No fence shall be erected within one foot (1') of an existing or future sidewalk, within a four-foot (4') radius of a fire hydrant, or within a two-foot (2') radius of small utility boxes, light and power poles. Obtain verification from the electrical department for radii on other utility boxes.
- B. The city shall retain the right to remove any fence on the public right of way for any purpose it deems necessary. Removal shall be at the sole expense of the property owner.
- C. Maintenance of the area between the sidewalk and the property line shall be the responsibility of the property owner.

17.28.090: FENCES ON CONTROLLED ACCESS STREETS:

On controlled access streets, walls, fences, or hedges may be erected to a height of six feet (6') in the setback area, except that a six-foot (6') fence may not be constructed within the area

intersected by the right-of-way lines of the curb returns, but not less than thirty feet (30'). See subsection 17.28.030 B. of this chapter. The triangular area may be either landscaped with low, spreading shrubs, rock landscaping, or paved as part of the sidewalk area.

17.28.100: FENCES FOR RECREATION USE:

- A. On interior side and rear property lines, a chain-link fence may be erected to a height of twelve feet (12') for the purpose of enclosing a tennis court, or other court game area. Said fence may not be located within the setback area of yards abutting a front or street side yard.
- B. A fence not less than four feet (4') in height shall be erected around all private outdoor swimming pools, hot tubs, or other similar pools not otherwise enclosed (or covered for hot tubs). The specifications for the fence and gates, for residential application, shall be the same as those provided in the International Swimming Pool and Spa Code (ISPSA). This required fence or wall may encompass any amount of the lot or parcel, except that a swimming pool on the same lot and accessory to a dwelling unit shall not be located within the front yard setback. Exceptions:
 - 1. Spas and hot tubs with lockable safety cover that complies with the ASTM F 1346.
 - 2. Swimming pools with a powered safety cover that complies with the ASTM F 1346.
- C. A fence not less than six feet (6') in height shall be erected around all public or commercial swimming pools.
- D. Fences at a minimum of six feet (6') in height shall be erected around all ponds, canals, or ditches, where, in the opinion of the planning commission, there is determined to be a potential hazard to the health, and safety of surrounding areas or developments.

17.28.110: FENCES REQUIRED IN CERTAIN AREAS:

- A. Fences surrounding developments having no individual lots that front on public streets, such as subdivisions with limited access, or planned developments larger than one acre, may have a solid fence in the front setback area to a height of six feet (6'), except that such fence shall be reduced to three feet (3') at driveway entrances and intersections in the same manner as required elsewhere in this chapter.
- B. All commercial and industrial developments, in areas zoned accordingly, having a common lot line with property used for residential purposes shall be considered the same as the requirements of a residential interior lot line. Refer to section 17.28.020 of this chapter. (Ord. 2012-18)

17.28.120: NONCONFORMING FENCES:

Nonconforming fences shall not be reconstructed except in conformance with the requirements of this chapter.

17.28.130: COURTYARD WALLS OR FENCES:

A courtyard wall or fence (a solid wall, or fence attached to the front dwelling unit and located in the front yard setback area) is allowed as per the following conditions:

- A. Front Yard Setback: Front yard facing courtyard walls shall be located fifteen feet (15') from the front property line.
- B. Height: The height of such wall or fence shall not exceed four feet (4') in height as measured from the main floor elevation of the dwelling.
- C. Application and Review: A building permit as required by section 17.28.015 of this chapter shall be required for all courtyard walls and fences subject to the following:
 - 1. A plan shall be prepared showing the total front yard of the dwelling unit drawn to scale and showing where the proposed courtyard will be located. The application shall also include a front elevation of the dwelling, or a picture of the front of the dwelling, showing how the front will appear with the wall or fence constructed.
 - 2. A detailed plan is required to show how the wall or fence would tie in with the architectural theme of the home, which is complimentary in style and materials of the primary residence.
 - 3. The application shall be submitted to the TRC staff for review. In addition to how the proposal complies with this section, the TRC shall also consider how the proposed wall or fence may impact adjacent dwellings. Construction materials and aesthetic appeal will also be considered in determining whether to approve the request and authorize a building permit for the courtyard fence. City staff may submit the request to the Planning Commission for their review and consideration at the next available meeting.

17.28.140: UTILITY METERS

Access to utility meters shall be readily accessible. Enclosing a utility meter with a wall or fence is in violation of City Code, Section 13.08.270, Access to Premises.

17.28.150: WALL & FENCE MATERIAL:

Building materials that are not specifically manufactured, listed, or commonly used to construct walls or fences are prohibited.

17.28.160: FENCES NOT OTHERWISE IDENTIFIED:

The Planning Commission shall review all requests for any type of fence not specifically identified in this chapter, and may approve said fence if, in the opinion of the Commission, the fence does not impair the intent and purpose of this title.

17.28.170: BARBED WIRE:

Barbed wire, or similar fencing material shall be prohibited in all zones except agricultural. However, barbed wire, or similar fencing material is allowed for security purposes for public utilities and/or facility uses, and shall conform to the following restrictions:

- A. Barbed wire, or similar material shall be pulled tight and not rolled or coiled.
- B. Straight strands of barbed wire, or similar material on top of fences or walls shall not exceed a total height of seven feet (7').

BE IT FURTHER ORDAINED that this Ordinance shall take effect on January 12, 2022 after publication and posting as required by law and shall supersede any other ordinance or

provision in conflict with the terms hereof.

ADOPTED AND APPROVED by a duly constituted quorum of the City Council of the City of Santa Clara, State of Utah, on this 12th of January 2022.

CITY OF SANTA CLARA

Rick Rosenberg, Mayor

Attest:

Chris Shelley, Recorder

Mayor
Rick Rosenberg

City Manager
Brock Jacobsen



City Council
Denny Drake
Wendell Gubler
Leina Mathis
Ben Shakespeare
Jarett Waite

CITY COUNCIL

Meeting Date: January 12, 2022

Agenda Item: 4

Applicant: Debbie Bannon

Requested by: Debbie Bannon

Subject: Budget Calendar for FY

2022-2023

Description:

We present to you the budget calendar for FY 2022-2023. The calendar sets for the dates when certain items of the budget are to be completed, when public hearings will be held and when the budget will be officially adopted.

