

ORDINANCE NO. 09-02-2021

AN ORDINANCE ESTABLISHING THE CLM COMMERCIAL LIGHT MANUFACTURING ZONE WITH ITS ACCOMPANYING LAND USE REGULATIONS AND DEFINED TERMS, 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 create Santaquin City Code Title 10 Chapter 20 Section 240 to establish the CLM Commercial Light Manufacturing Zone with its accompanying land use regulations and amend Title 10 Chapter 08 Section 020 to define associated land use terms; and

WHEREAS, the Santaquin City Planning Commission held a public hearing on August 24, 2021, 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 20 Section 240 is amended as follows: (underlined text is added, stricken text is deleted)

10.20.240 CLM COMMERCIAL LIGHT MANUFACTURING ZONE

- A. Objectives And Characteristics: The CLM zone allows for a mixture of commercial and light manufacturing uses. The purpose of the CLM zone is to provide for and encourage a mix of compatible land uses which offer opportunities to work and shop. It also is to provide the opportunity for compatible commercial and light manufacturing

development. Goals of this zone include the efficient use of land and creative opportunities for the economical preservation and adaptive reuse of existing structures. A mixture of office, personal service, retail shopping, and light manufacturing opportunities are encouraged within this zone.

Uses should not conflict with the objectives and characteristics of either the C-1, MSC or I-1 zones, or with the general plan. Development within the CLM zone should have good access to collector streets.

- B. Permitted and Conditional Uses: General land uses within the CLM zone shall complement the city's general plan for their respective areas. Those uses allowed in the CLM zone are listed in the following matrix. This code considers applicable uses in the zone, and uses not identified as permitted or conditional to be prohibited. Abbreviations and alphabetic use designations in the matrix have the following meanings:

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| <u>P</u> | <u>The listed use is a permitted use within the represented area, based on city development standards and ordinances.</u> |
| <u>C</u> | <u>The listed use requires a conditional use permit within the represented area in addition to complying with all applicable development standards and ordinances.</u> |
| <u>A</u> | <u>The listed use is only permitted as an accessory use within the represented area.</u> |
| <u>N</u> | <u>The listed use is a prohibited use within the represented area.</u> |

| <u>Use</u> | <u>CLM</u> |
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| <u>Agriculture, excluding livestock activities</u> | <u>P</u> |
| <u>Agriculture, including livestock activities</u> | <u>N</u> |
| <u>Alcohol dispensing establishment</u> | <u>C</u> |
| <u>Automotive service station</u> | <u>C</u> |
| <u>Cabinet Making / Woodworking</u> | <u>C</u> |
| <u>Cold Storage Refrigeration Warehouse</u> | <u>P</u> |
| <u>Commercial, industrial equipment sales</u> | <u>C</u> |
| <u>Commercial, recreation</u> | <u>P</u> |
| <u>Commercial, retail sales and service</u> | <u>P</u> |
| <u>Drive-in retail</u> | <u>P</u> |

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| <u>Dwelling, caretaker</u> | <u>C</u> |
| <u>Dwelling, single-family</u> | <u>N</u> |
| <u>Dwellings, multi-family, subject to SCC 10.16.060</u> | <u>N</u> |
| <u>Engraving, publishing, and printing</u> | <u>P</u> |
| <u>Fulfillment Center</u> | <u>C</u> |
| <u>Furniture and appliance stores</u> | <u>P</u> |
| <u>Healthcare facility</u> | <u>C</u> |
| <u>Home occupations, subject to SCC 10.40</u> | <u>P/C</u> |
| <u>Hotels and motels</u> | <u>C</u> |
| <u>Industry, Light</u> | <u>P</u> |
| <u>Industry, Medium</u> | <u>N</u> |
| <u>Institutions</u> | <u>P</u> |
| <u>Kennels</u> | <u>N</u> |
| <u>Laboratory for Assay of Precious Metals</u> | <u>C</u> |
| <u>Laboratory, Medical</u> | <u>C</u> |
| <u>Large scale developments</u> | <u>C</u> |
| <u>Parking lot</u> | <u>P</u> |
| <u>Parks</u> | <u>P</u> |
| <u>Pharmaceutical Manufacturing</u> | <u>C</u> |
| <u>Planned unit developments</u> | <u>N</u> |
| <u>Professional office or financial services</u> | <u>P</u> |
| <u>Public and quasi-public buildings</u> | <u>P</u> |
| <u>Recreational vehicle (RV) parks</u> | <u>N</u> |

