

MEMO



To: Planning Commission

From: Jason Bond, Community Development Director

Date: April 7, 2022

Re: **Amendment to I-1 Industrial Zone to Allow Heavy Commercial Land Use**

It is proposed that the Planning Commission and City Council consider amending the I-1 Industrial Zone (Section 10.20.130) to allow a Heavy Commercial land use, as currently defined in Santaquin City Code, as a permitted use. Heavy Commercial is defined as:

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.

Staff recently received a inquiry from someone who is interested in purchasing property that is currently zoned I-1 Industrial. They are possibly interested in located a business on the property that sells landscaping supplies. The description of their business and the supplies sold are as follows:

Our goals would be to create a landscape supply business where we could sell the following items to both large landscape companies as well as the general public:

- * Boulders
- * Topsoil
- * Mulch
- * Gravel

We would also greatly improve/beautify the land by designing rock wall displays, possible fountains, trees and shrubbery. Other eventual improvements would likely include a dedicated driveway, parking lot, "guard shack" pay station of sorts, etc... We would also take advantage of the freeway frontage for advertising.

Staff not only feels that the described business, and the Heavy Commercial land use as defined, would be an appropriate use in the Industrial Zone, but we feel like a business like this would be a great business for the residents of Santaquin City to have access to.

Staff Recommendation: It is recommended that the Heavy Commercial land use be permitted in the I-1 Industrial Zone.

Recommended motion: "Motion to recommend approval of a code amendment which would add Heavy Commercial as a permitted land use in the I-1 Industrial Zone."

ATTACHMENT:

1. Draft Ordinance

ORDINANCE NO. **DRAFT**

AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO MODIFY THE LAND USE TABLE IN THE I-1 INDUSTRIAL ZONE TO PERMIT HEAVY COMMERCIAL USES, 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 20 Section 130 to modify the land use table in the Industrial Zone to permit for Heavy Commercial uses; and

WHEREAS, the Santaquin City Planning Commission held a public hearing on April 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 20 Section 130 is amended as follows: (underlined text is added, stricken text is deleted)

Permitted Uses: Land uses in the I-1 Industrial Zone are permitted as follows. Alphabetic use designations in the table below have the following meanings:

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.
N	The listed use is a prohibited use within the represented area.

Use	I-1
Accessory buildings and parking lots	P
Agriculture, fruit packing, and processing plants	P
Caretaker dwellings	P
Commercial, recreation	P
Crisis respite	P
Gravel, sand, earth extraction, and mass grading when necessary to accomplish the intent of a development project permitted within and in association with the I-1 Zone and in accordance with SCC 10.16.280	P
Commercial, Heavy	P
Manufacturing, compounding, processing, packing, fabrication, and warehousing of goods and materials, except the processing of animal byproducts, livestock feed yards, oil refineries, wallboard manufacturing, and similar establishments which emit offensive fumes, smoke, noise, odor, etc.	P
Public and quasi-public buildings	P
Public safety buildings	P
Recreational vehicle (RV) parks	N
Research and development and related offices space	P
Retail commercial uses when related to the product being manufactured	P
Sheltered workshop	P
Storage unit facilities	P
Telecommunications sites. See SCC 10.16.340 paragraph D	
Temporary businesses, subject to the provisions of SCC 10.16.300	P
Treatment facility	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, April 20th, 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 19th day of April 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 19th day of April 2022, entitled

“AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO MODIFY THE LAND USE TABLE IN THE I-1 INDUSTRIAL ZONE TO PERMIT HEAVY COMMERCIAL USES, 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 19th day of April, 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 19th day of April, 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