Recommendation: Approval

Cost: 0.00

Legal Approval: N/A

Finance Approval: Yes

Budget Approval: N/A

Attachments:

<https://sccity.org/wp-content/uploads/formidable/41/Budget-Prep-Schedule-FY-2022-2023-2.doc>

CITY OF SANTA CLARA
FISCAL YEAR 2021-2022 - BUDGET PREPARATION CALENDAR

DATE	EVENT DESCRIPTION
January 12	Approval of budget preparation schedule by Mayor & City Council
January 19 12:00 to 5:00	Staff Strategic Planning Retreat & Budget Packets Distributed to Directors
February 3,10,17 & 24 March 3	City Manager Conducts Budget Reviews with Directors
February 16 11:30 to TBD	City Manager Conducts Budget Workshop with Council & Staff Mayor & Council Budget and Fiscal Year Goals Due
March 24	Capital Project Budgets, Operating Budgets and Salaries & Benefits requests due
March 31	County notified of date, time and place of public hearing for any potential tax levy increase (59-2-919 (7) (a))
March 1 through March 31	City Manager completes preparation of the Tentative Budget and computes the Tentative Millage Rate necessary to support the proposed Tentative Budget
April 6	Work Meeting to Review and Discuss the Proposed Tentative Budget
May 4	Work Meeting to Review Final Tentative Budget
May 11	Tentative Budget and Tentative Millage Rate submitted to City Council (10-6-111(1)) Tentative Budget tentatively adopted by City Council (10-6-111(3)) and Public Hearing date set for adoption of Tentative Budget (10-6-113) Issue notice to Spectrum of Public Hearing (Published 7 days prior to Public Hearing) to consider adoption of Final Tentative Budget for FY 2021-2022 (10-6-113)
May 25	Public Hearing on Tentative Budget for FY 2021-2022 Issue notice to Spectrum of Public Hearing (Published 7 days prior to Public Hearing) to consider adoption of Final Tentative Budget for FY 2021-2022 (10-6-113) Final Tentative budget made available for public inspection a minimum of 10 days prior to adoption of final budget (10-6-112)

DATE	EVENT DESCRIPTION
June 1	Work Meeting to Review Budget
June 8	Public Hearing on the Final Tentative Budget for FY 2021-2022 (10-6-114) If no increase in tax levy, legislative body may adopt Final Budget by Ordinance for FY 2021-2022 (10-6-113-118) Adopt proposed <u>or</u> final tax rate by resolution or ordinance (59-2-912) (10-6-133)
June 15 Special Meeting	If necessary, due to input received at public hearing, City Council adopts Budget and Tax Rate
June 8	Forward proposed or certified Tax Rate to County Auditor (10-6-134)
Prior to July 8	Final certified copy of budget filed with State Auditor within 30 days after adoption (10-6-118)
	NOTE: If the City decides to increase the tax levy, the City would not adopt the budget in June. In the event of an increase in the tax levy, the following additional steps would be undertaken:
July 8	Last day for County Auditor to notify each owner of real estate within City Limits regarding proposed increase in Tax Levy (59-2-919 (4))
July 12	Issue public notice of Public Hearing for adoption of FY 2021-2022 Tax Levy (59-2-919)
August 10	Mayor and Council hold Public Hearing on proposed augmented tax levy (59-2-919) Mayor and Council adopt Resolution approving augmented tax levy (59-2-919) Mayor and Council adopt Ordinance approving Final Budget
August 11	Forward resolution adopting augmented Tax Levy to County Auditor (59-2-920)

Mayor

Rick Rosenberg

City Manager

Brock Jacobsen



City Council

Denny Drake

Wendell Gubler

Leina Mathis

Ben Shakespeare

Jarett Waite

CITY COUNCIL

Meeting Date: January 12, 2022

Agenda Item: 6

Applicant: Gary Hall

Requested by: GARY HALL

Subject: Power Cost Adjustment

(PCA)

Description:

The Power Cost Adjustment is a tool that can be implemented to protect the both the customer and the city from fluctuating power supply costs. If power supply costs increase or decrease, the power rates to the customers will be will be adjusted accordingly. The adjustment will be based on a rolling 6 month average and implemented monthly.

Recommendation: Discussion

Cost: NA

Legal Approval: N/A

Finance Approval: N/A

Budget Approval: N/A

Attachments:

<https://sccity.org/wp-content/uploads/formidable/41/Santa-Clara-ECOS-Draft-Results-V9-1.pptx>

Mayor
Rick Rosenberg

City Manager
Brock Jacobsen



City Council
Denny Drake
Wendell Gubler
Leina Mathis
Ben Shakespeare
Jarett Waite

CITY COUNCIL

Meeting Date: January 12, 2022

Agenda Item: 8

Applicant: Dade Rose (Regal Homes)

Requested by: Jim McNulty

Subject: PDR Zone Amendment &

Conditional Use

Description:

The applicant, Dade Rose (Regal Homes), is requesting a PDR Zone Amendment and Conditional Use for a limited number of Short-Term Rentals, STRs for the proposed Regal Homes @ Black Desert project. The applicant is proposing 199-units of single-family detached patio style homes ranging from 750 square feet to 950 square feet in size. The property will not be subdivided, and Regal Homes plans to keep it in their ownership while renting each unit. A detailed staff report has been included for your review and consideration.

Recommendation: Approval

Cost: N/A

Legal Approval: N/A

Finance Approval: N/A

Budget Approval: N/A

Attachments:

https://sccity.org/wp-content/uploads/formidable/41/Regal-Homes_PDR-Amd-CUP_January_2022_CC-Report.docx,
<https://sccity.org/wp-content/uploads/formidable/41/Approved-11-12-20-PC-Mtg-minutes.pdf>, <https://sccity.org/wp-content/uploads/formidable/41/PC-agenda-rpt-11-12-20-amended-PD-R-zone-for-Regal-Homes-at-Black-Desert-.docx>,
<https://sccity.org/wp-content/uploads/formidable/41/Exhibit-1-Updated-Narrative-Description-of-Reg-Liv-at-Black-Desert-2021.12.29.docx>, <https://sccity.org/wp-content/uploads/formidable/41/Site-Plan-for-Black-Desert-with-4-RV-spaces-Open-Space-Plan-Courtyard-Dimensions-2021.12.13-002.pdf>, [2603 Santa Clara Drive, Santa Clara, Utah 84765](https://sccity.org/wp-content/uploads/formidable/41/Black-Desert-</p></div><div data-bbox=)

UPDATED NARATIVE DESCRIPTION OF REGAL LIVING AT BLACK
DESERT AREAS 7 & 8 OF BLACK DESERT, SANTA CLARA CITY, UTAH

December 29, 2021

This narrative describes the future residential rental community known as “Regal Living at Black Desert” (the “**Project**”). A general overview of the Project will first be given, followed by the Project’s legal status, ownership, access ways, rental housing product, elevations, common area amenities and landscaping.

General Overview

Nestled among the black lava flows of beautiful Red Mountain, Black Desert is a Master Planned Community located in Santa Clara City and Ivins, Washington County, Utah (“**Black Desert**”). Situated towards the south-west corner of Black Desert are Areas 7 and 8. These areas are two adjoining parcels of land comprising 19.46 acres (the “**Property**”). Regal RealSource, LLC (“**Regal RealSource**”) has entered into a real estate purchase contract to purchase the Property from Black Desert’s Master Developer, Enlaw, LLC (“**Enlaw**”). Regal RealSource intends to develop the Project under the name Regal Living at Black Desert. It will be a single-owner, residential rental community of 199 dwelling units with a resort size swimming pool, club house, common areas and other amenities satisfying a key market need to provide affordable luxury homes to the present and future residents of Santa Clara City.