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| <u>Religious center</u> | <u>P</u> |
| <u>Residential facilities for persons with a disability pursuant to SCC 10.60 and the Utah Code § 10-9-605</u> | <u>P</u> |
| <u>Residential facilities for the elderly pursuant to SCC 10.56 and the Utah Code § 10-9-502</u> | <u>P</u> |
| <u>Schools</u> | <u>P</u> |
| <u>Seasonal businesses on properties of a commercial use and subject to the provisions of SCC 10.16.300</u> | <u>P</u> |
| <u>Seasonal businesses on properties of a residential use and subject to the provisions of SCC 10.16.300</u> | <u>C</u> |
| <u>Slaughterhouses</u> | <u>N</u> |
| <u>Stone and monument sales</u> | <u>P</u> |
| <u>Storage unit facilities</u> | <u>N</u> |
| <u>Telecommunications sites subject to SCC 10.16.340</u> | <u>P/C</u> |
| <u>Theaters</u> | <u>C</u> |
| <u>Veterinarian services</u> | <u>P</u> |
| <u>Wedding chapel</u> | <u>P</u> |
| <u>Wholesale stores</u> | <u>P</u> |

- C. [Area Requirements: There shall be no land area requirements, except that an area sufficient to accommodate location requirements, off street parking, loading and unloading, and vehicular access shall be provided and maintained.](#)
- D. [Width Requirements: The minimum width of lots for commercial and light manufacturing development in this zone is not specified.](#)
- E. [Location Requirements; Commercial:](#)
1. [Front Setback: All buildings and structures shall be set back at least ten feet \(10'\) from the front lot line.](#)
 2. [Side Setbacks:](#)
 - a. [Interior Lots: Commercial buildings may be designed and constructed to be conjoined or share a common wall along a side property line, with a neighboring commercial building if:](#)

- 1) The adjoining building is planned as a part of the same commercial development or plan, whether or not in subsequent phases;
- 2) A plan showing the overall commercial development, including all phases, is submitted to the community development department as a part of the applicant's commercial development application;
- 3) All specifications and regulations of the International Building Code (IBC) and the International Fire code (IFC), or subsequently adopted codes, are accounted for and satisfied;
- 4) Adequate parking facilities, as outlined in this title, are satisfied in full; and
- 5) All other applicable provisions of this code are satisfied.

Existing commercial buildings located within a commercial zone which have been built with a setback may be remodeled or expanded to incorporate a conjoined situation only if the provisions herein are met in full. No building seeking a conjoined approval may overlap a property line to form a conjoined building with an established building containing a setback. Where no conjoined buildings are desired, a ten foot (10') side setback shall be required. The minimum side setback for accessory buildings shall be ten feet (10'), except that a three foot (3') side setback shall be permitted for accessory buildings located at least twelve feet (12') from the rear of any building and having fire resistant walls of two (2) hours or more.

- b. Corner Lots: All main and accessory buildings shall be set back from the street side property line a distance of not less than fifteen feet (15'). In addition, no building or structure may be permitted to be located within the clear view area. Interior side property line setbacks shall be determined as specified in paragraph G,2,1. Accessory buildings shall be set back not less than ten feet (10') from the interior side lot line, except that a three foot (3') interior side setback shall also be permitted for accessory buildings located a distance of twelve feet (12') from the rear of the primary structure and having fire resistant walls of two (2) hours or more.
- c. Commercial Strips: Two (2) or more commercial buildings may be continually conjoined, as determined herein, provided that no such strip is continued for more than three hundred feet (300') of continual linear building frontage without an easement and/or accessway of at least fifteen feet (15') in width being established to provide emergency access to the rear of the property(ies). Any gap in building frontage of less than ten feet (10') shall be considered continued building frontage. All such commercial strips shall meet the provisions of conjoined buildings as provided in paragraph G,2,1.

3. Rear Setback:

- a. Interior Lots: All dwellings and other main buildings shall be set back from the rear property line a distance of at least ten feet (10'). Accessory buildings on interior lots shall be set back not less than ten feet (10') from the rear property line, except that a two foot (2') rear setback shall be permitted for accessory buildings having fire resistant walls of two (2) hours or more and located at least twelve feet (12') to the rear of any dwelling.
 - b. Corner Lots: All dwellings and other main buildings shall be set back from the rear property line a distance of at least ten feet (10'). Accessory buildings on corner lots shall be set back not less than ten feet (10') from the rear property line, except that a two foot (2') rear setback shall be permitted for accessory buildings located at least twelve feet (12') to the rear of any dwelling and having fire resistant walls of two (2) hours or more.
4. Clear View: All structures must be placed in conformance with the clear view standards found in SCC 10.16.090.
5. Fuel Pumps: Fuel pumps shall be located no closer than thirty feet (30') from any street.
6. Residential Setback: The minimum setback from any residential zone or use shall be fifteen feet (15').
7. Building Heights:
- a. The minimum allowable height shall be eight feet (8'), measured from the interior ceiling to the exterior grade.
 - b. The maximum allowable height shall be forty-eight feet (48'), measured from the interior ceiling to the exterior grade.

