

ORDINANCE NO. 08-03-2022

AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO ALLOW AGRITOURISM RELATED ACTIVITIES AS A TEMPORARY USE IN ALL ZONES, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, the City of Santaquin is a fourth-class city of the state of Utah; and

WHEREAS, the City Council has specific authority pursuant to Title 10, Chapter 9a Utah Code Ann. (1953 as amended) to adopt a zoning plan including an ordinance and map which divide the municipality into districts or zones and within such districts to regulate the erection, construction, reconstruction, alteration, repair and uses of buildings and structures and the uses of land; and

WHEREAS, the state legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the city to pass ordinances which are reasonably and appropriately related to the objectives of that power, i.e. providing for the public safety, health, morals, and welfare; and

WHEREAS, the City Council desires to amend Santaquin City Code Title 10, Chapter 08, Section 020 to create a definition for "Agritourism" and Santaquin City Code Title 10, Chapter 16, Section 300 to establish regulations for agritourism as a temporary use; and

WHEREAS, the Santaquin City Planning Commission held a public hearing on July 12, 2022, which hearing was preceded by the posting of public notice in at least three public places within the City limits of Santaquin City; and

WHEREAS, after the noted public hearing, the Santaquin City Planning Commission forwarded a recommendation to the City Council;

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

Section I. Amendments

Title 10 Chapter 08 Section 020 is amended as follows: (underlined text is added, stricken text is deleted)

10.08.020 TERMS DEFINED - LAND USE AND DEVELOPMENT MANAGEMENT CODE

The following terms, as defined, shall apply as such throughout this title:

AGRIBUSINESS: Agriculturally related businesses that supply farm inputs (such as fertilizer or equipment) or are involved in the marketing of farm products (such as warehouses, processors, wholesalers, transporters, and retailers). Agribusiness does not include a farm.

AGRICULTURE: The growing of soil crops in a customary manner in the open or within greenhouses. It shall also include livestock raising activities with the exception of feedlots. Agriculture shall not include retailing of products on the premises.

AGRICULTURE BUILDING: All buildings, other than dwellings, which are incidental to a farming operation including, but not limited to, buildings for the storage of materials, equipment, machinery with associated parts, or the keeping of livestock, other farm animals and necessary feed. This does not include buildings for the processing of crops for consumption as may be associated with an agribusiness.

AGRICULTURE PROTECTION AREA: A geographic area created and granted the specific legal protections under the authority of Utah Code 17-41, agriculture protection area, and this title.

AGRITOURISM: The practice of touring agricultural areas to view and participate in agricultural related activities for recreational, entertainment, or educational purposes. Activities, for visitors to enjoy in a commercial or non-commercial way, shall be secondary to and supportive of the agricultural use of the property without taking away from the distinct farming purpose and character of the area. Such activities may include receptions, photography, markets, u-pick, festivals, and farming demonstrations.

Title 10 Chapter 20 Section 070 is amended as follows: (underlined text is added, stricken text is deleted)

10.16.300 TEMPORARY USES

- A. Purpose And Intent: The purpose and intent of this section is to allow within Santaquin City certain uses which are transitory in nature, as either accessory or seasonal uses, in a manner that will assure compatibility with the zone district and adjacent properties. Drink stands and garage/yard sales or similar activities, located in front of a residential property, operating for a period of time of seven (7) days or less, and no more often than four (4) times per calendar year, shall be exempt from the terms of this section.
- B. Temporary Use Permit Required: A temporary use permit shall be required for the following uses. Those uses which are also required to obtain a temporary business license are noted by a (TBL) symbol.