Legal Status

Black Desert and the Property have been part of the Knoll Pasture Planned Development (“**Knoll Pasture**”). Knoll Pasture was entitled as a planned development residential zone. Enlaw has amended the Knoll Pasture Planned Development to allow for the development of Black Desert. In conjunction with these efforts, on October 15, 2020 Regal RealSource filed an Application to Amend the Knoll Pasture Planned Development, replacing one planned development residential zone with a new planned development residential zone for the rental community named Regal Living at Black Desert. In November 2020, the Santa Clara City Planning Commission voted to recommend approval of the Project together with granting a conditional use for short term rentals of 20 dwelling units. At the urging of Santa Clara City (the “**City**”), Regal RealSource has waited for the approval of the Black Desert Master Development Agreement before proceeding with its application for the development of its portion of Black Desert.

On September 23, 2021, Enlaw and the City entered into and recorded the Master Development Agreement with the Washington County Recorder as Entry No. 20210063764 (the “**Master Development Agreement**”). Section 8V of the Master Development Agreement designated the Property as medium density residential. Under this PDR zoning, the Property can be developed to a density of eight (8) dwelling units per acre, for a total of 133 units. Pursuant to City Code Section 17.68.050, Regal RealSource has sought approval of a density

bonus of up to twelve (12) units per acre, for a maximum density of 200 units.

Since the Master Development Agreement was adopted, Regal RealSource has held several meetings with the City Staff and the Santa Clara City Council to advance the final approval of the Project. As part of these meetings, Regal RealSource has reduced the number of requested dwelling units from 200 units to 199 units. It also hereby reduces its request for short term rental units from 20 to 4 short term rental units, two 2-bedroom short term rental units and two 1-bedroom short term rental units. This has been done in order to fully comply with City Ordinance Section 17.68.060 by matching the extra 2 parking spaces currently provided on site (for the two 2-bedroom short term rental units) plus the four extra RV/Boat Parking Stalls added to the southeast corner of the Project.

Single Owner with a Single Parcel

The Property will not be subdivided. It will not be condominiumized. Instead, Regal RealSource will keep 16.65 acres as a single parcel of land for the Project (the balance of 2.81 acres will be retained by Enlaw to be used towards the extension of Red Mountain Drive). There will be no homeowners association because there will be no homeowners. The only owner of the Project and its rental homes will be Regal RealSource. It will be owned by a single owner who will be heavily invested and highly motivated to maintain a quality, luxury rental community. The Project will possess 199 dwelling units, top notch common amenities, open space, private roads and parking areas.

Open Space

The Project possesses substantial open space. The City Ordinance requires that 30% of the Project be open space. In this case that would be 217,587 s.f. ($30\% \times 725,322 \text{ s.f.} = 217,596 \text{ s.f.}$). Comprised of a resort swimming pool and outdoor facilities, three linked parks located in the center of the Project, additional green space and trails, Regal Living at Black Desert will possess 263,140 s.f. of open space, 45,553 s.f. more than required by the City Ordinance.

Property Management

The Project with its 199 dwelling units and their facilities will all be managed by a professional, nationally acclaimed, multifamily property manager. The Property Manager will be based on-site, with permanent offices within the building housing the exercise facility near the main entrance.

Exterior and Internal Road Access; NO Gates

Regal Living at Black Desert will be accessed from Pioneer Parkway going north along Red Mountain Drive. Red Mountain will extend along the east boundary of the Property heading northward towards Hamblin Parkway. Red Mountain Drive will be graded, constructed and paved from Pioneer Parkway to the northeast corner of the Property by Regal RealSource. This will be the primary access for ingress and egress to the Property. A secondary access shall be provided along the northern boundary of the Property utilizing Affirmation Street to Rachel

Street.

Inside the Project, Regal RealSource will grade, construct and pave private roads for the use of its renters and guests. The internal road widths are 26 feet curb-to-curb throughout the Project, except for the motor courts, that will be 24 feet wide. Turning radiuses have been carefully engineered to ensure that fire and emergency vehicles can easily drive the Project's internal roads. The parking spaces/carports are 18 feet deep so the gross roadway width is 62 feet. These internal roads and the associated parking areas will be maintained by Regal RealSource the same as any other owner of private property would maintain his valuable property. There will be NO gated roads within the Project.

Site Plan, Unit Mix and Parking.

The gross site area of the Project is 16.65 acres. The gross density is 11.95 homes per acre. The unit mix consists of three plans: (i) Plan 1 is a one bedroom, one bathroom carriage dwelling unit located over the ends of the garage parking areas; (ii) Plan 2 is a one bedroom, one bathroom, detached, dwelling unit; and (iii) Plan 3 is a two bedroom, two bathroom, detached dwelling unit. There will be 32 Plan 1 one bedroom carriage units, 48 Plan 2 one bedroom detached dwelling units and 119 Plan 3 two bedroom, detached dwelling units. We expect that the occupancy of these dwellings to be 1-4 persons, but on average about 2 persons. In all events the occupancy of these dwelling units will be nine or less persons as required under City ordinances. The Project includes four hundred (400) parking spaces, creating an overall parking ratio of 2.03 parking spaces per dwelling unit. Parking will be comprised of 80 garage parking spaces, 120 carport parking spaces and 200 uncovered parking spaces. There also will be 4 RV/Boat extended parking spaces in the southeast corner of the Project.

Exceptional Building Design and Materials of the Dwelling Units Satisfy Bonus Density Requirements

Regal Living at Black Desert takes a creative site design with fantastic project amenities and water wise landscaping (described below) and combines these features with exceptional building design and materials in full satisfaction of City Code Section 17.68.050's Bonus Density requirements. The Project has three different dwelling units with multiple and varied elevations. The predominant dwelling unit in the Project, 167 out of 199, is a detached, single-family home with one or two bedrooms. They are generally set up as a cluster of 4-homes with open courtyards and walkways or yards with at least 11 feet between them to eliminate the need for fire sprinklers. Each of these detached homes will have a doggy door that accesses onto a small, private back yard. The remaining 32 dwelling units are the carriage units. All of the detached homes and the carriage units will have large kitchens, spacious great rooms, clothes washers and dryers and modern appliances. Some will also include covered porches. The Project's rental homes will incorporate a southwestern exterior style and design founded on a transitional prairie plan. The siding will be concrete fiber board with a limited use of stucco incorporating warm earth colors. The stucco does not exceed 50% of the front elevation or the street side elevation for corner lots. The roofs will be 30-year, concrete

shingles. These dwellings are classy, high-quality homes, that make residents proud to claim as their own.

Common Area Amenities

A renter or guest passing through the tree lined main entry to Regal Living at Black Desert will immediately see the Project's gorgeous, showstopping common area—the Resort Pool, trellis, cabanas and landscaped recreation center. The Resort Pool will be 132 feet in length. It will allow for lap swimming as well as family swimming. A short distance from the Resort Pool will be splash pads and a spa hot tub. An outdoor covered barbecue area, covered seating and firepit will provide a welcome ambiance. The Recreation Center will include an exercise facility looking out over the pool, a club house and a welcome desk and office for the property manager. The Recreation Center will be designed in the southwest, prairie style.

