

ORDINANCE NO. **DRAFT**

AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO UPDATE AND CLARIFY LAND USE DEFINITIONS AND THE LAND USE TABLE IN 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 and Title 10 Chapter 20 Section 190 to update and clarify land use definitions and the land use table in the Main Street Business Districts Zone; and

WHEREAS, the Santaquin City Planning Commission held a public hearing on **?, 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)

~~ALCOHOLIC BEVERAGE, CLASS A LICENSESSTORE: A license to sell beer on the premises, in original sealed containers no larger than two liters (2 l), for consumption off the premises, in accordance with the ordinances of the city, provided beer is not sold by minors, except under the supervision of a person twenty one (21) years of age or older who is on the premises. No beer shall be sold through a drive up window.~~

ALCOHOLIC BEVERAGE, ~~CLASS B LICENSE~~BAR: A ~~license to sell beer~~ place where beer is sold in the original containers, and on draft, in containers no larger than two liters (2 l), for on

premises consumption; beer in sealed containers no larger than two liters (2 l) may be sold for consumption off premises in accordance with the alcoholic beverage control act, and the ordinances of the city.

~~ALCOHOLIC BEVERAGE, CLASS C LICENSE RESTAURANTS/CLUBS: A license which entitles restaurant and private club licensees to sell liquor and beer for consumption on the premises, and to sell beer in sealed containers no larger than two liters (2 l), for off premises consumption, as specifically defined in, and in accordance with, the alcoholic beverage control act.~~

~~ALCOHOLIC BEVERAGE, CLASS D LICENSE HOTEL/CONVENTIONS: A license which allows the storage, sale, service, and consumption of liquor, wine, heavy beer, and beer for contracted banquet activities on the premises of a hotel, resort facility, sports center, or convention center. It also allows for room service in hotels and resorts.~~

ALCOHOLIC BEVERAGE, ~~CLASS E PACKAGE AGENCY~~ LIQUOR STORE: Liquor stores that offer a modest selection of liquor and alcohol products. They may be located in hotels, resorts and as a stand alone building. Products are sold for consumption off of the agency premises. This includes state liquor stores.

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, furniture and appliance stores ~~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, 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, dry cleaning, beauty shops, barbershops, ~~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.

DRIVE-IN RETAIL: Any form of merchandising, serving, or dispersing of goods in which service is provided to customers while they remain in their automobiles, but not to include drive-through restaurants.

GARAGE: A building, or part thereof, designed for the parking or temporary storage of automobiles of the occupants and visitors of the premises.

HOTEL ~~MOTEL~~: A building or group of buildings containing individual sleeping units, offered, designed and used primarily for the accommodation of short term guests not to exceed thirty (30) consecutive calendar days or business professionals on temporary assignment, and with

automobile parking or storage available. This definition includes auto courts, motor lodges, and tourist courts. To be classified under this definition, the use must have and maintain a functional lobby for check in/out with an entryway for vehicle loading and unloading during check in/out, a luggage storage area, an on site manager twenty four (24) hours a day, housekeeping of rooms at intervals normally no more than forty eight (48) hours, continuous open access for public safety personnel and the use should have at least three (3) or more of the following amenities conveniently located:

Concierge.

Guest laundry.

Guest pool.

Meeting rooms (minimum capacity of 25 people).

Outdoor or indoor sports court.

Recreation room or exercise room.

Restaurant/food service area.

Facilities not meeting the minimum requirements may fall under the definition for multiple-unit or multiple-family dwellings (i.e., apartments).

~~MOTEL/HOTEL: See definition of Hotel/Motel.~~

PUBLIC OR QUASI-PUBLIC BUILDING: a building which is owned or leased by a government agency for public administration and services and shall also include a building for the purpose of assembly, instruction, culture or enlightenment, or for community activities;

~~PUBLIC PARK OR PLAYGROUND:~~ A tract of land ~~which is owned by the public and~~ which has been partially or totally developed or designated for recreational purposes.

RESTAURANTS, DRIVE-THROUGH: A use providing preparation and retail sale of food and beverages, as defined under "Restaurant" with the added provision of 1 or more drive-through lanes for the ordering and dispensing of food and beverages to patrons remaining in their vehicles.

WEDDING CHAPEL: An establishment that primarily provides the facilities and services for weddings on a commercial basis. This definition does not include churches and similar congregations where weddings are an ancillary use.