Temporary Use Type	Location Standards	Duration
Circus or carnival and related accessory uses (TBL) (e.g., bazaar, fair, etc.)	Permitted on public or quasi-public properties or private properties having over 5 acres	15 consecutive days in a calendar year per applicant

Construction office, staging areas and equipment sheds	Permitted in all zones	Allowed on a site until final inspections of the project are completed
Farmers' market <u>Agritourism</u> (TBL)	Permitted on public or quasi-public properties or private <u>in all zones on</u> properties having over 5 acres <u>as long as each temporary business is licensed and has the appropriate acreage (i.e. A 30-acre parcel could have 6 temporary businesses in a calendar year subject to paragraph C).</u>	May not begin prior to June 1 and must terminate by November 1. Requires a new permit annually <u>No more than 150 licensed days per business each calendar year.</u>
Model home or dwelling unit	Permitted in all zones (see additional standards below)	No more than 2 years from first occupancy of a dwelling unit in the development or until the last unit/parcel is sold, whichever comes first
Produce stands (TBL): Includes goods grown and prepared by the operator and sold primarily for consumption (e.g., fruits and vegetables)	Must be located on property adjacent to an arterial or collector street (e.g., Main Street, 400 East, 200 West, and South Ridge Farm Road)	Growing season (generally the summer months through October)
Roadside stands and temporary retail sales (TBL): Includes Christmas tree lots; fireworks stands; snow shacks; ice cream vendors; antique, rug, art, or plant sales; or other similar retail uses	Allowed if the use is permitted in the zone and accessory to the principal use or if no principal use exists, would be permitted as a stand alone use on the site	No more than 150 licensed days per site each calendar year (i.e., 2 businesses licensed to operate for 30 days each on a site will amount to 60 days on that site no matter if they are on the premises at the same time or not)
Temporary trailer for retail sales and/or office space	Permitted upon issuance of a building permit for a permanent structure and facilities on the affected site.	Maximum period shall be 12 months. The permit may be renewed and extended upon planning commission

	Shall also include installation of adequate temporary parking	review for a conditional use up to 6 month increments
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C. Standards For Temporary Use: All temporary uses shall comply with the general standards as provided below.

1. Site Limitations And Standards:

- a. No use shall be placed in the public right of way, display areas shall be limited and applications shall comply with the regulations of the business licensing department.
- b. No more than two (2) temporary uses are allowed per site at one time.
- c. Sites shall be kept free from weeds, garbage, and debris.
- d. Off street parking and traffic circulation generated by the use shall be provided for on the site. Only city approved spaces shall be considered for off street parking with the exception that agritourism may have all-weather traversable parking (i.e. gravel parking).
- e. Sanitary facilities shall be available for waste disposal for protection of community health and safety.

2. Food Preparation Uses: Any food preparation uses must obtain the appropriate food handler's permits or other licensing through the county health department.

3. Night Lighting: Night lighting shall be compatible with adjacent uses, shielded and directed downward to avoid light spill onto adjacent properties.

4. Hours Of Operation: Hours of operation shall be ~~compatible with adjacent uses~~ within the hours of 6:00 am and 10:00 pm. Exceptions may be considered by the City Council on a case-by-case basis.

5. Sign: One sign, not to exceed twenty-four inches by thirty six inches (24" x 36") in size either affixed to the temporary facility or on a pole less than four feet (4') in height, may be placed on site.

6. Temporary Structures Or Coverings:

- a. All applicable building code requirements must be met (e.g., water, power connections, accessibility, etc.).
- b. Shall be secured to the ground in order to prevent such from being moved by natural meteorological events.
- c. Shall be maintained in a state of good repair and order, including replacement of torn, tattered, faded or peeling materials.
- d. Any temporary outdoor facility shall be removed within three (3) days after the expiration date of the temporary use permit or associated business license, whichever occurs first.
- e. Shall not be placed in required visibility areas or cause a safety hazard.

7. Standards Specific To Model Homes: In addition to the standards above the following shall also apply to model homes:

- a. Model homes must comply with all standards and conditions of approval for the advertised development including building materials, setbacks, landscaping, etc., and must comply with all applicable residential dwelling standards upon discontinued use as a sales office.