Immediately north of the Resort Pool and the Recreation Center will be the first of three, linked relaxing, open space areas. This open space will be a large lawn area that extends the community feeling from the Resort Pool and Recreation Center out into the community. It will help people to gather, throw a frisbee and pass the time together. A walkway from this first open area heading northerly through the center of the Project will lead to a second, wonderful green space where renters and guests may relax. From this point, the walkway will continue northward to the third large, landscaped open space area at the north end of the Project. These three open spaces, like three linked jewels, are exquisite in themselves but combined will create an incredible, unobstructed view corridor of Red Mountain.

Landscaping

Although the large open space areas will have some grass as well, perhaps, some of the dwelling units private yards, the majority of the landscaping at Regal Living at Black Desert will be southwest desert landscaping. The trees, shrubs and other landscaping materials shall be selected from the City approved List of Black Desert Landscaping. The wall along the Project's east side bordering Red Mountain Drive will be a block wall. The distance between the Project's perimeter wall and the rear of the dwellings is a minimum of ten feet (10').

Trash Management

The Project will be kept extremely clean and sanitary. The trash receptacle has been placed at the southeast corner of the Project, so that it is kept at a distance from the residents while still being on-site. It also will allow direct truck access without requiring trash collection vehicles to drive on the Projects residential roads. Finally, a trash concierge service will be provided so that residents may have their trash collected directly from their homes and removed to the trash receptacle.

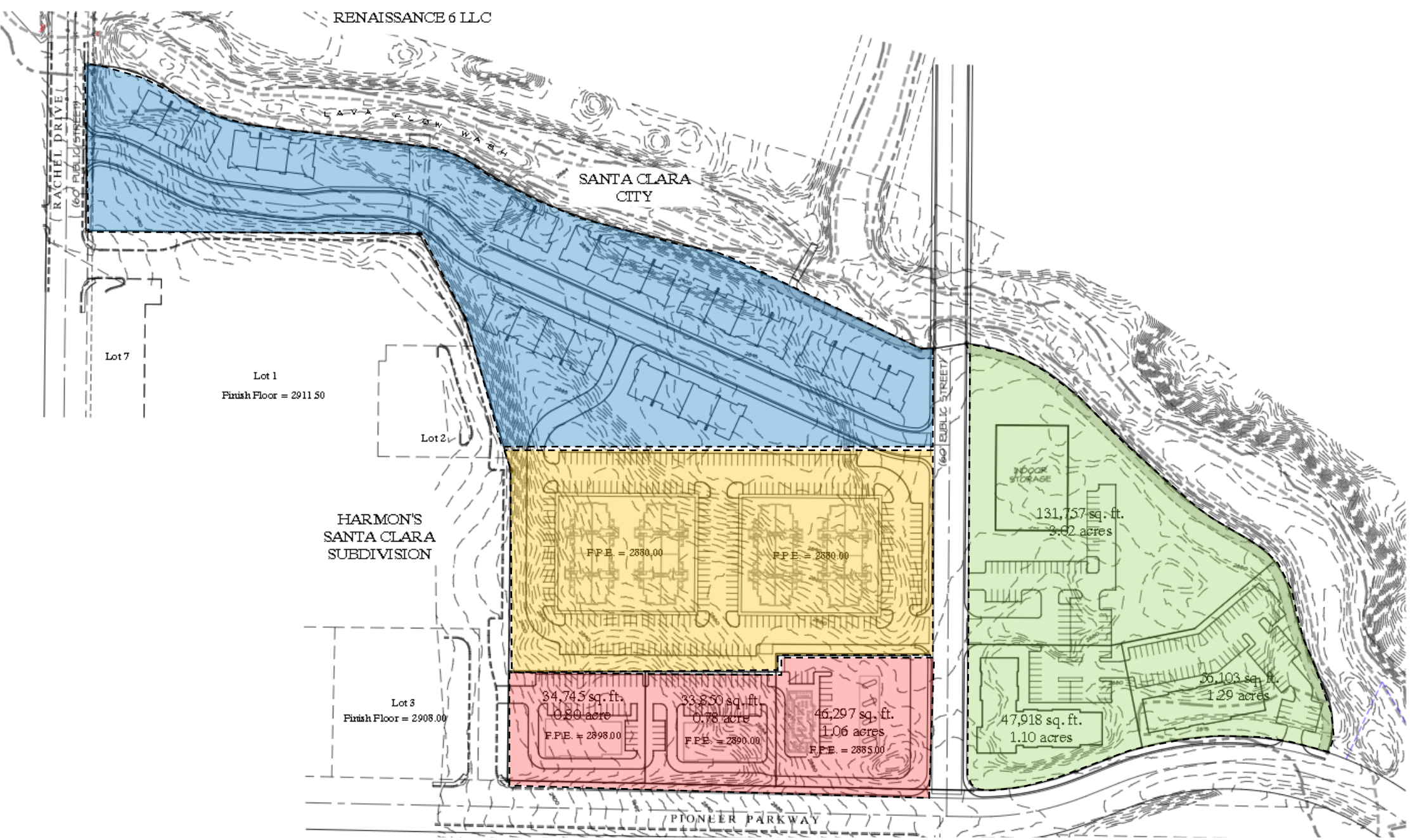
Stormwater Detention

It is anticipated that the Project's stormwater will be detained on-site before being released in a controlled manner using sound engineering designs that comply with the City Ordinances. Initial work will focus on utilizing the three common area parks to the north of the swimming pool, as well as the triangular common area to the far west and other common areas throughout the

Project. If these facilities prove to be insufficient, then the developer intends to combine their use with the best engineering practices such as routing to an off-site, approved storage location or utilizing on-site, underground chamber storage & release systems. The Project's stormwater system will be incorporated into the Project's construction plans to meet the City Stormwater Detention and Low Impact Development requirements. The system may include a series of catch basins located in the landscaped areas, private driveways and parking areas to collect surface runoff, utilizing a series of underground pipes to store runoff and release it at a controlled rate to the Tuachan Wash adjacent to the site. In addition, LID BMP's generally feasible for this site include bioretention cells or tree box filters placed in the landscaped strips adjacent to the public streets, and depressing the larger common landscaped areas within the project as allowed by the geotechnical report. A detailed Drainage Report will be submitted as part of the project construction plans.

Conclusion

In conclusion, Regal Living at Black Desert will be a fantastic addition to Santa Clara City and Washington County. It will provide a beautiful, affordable luxury alternative for residents seeking to live in their first home, newly married couples, young entrepreneurs, people starting over in their lives, elderly wanting to downsize, or those people who simply wish to avoid the hassles of home ownership while enjoying the benefits of living in their own, elegant, detached home. We ask for your support and approval of this project.