F. Location Requirements; Light Manufacturing:

1. All Buildings and Structures:

- a. Front Setback: Thirty-five feet (35') from the front lot line.
- b. Front Setback On Corner Lot: Thirty-five feet (35') from property line along primary frontage, thirty feet (30') from property line along secondary frontage.
- c. Side Setbacks:
 - 1) Interior Lots: All main buildings shall be set back from the side property line a distance of at least ten feet (10'), and the sum of the total distance of the two (2) side setbacks shall be at least twenty feet (20'). Accessory buildings on interior lots shall be set back from the side property line a distance of at least ten feet (10'), except that a three-foot (3') side setback shall be permitted for accessory buildings located at least twelve feet (12') to the rear of any main building and having fire resistant walls of two (2) hours or more.
 - 2) Corner Lots: All main and accessory buildings shall be set back from any street not less than twenty-five feet (25'). Accessory buildings shall be set back not less than ten feet (10') from the

interior side lot line, except that a three-foot (3') interior side setback shall also be permitted for accessory buildings located a distance of twelve feet (12') from the rear of the primary structure and having fire resistant walls of two (2) hours or more.

d. Rear Setback:

- 1) Interior Lots: All dwellings and other main buildings shall be set back from the rear property line a distance of at least ten feet (10'). Accessory buildings on interior lots shall be set back not less than ten feet (10') from the rear property line, except that a two foot (2') rear setback shall be permitted for accessory buildings having fire resistant walls of two (2) hours or more and located at least twelve feet (12') to the rear of any dwelling.
- 2) Corner Lots: All dwellings and other main buildings shall be set back from the rear property line a distance of at least ten feet (10'). Accessory buildings on corner lots shall be set back not less than ten feet (10') from the rear property line, except that a two foot (2') rear setback shall be permitted for accessory buildings located at least twelve feet (12') to the rear of any dwelling and having fire resistant walls of two (2) hours or more.
2. Clear View: All structures must be placed in conformance with the clear view standards found in SCC 10.16.090.
3. Size Of Building: The ground floor area of all buildings has not been specified.
4. Building Heights:
 - a. The minimum allowable height shall be eight feet (8'), measured from the interior ceiling to the exterior grade.
 - b. The maximum allowable height shall be forty-eight feet (48'), measured from the interior ceiling to the exterior grade.

G. Special Provisions:

1. All materials and merchandise, except vehicles in running order, shall be stored in an enclosed building or within an enclosure surrounded by a sight obscuring fence or wall of not less than six feet (6') and no materials or merchandise shall be stored to a height of more than the enclosing fence or wall.
2. Storage of junk, partially or completely dismantled automobiles, or salvage materials shall be prohibited.
3. No solid waste container shall be located in the front yard setback area, nor thirty feet (30') from any public street. All dumpsters shall be screened from the public view by a six-foot (6') sight obscuring wall or fence. The floor of the trash enclosure shall be a concrete pad which shall extend five feet (5') beyond the opening of the trash enclosure. Trash enclosures shall be located so as to minimize disturbance to residential development. Trash enclosures shall be at least fifty feet (50') away from any residential use.
4. Development landscaping shall be in accordance with SCC 10.52, "Landscaping Standards".
5. An architectural design theme is maintained across all buildings as practicable, or as negotiated as set forth in a development agreement.

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:

CABINET MAKING/WOODWORKING: An establishment for making furniture or other items out of wood or similar materials.

COLD STORAGE REFRIGERATION WAREHOUSE: A facility used for the storage, warehousing and shipping of items such as food or pharmaceuticals that require a refrigerated environment.

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.

FULFILLMENT CENTER: A facility used for the storage, processing and/or shipping of items from third-party vendors to purchasers including the use of on-site “lockers” for the picking up of items ordered online.

LABORATORY FOR ASSAY OF PRECIOUS METALS: A commercial laboratory used for assaying precious metals.

LABORATORY, MEDICAL: A facility used for medical imaging, the collection of medical samples or the processing/analyzing of samples that have been collected off-site.

PHARMACEUTICAL MANUFACTURING: A facility for the manufacturing of pharmaceuticals, nutraceuticals, or other health-related supplements.

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, September 8, 2021. 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 September 2021.

Kirk Hunsaker, Mayor

| | | |
|---------------------------------|-------|-----|
| Councilmember Nick Miller | Voted | ___ |
| Councilmember Elizabeth Montoya | Voted | ___ |
| Councilmember Lynn Mecham | Voted | ___ |
| Councilmember Jennifer Bowman | Voted | ___ |
| Councilmember David Hathaway | Voted | ___ |

ATTEST:

K. Aaron Shirley, City Recorder

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, K. AARON SHIRLEY, 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 September, 2021, entitled

“AN ORDINANCE ESTABLISHING THE CLM COMMERCIAL LIGHT MANUFACTURING ZONE WITH ITS ACCOMPANYING LAND USE REGULATIONS AND DEFINED TERMS, 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 September, 2021.

K. AARON SHIRLEY
Santaquin City Recorder

(SEAL)

AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, K. AARON SHIRLEY, 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 September 2021.

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.

K. AARON SHIRLEY
Santaquin City Recorder

The foregoing instrument was acknowledged before me this ____ day of _____, 20__, by K. AARON SHIRLEY.

Notary Public