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

Permitted Uses: General land uses within the Main Street Commercial District shall complement the Main Street overlay map found in the economic element of the City's General Plan.

Abbreviations and alphabetic use designations in the matrix and throughout this chapter have the

following meanings:

CBD	The area represented as the Central Business District.
MSC	The area represented as the Main Street Commercial area.
MSR	The area represented as the Main Street Residential area.
P	The listed use is a permitted use within the represented area, based on City development standards and ordinances.
C	The listed use requires a conditional use permit within the represented area in addition to complying with all applicable development standards and ordinances.
A	The listed use is only permitted as an accessory use within the represented area.
N	The listed use is a prohibited use within the represented area.

(Ord. 08-02-2008, 8-20-2008, eff. 8-21-2008)

Use	CBD	MSC	MSR
Accessory building	A	A	A
Adult daycare	N	P	P
Alcoholic beverage, class A license (store; beer only)	P	P	N
Alcoholic beverage, class B license (bars)	C	C	N
Alcoholic beverage, class C license (restaurants/clubs)	P	C	N
Alcoholic beverage, class D license (hotel/conventions)	P	P	N
Alcoholic beverage, class E license (liquor store, etc.)	N	C	N
Arcade	A	A	N
Art gallery	P	P	P
<u>Automotive service and repair, major and minor</u>	<u>N</u>	<u>N</u>	<u>N</u>
Automotive service station	C	P	N
Bakery, commercial	C	P	C
Bed and breakfast homes	N	C	P
Brewpub	P	C	N
Commercial, ancillary	P	P	N
Commercial, convenience store	C	P	N
<u>Commercial, heavy</u>	<u>N</u>	<u>N</u>	<u>N</u>
Commercial <u>P</u> arking 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
Conference and convention facility	C	N	N
Convalescent home, rest home, or nursing home	N	P	P
Dance hall, discotheque	C	C	N
Daycare center	A	P	C
Drive-in retail	N	P	N
Dwelling, Accessory Unit Attached	N	N	A
Dwelling, Accessory Unit Detached	N	N	A
Dwelling, caretaker	N	N	A
Dwelling, multiple-family	C	C	C
Dwelling, single-family detached	N	N	P
Dwelling units above first story office, retail or commercial	P	C	C
Furniture and appliance stores	P	P	N
Governmental offices	P	P	P
<u>Healthcare facility, assisted living facilities</u>	<u>N</u>	<u>P</u>	<u>P</u>
Hotel	P	P	C
Institutions	P	P	P
Library	P	P	P
<u>Liquor Store</u>	<u>N</u>	<u>C</u>	<u>N</u>
Mixed use development	C	C	C
Mortuary, funeral home	N	P	C
Motel	N	N	N
<u>Park</u>	<u>P</u>	<u>P</u>	<u>P</u>
Permanent makeup establishment	P	P	N
Private club	P	C	N
Professional office or financial services	P	P	P
Public or quasi-public buildings	C <u>P</u>	C <u>P</u>	C <u>P</u>
Public park, private park or playground	P	P	P
Public safety building	C	C	P
Recreational vehicle (RV) parks <u>court</u>	N	N	N
Religious center	P	P	P
Resident healthcare facility	P	P	P

Residential facility for persons with a disability See 10.60	N	N	P
Residential facility for the elderly See 10.56	N	N	P
Residential support facility	N	N	C
Restaurant	P	P	C
Restaurant, with drive-through facilities	N	P	N
School, commercial (art, music, hair, massage)	P	P	C
School, public or quasi-public	C	C	C
Seasonal businesses	C	P	N
Sexually oriented business See 3.24	N	N	N
Social or reception center	P	C	C
Street vendors	P	P	N
Tattoo parlor	C	P	N
Telecommunications sites. See SCC 10.16.340 paragraph D			
Tobacco specialty shop in accordance with Utah State Code	P	C	N
Transitional treatment home - large	N	N	C
Transitional treatment home - small	N	N	C
Transitional victim home	N	N	C
Veterinary hospital, large animal	N	N	N
Veterinary hospital, small animal	N	P	C
Wedding chapels	P	P	C

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, ?, 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 **?th day of ? 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 ?th day of ?, 2022, entitled

“AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO UPDATE AND CLARIFY LAND USE DEFINITIONS AND THE LAND USE TABLE IN 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 ?th day of ?, 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 ?th day of ?, 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 Dennis L. Marker.

Notary Public