SANTA CLARA
CITY

RACHEL DRIVE
(60' PUBLIC STREET)

Lot 7

Lot 1
Finish Floor = 2911.50

Lot 2

HARMON'S
SANTA CLARA
SUBDIVISION

Lot 3
Finish Floor = 2908.00

F.P.E. = 2880.00

F.P.E. = 2880.00

34,745 sq. ft.
0.80 acre
F.P.E. = 2898.00

33,850 sq. ft.
0.78 acre
F.P.E. = 2890.00

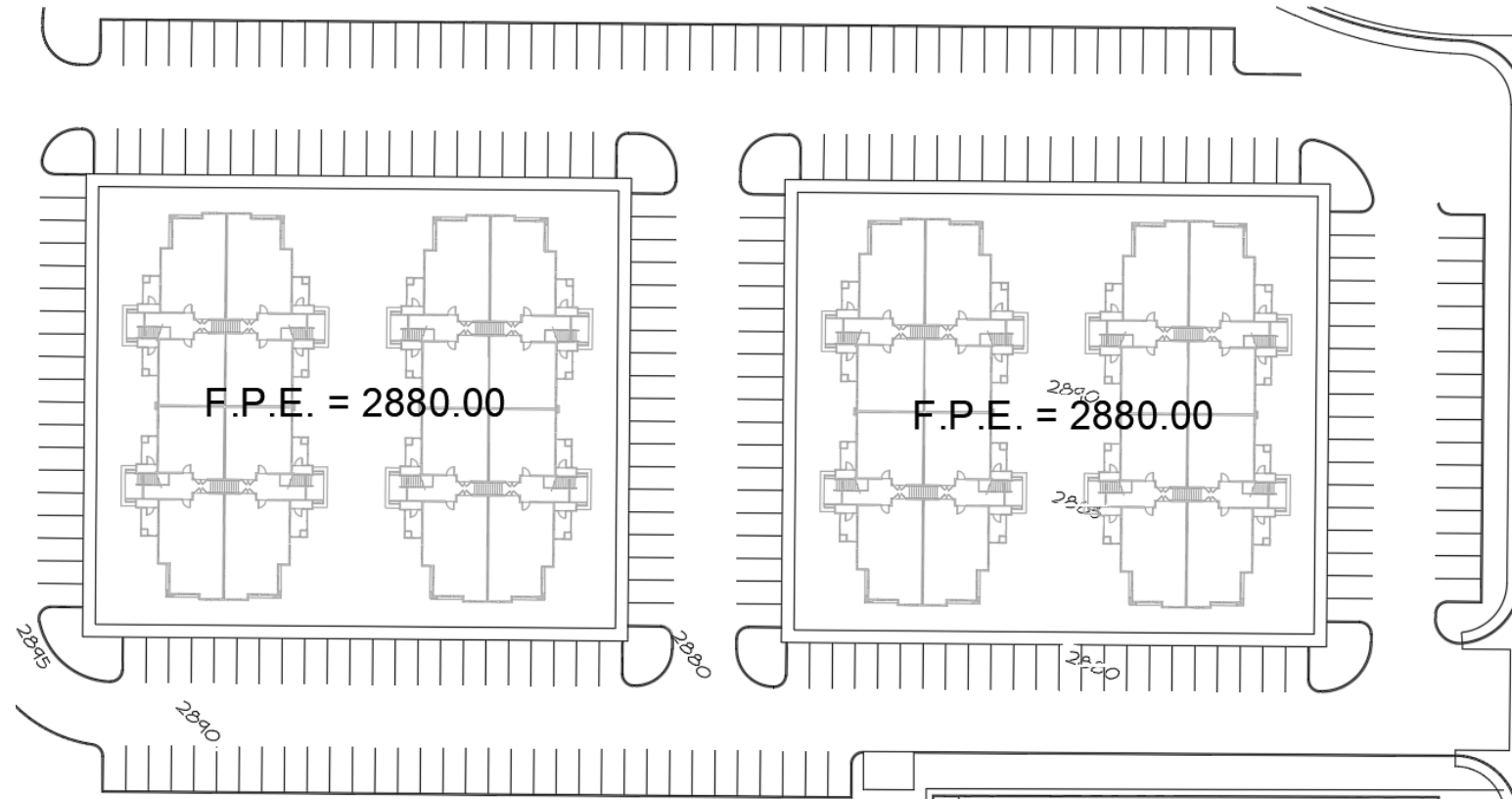
46,297 sq. ft.
1.06 acres
F.P.E. = 2885.00