- b. Any other temporary offices, trailers, or structures used for sales, equipment storage, construction materials and any other items related to the model home must be removed from the site upon completion of a model home for the development.
 - c. Upon sale of any model home for residential dwelling purposes, a re-final inspection must be conducted by the community development department to assure all applicable building codes are met.
- D. Application For Temporary Use Permit: An application for a temporary use permit shall be made to the community development department at least ten (10) days prior to the date of requested use. The department may issue a temporary use permit or deny an application for a temporary use permit. In authorizing a temporary use, the community development department shall impose such requirements and conditions as considered necessary for the protection of adjacent properties and the public safety and welfare in conformance with standards as provided in this section.
- 1. Application Requirements: An application for a temporary use permit shall be accompanied by the following information:
 - a. Description: A written description of the proposed use including requested length of permit and hours of operation.
 - b. Authorization For Use: If the applicant is not the owner of the property, the ownership shall be identified along with evidence of permission of the owner for such temporary use to take place.
 - c. Site Review: A vicinity map and plot plan with sufficient information to determine the yard requirements, sanitary facilities and availability of parking to serve the use.
 - d. Parking And Circulation Plan: A plan which illustrates available parking and traffic movements for temporary use customers in relation to available parking on the site and existing traffic movements.
 - e. Building Details: Information about any building or structure being used for the business shall be provided (e.g., steps, ramps, power, water, construction, etc.).
 - f. Fees: All applicable fees, as set by the city council, shall be paid before review of an application will occur.
- E. Revocation Of Temporary Use Permit:
- 1. The city shall, upon reasonable notice, be empowered to suspend or revoke the temporary use permit of any person who violates any of the provisions of this section or any of the conditions set forth on their permit.
 - 2. If, at any time, a permit under the provisions of this section is suspended or revoked, it shall thereafter be unlawful for any person to operate, open, maintain, manage or conduct such affected temporary use until a new permit is granted. (Ord. 11-01-2010, 11-17-2010, eff. 11-18-2010)

Section II. Severability

If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application

thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section III. Contrary Provisions Repealed

Any and all other provisions of the Santaquin City Code that are contrary to the provisions of this Ordinance are hereby repealed.

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

It is the intent of the City Council that the provisions of this ordinance be made part of the Santaquin City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, and that the word ordinance may be changed to section, chapter, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished. Typographical errors which do not affect the intent of this ordinance may be authorized by the City without need of public hearing by its filing a corrected or re-codified copy of the same with the City Recorder.

Section V. Posting and Effective Date

This ordinance shall become effective at 5:00 p.m. on Wednesday, July 10, 2022. Prior to that time, the City Recorder shall deposit a copy of this ordinance in the official records of the City and place a copy of this ordinance in three places within the City.

PASSED AND ADOPTED this 9th day of July 2022.

Daniel M. Olson, Mayor

Councilmember Art Adcock	Voted	___
Councilmember Elizabeth Montoya	Voted	___
Councilmember Lynn Mecham	Voted	___
Councilmember Jeff Siddoway	Voted	___
Councilmember David Hathaway	Voted	___

ATTEST:

Amalie R. Ottley, City Recorder

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, AMALIE R. OTTLEY, City Recorder of Santaquin City, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the City Council of Santaquin City, Utah, on the 9th day of July 2022, entitled

“AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO ALLOW AGRITOURISM RELATED ACTIVITIES AS A TEMPORARY USE IN ALL ZONES, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER’S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE.”

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Santaquin City Utah this 9th day of July 2022.

Amalie R. Ottley
Santaquin City Recorder

(SEAL)

AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, Amalie R. Ottley, City Recorder of Santaquin City, Utah, do hereby certify and declare that I posted in three (3) public places the ordinance, which is attached hereto on the 9th day of July 2022.

The three places are as follows:

1. Zions Bank
2. Post Office
3. City Office

I further certify that copies of the ordinance so posted were true and correct copies of said ordinance.

Amalie R. Ottley
Santaquin City Recorder

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by Amalie R. Ottley.

Notary Public