

ORDINANCE NO. 06-01-2022

AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO DEFINE COMMERCIAL, COSMETOLOGY AND PERMIT THE LAND USE IN ALL AREAS OF THE MAIN STREET BUSINESS DISTRICTS ZONE, 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 define "Commercial, Cosmetology" and Title 10, Chapter 20, Section 190 to permit Commercial, Cosmetology in all areas of the Main Street Business Districts Zone.; and

WHEREAS, the Santaquin City Planning Commission held a public hearing on May 24, 2022, which hearing was preceded by the posting of public notice in at least three public places within the City limits of Santaquin City in accordance with Section 10-9a-205 of the Utah State Code; and

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

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

Section I. Amendments

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

COMMERCIAL, ANCILLARY: In a mixed use development, a retail use which is secondary in use and scale to a large scale office or residential development. Such uses are normally associated with, and supply services to the principal use. Ancillary retail uses might include, but are not limited to, office supplies, financial services, copy centers, dry cleaners, athletic clubs, and restaurants.

COMMERCIAL, CONVENIENCE: Establishments which are designed and intended to serve the daily or frequent trade or service needs of surrounding population. Such establishments typically include grocery stores, variety stores, drugstores, dry cleaning, beauty shops,

barbershops, or a combination thereof and having floor areas typically less than fifty thousand (50,000) square feet. Convenience stores do not typically include repair garages, automobile sales, service or storage.

COMMERCIAL, COSMETOLOGY: Establishments which are designed and intended to serve the daily or frequent cosmetology service needs of the surrounding population. Such establishments typically include hairstyling, skin care, tanning, makeup application, eyelash treatments, waxing, nail care, permanent makeup applications, and other beauty treatments. This does not include tattooing.

COMMERCIAL, HEAVY: An establishment or business which generally uses open sales yards, outside equipment storage, or outside activities that generate noise or other impacts considered incompatible with less intense uses. Typical businesses in this definition are lumberyards, construction specialty services, heavy equipment suppliers, or building contractors.

COMMERCIAL, INDUSTRIAL EQUIPMENT SALES: A facility for the display and sale of equipment and machinery used for commercial and industrial purposes. This does not typically include repair or service of equipment.

COMMERCIAL, RECREATION: An establishment providing completely enclosed recreation activities. Accessory uses may include the preparation and serving of food and/or the sale of equipment related to the enclosed uses. Included in this definition shall be bowling, roller or ice skating, billiards, indoor and outdoor swimming pools, tennis clubs, strength training and related amusements. This does not include theaters.

COMMERCIAL, RETAIL SALES AND SERVICES: Establishments which primarily engage in the sale of general retail goods and/or accessory services (e.g., businesses within this definition include those which conduct sales and storage entirely within an enclosed structure, with the exception of occasional outdoor "sidewalk" promotions); and businesses specializing in the sale of either general merchandise or convenience goods. Services may include laundromats with coin operated self-service machines, self-service or full service car washes, and repair services for small household appliances or equipment. Work conducted on the premises may include handicraft production of tangible goods such as pottery, jewelry, picture frames, or leather goods.

Title 10 Chapter 20 Section 190 is amended as follows: (underlined text is added, stricken text is deleted)

Commercial, ancillary	P	P	N
Commercial, convenience store	C	P	N
<u>Commercial, cosmetology</u>	<u>P</u>	<u>P</u>	<u>P</u>
Commercial parking lot or garage	A	A	A
Commercial, recreation	P	P	C
Commercial, repair services	P	P	N
Commercial, retail sales and services	P	P	N

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, June 8, 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 7th day of June 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 7th day of June 2022, entitled

“AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO DEFINE COMMERCIAL, COSMETOLOGY AND PERMIT THE LAND USE IN ALL AREAS OF THE MAIN STREET BUSINESS DISTRICTS ZONE, 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 7th day of June 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 7th day of June 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