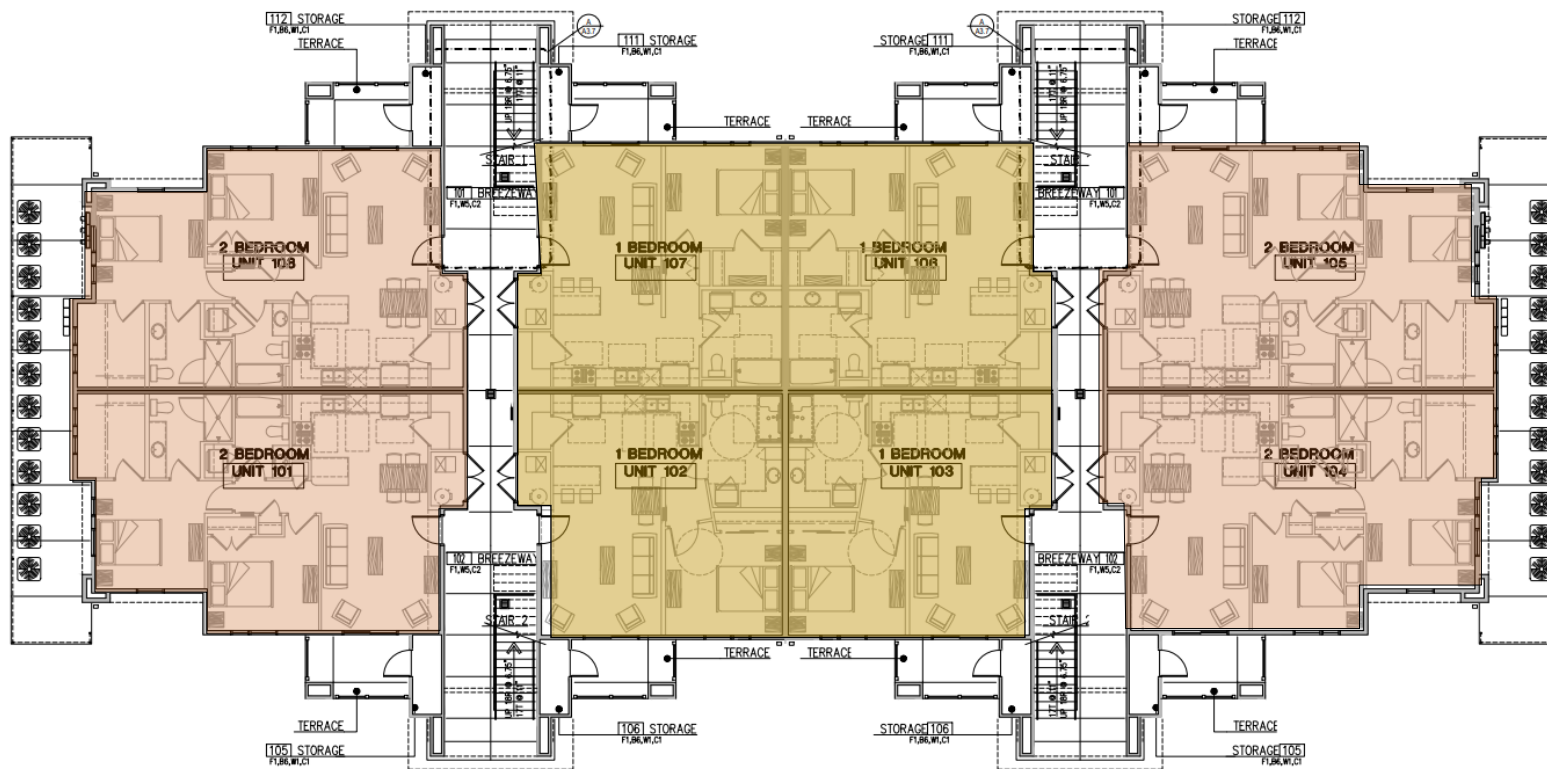
131,757 sq. ft.
3.02 acres

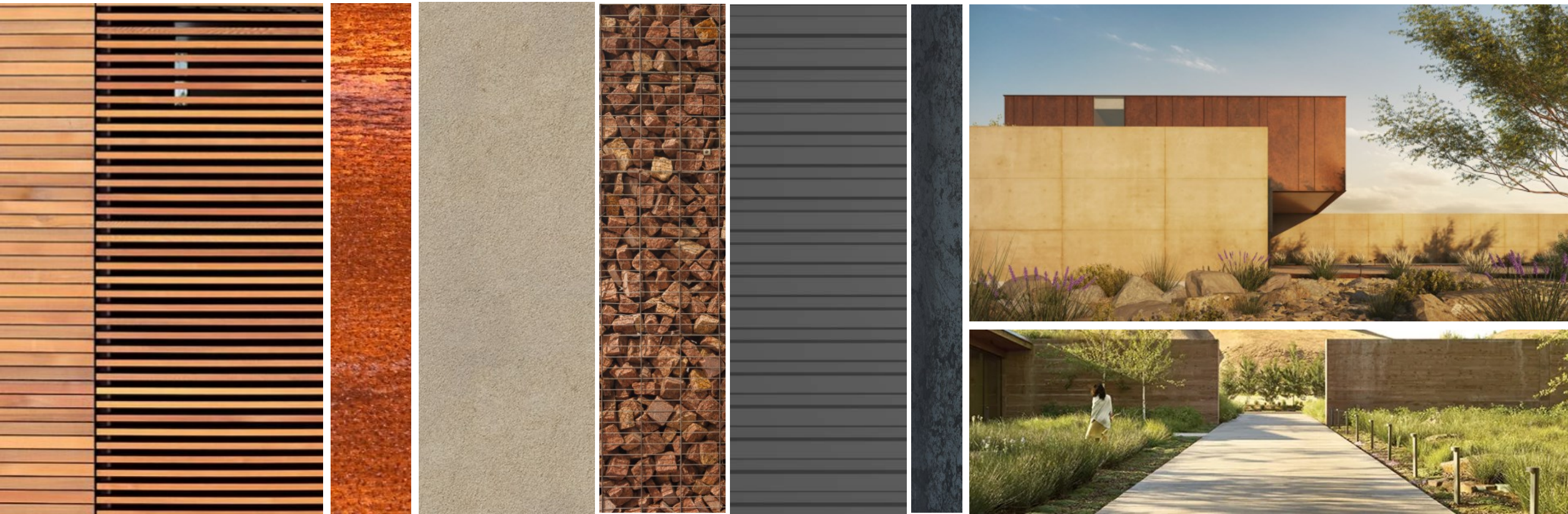
26,103 sq. ft.
1.29 acres

47,918 sq. ft.
1.10 acres

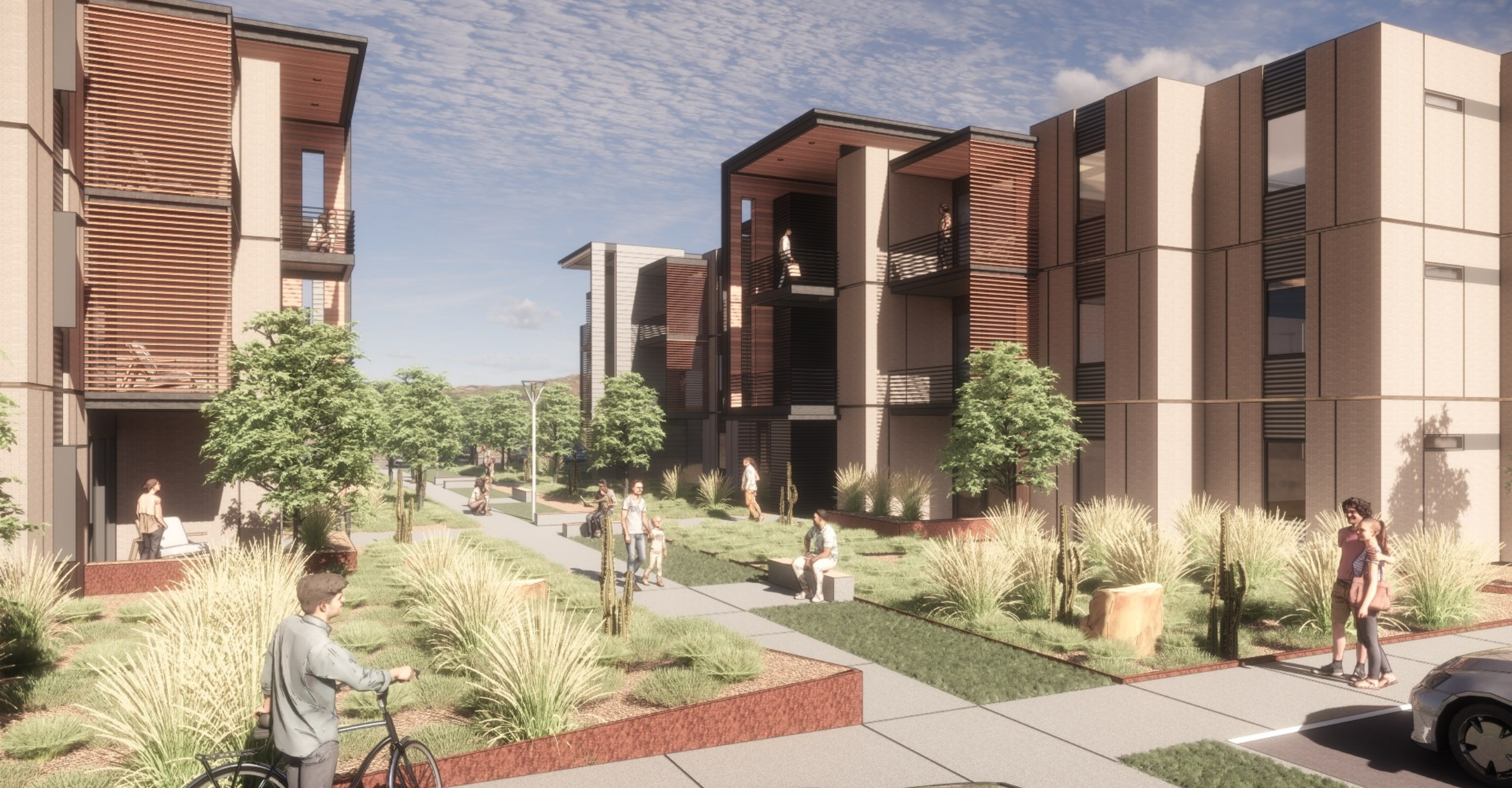
PIONEER PARKWAY



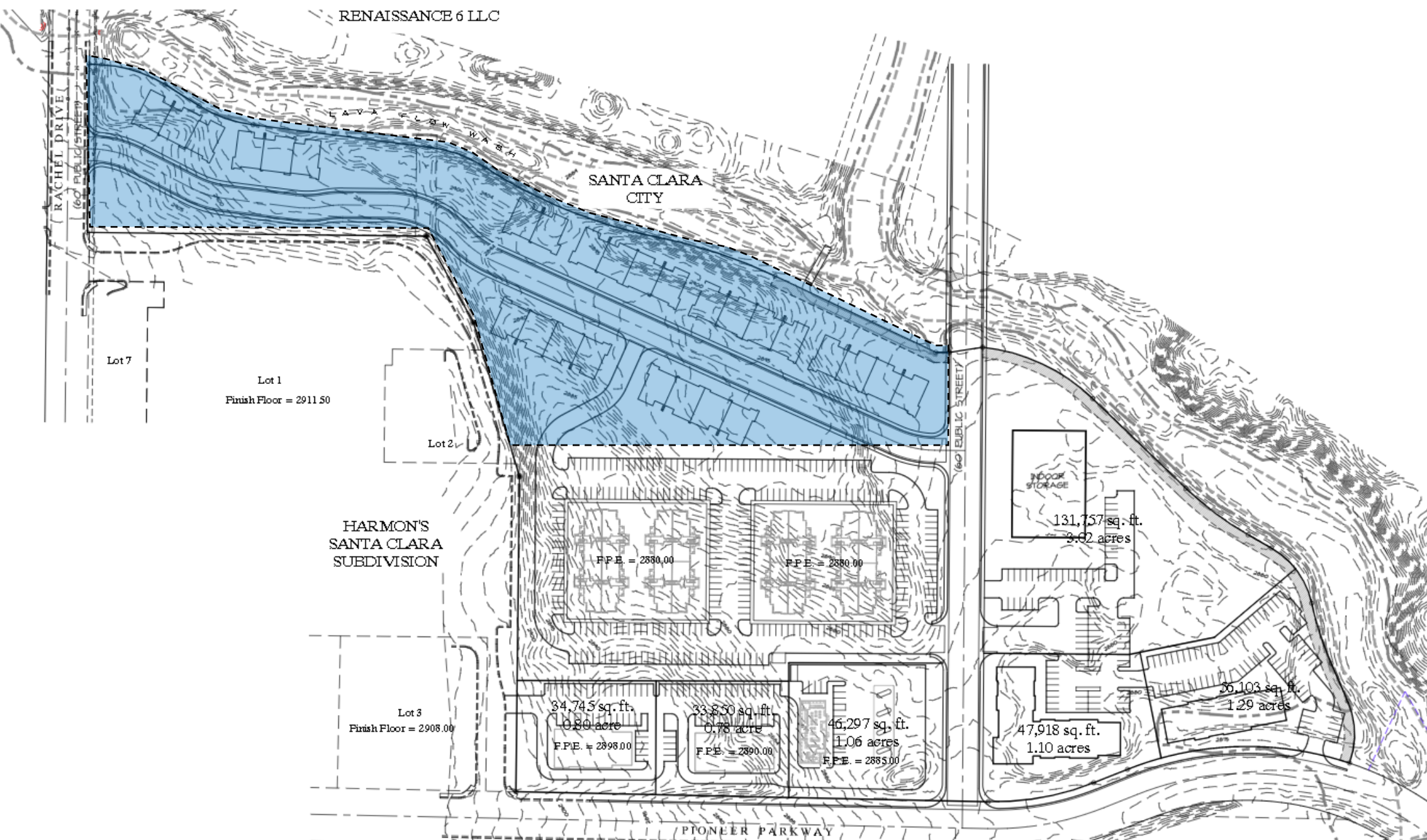
















SANTA CLARA
CITY

Lot 7

Lot 1
Finish Floor = 2911.50

Lot 2

HARMON'S
SANTA CLARA
SUBDIVISION

Lot 3
Finish Floor = 2908.00

F.P.E. = 2880.00

F.P.E. = 2880.00

34,745 sq. ft.
0.80 acres
F.P.E. = 2898.00

33,850 sq. ft.
0.78 acres
F.P.E. = 2890.00

46,297 sq. ft.
1.06 acres
F.P.E. = 2885.00

131,757 sq. ft.
3.02 acres

36,103 sq. ft.
1.29 acres

47,918 sq. ft.
1.10 acres

PIONEER PARKWAY

PROJECT SUMMARY:

5.41 ACRES
170 ON SITE PARKING
SURFACE PARKING STALLS

INDOOR COURT BUILDING

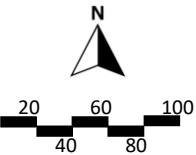
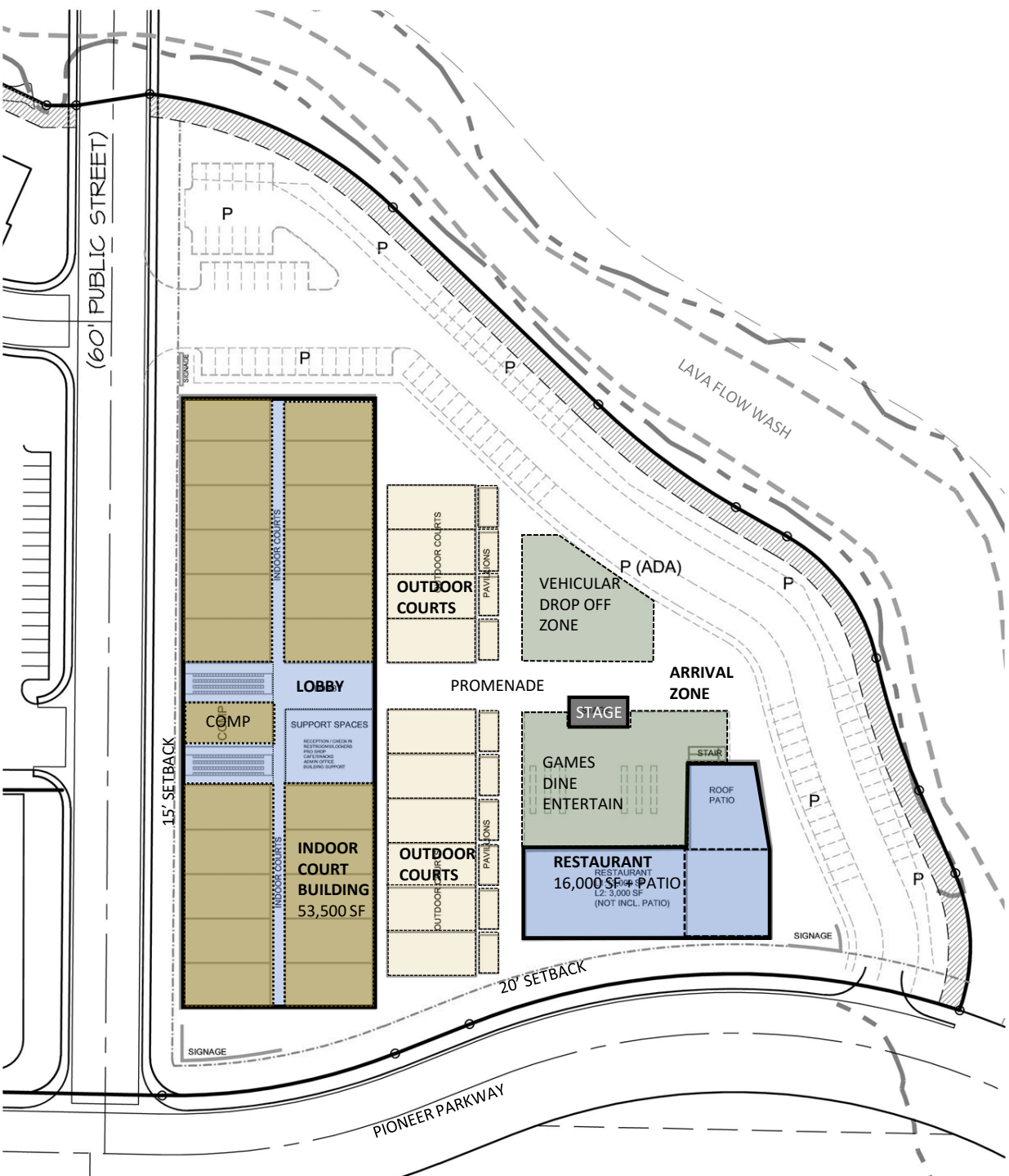
23 INDOOR COURTS
10 OUTDOOR COURTS

RESTAURANT

W/ ROOF TOP TERRACE

OUTDOOR ACTIVITIES

OUTDOOR GAMES
DINING AREA
PERFORMANCE STAGE











**CITY OF SANTA CLARA
ORDINANCE NO. 2022-03**

**AN ORDINANCE OF THE CITY OF SANTA CLARA, UTAH, AMENDING THE
PLANNED DEVELOPMENT RESIDENTIAL ZONE TO INCORPORATE THE
PROJECT PLAN FOR REGAL LIVING AT BLACK DESERT, AREAS 7 & 8 OF THE
BLACK DESERT MASTER PLANNED COMMUNITY, ON APPROXIMATELY 16.65
ACRES LOCATED NORTH OF PIONEER PARKWAY AND WEST OF THE
ENTRADA DEVELOPMENT.**

Section 1. Amendment

WHEREAS, the applicant, Regal RealSource, LLC, is requesting an amendment of the current Planned Development Residential (PDR) zone designation to incorporate the proposed Regal Living at Black Desert Project Plan, on approximately 19.46 acres located north of Pioneer Parkway and west of the Entrada Development; and

WHEREAS, the proposed Project Plan includes 199 residential units, in a mix of single family detached patio-style homes and carriage units ranging from 750 square feet to 950 square feet in size, to remain in single ownership as rental units; and

WHEREAS, up to four (4) of the residential units may be made available for short-term rentals (subject to a separately approved conditional use permit); and

WHEREAS, pursuant to the requirements of the Santa Clara Municipal Code, the Planning Commission conducted a properly advertised public hearing on the proposed zone change, on November 12, 2020; and

WHEREAS, the Planning Commission, during the regular meeting held on said date, voted to recommend approval of the proposed amendment to the City Council, including approval of bonus density in excess of eight (8) dwelling units per acre and up to twelve (12) dwelling units per acre, subject to certain recommended conditions set forth in the minutes of said meeting; and

WHEREAS, on or about September 23, 2021, the owner of the larger Black Desert Resort and the City entered into and recorded a Master Development Agreement, to which the property is subject; and

WHEREAS, the City Council, during its regular meeting held on January 12, 2022, considered the applicant's proposal and the Planning Commission's recommendations, and voted to approve the proposed amendment, subject to certain findings and conditions as set forth herein.

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

Section 2. Classification

This ordinance amends the zoning ordinance and official zoning map of the City of Santa Clara, Utah.

Section 3. General Provisions

1. The zoning ordinance and official zoning map of the City of Santa Clara, Utah is hereby amended to incorporate the Regal Living at Black Desert Project Plan into the existing Planned Development Residential (PDR) zone designation upon the subject property, including bonus density up to a maximum overall residential density of twelve (12) units per acre, subject to the following conditions:

- a. The use of dwellings as short term rentals shall be limited to a maximum of four (4) total units at any given time, including up to two (2) two-bedroom units and up to two (2) one-bedroom units, provided all other conditions of city ordinances governing short term rentals are satisfied.
- b. Prior to issuance of any building permit for the project, the applicant shall seek and obtain approval from the City for a one-lot subdivision incorporating the entire project. The purposes of the one-lot subdivision plat shall be to (1) create a legally subdivided parcel upon which the project may be developed, and (2) to dedicate to the public all roadways and easements required to provide access and utilities to the project as set forth in the Project Plan and required by the Master Development Agreement. The applicant acknowledges that it may be required to obtain the consent of third parties to the dedications on the plat in order to satisfy these requirements.
- c. The project shall comply with all requirements of the Master Development Agreement for Black Desert Resort that are applicable to the subject property. Roads providing primary and secondary access to the project from existing public roadways shall be constructed consistent with all applicable City standards.
- d. The streets on the interior of the project shall be considered private drives and shall be maintained by the property owner and not by the City; however, the project and private streets shall not be gated to prevent public access.
- e. If the project is to be phased, then construction of common amenities depicted in the Project Plan shall be completed not later than completion and issuance of certificates of occupancy of units in the first phase of development.
- f. Landscaping shall comply with the City's pending water conservation ordinance, and upon passage of said ordinance applicant shall submit for staff review a landscape plan consistent with the same.

2. Any additional findings of the City Council as stated on the official record and

incorporated into the motion to approve this action are hereby incorporated with this reference.

DESCRIPTION:

Parcel Nos. _____.

Section 4. Effective Date

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

ADOPTED by a duly constituted quorum of the Santa Clara City Council this 12th day of January, 2022.

IN WITNESS THERETO:

Attest:

Rick Rosenberg, Mayor

Chris Shelley, City Recorder