

ORDINANCE NO. 07-01-2022

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, 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 June 14, 2022 and June 28, 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 ~~LICENSES~~ESTABLISHMENT: ~~A license to sell~~An establishment that sells beer on the premises, in original sealed containers no larger than two ~~(2) liters (2-4)~~, 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~~as provided by state law. No beer shall be sold through a drive-up window.

ALCOHOLIC BEVERAGE, CLASS B ~~LICENSE~~ESTABLISHMENT: An establishment that sells beer ~~A license to sell beer~~ in the original containers, and on draft, in containers no larger than two (2) liters ~~(2-1)~~, for on premises consumption; beer in sealed containers no larger than two (2) liters ~~(2-1)~~ 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~~ESTABLISHMENT: A ~~license which entitles~~ restaurant ~~and or~~ private club ~~licensees to that~~ sells liquor and beer for consumption on the premises, and to sell beer in sealed containers no larger than two (2) liters ~~(2-1)~~, for off premises consumption, as specifically defined in, and in accordance with, the alcoholic beverage control act.

ALCOHOLIC BEVERAGE, CLASS D ~~LICENSE~~ESTABLISHMENT: 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~~ESTABLISHMENT: 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.~~

AUTOMOTIVE SERVICE AND REPAIR, MAJOR: An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment, including paint, body and fender and engine and engine parts, provided, it is conducted within a completely enclosed building. Accessory activities may include a car wash service that complies with the provisions of SCC 10.48.060 or obtains a conditional use permit thereunder.

AUTOMOTIVE SERVICE AND REPAIR, MINOR: An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar mechanical equipment, including brake, muffler, tire repair and change, lubrication, tune ups, safety inspections and emission testing, detailing shops, ~~overhaul or transmission work~~, but does not include an establishment that qualifies as a major automotive service and repair facility, and provided it is conducted within a completely enclosed building. Accessory activities may include a car wash service that complies with the provisions of SCC 10.48.060 or obtains a conditional use permit thereunder.

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, 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, [furniture and appliance stores](#), ~~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~~: [As used in this title, the terms “Hotel” and “Motel” have the same meaning.](#) 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 BUILDING: a building which is owned or leased by a federal, state, or local, governmental entity for public administration and/or services.](#)

~~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, which may either be consumed on the premises or dispensed through one or more drive-through lanes.

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 facilities where weddings are an ancillary use.

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

10.20.190 MAIN STREET BUSINESS DISTRICTS ZONE

- A. Definition, Objectives, And Characteristics: The Main Street Business Districts Zone consists of the Central Business District (CBD), the Main Street Commercial District (MSC), and the Main Street Residential District (MSR). The objective of the Main Street Business Districts Zone (district) is to create a mixed use shopping and financial center for the City and surrounding territory which is often characterized as "the center of town". The intensity of uses within this area should increase with proximity to the intersection of Center Street and Main Street. Though this district is applied to areas which have developed as "strip commercial", it shall not be used to promote or establish areas in which such development can be promulgated or encouraged.

Developments on the southern half of the blocks between Main Street and 100 South or the northern half of the blocks between Main Street and 100 North should complement the businesses facing Main Street. These developments may include professional services, offices, mixed use developments and multi-family residential.

Characteristics of the district should include:

1. A mixed use shopping and financial center for Santaquin and surrounding territory; and
 2. Business interests should be balanced with the interests of adjacent neighborhoods; and
 3. The integrity and viability of the adjacent residential neighborhoods will be maintained while expanding development opportunities by permitting multifamily residential uses within the district when combined with commercial uses (mixed use); and
 4. The Main Street corridor's significance to the region and area history will be preserved and highlighted through site and building design; and
 5. The district will demonstrate and promote appropriate urban scale, walkability, pedestrian orientation, business viability and success, streetscape, community character, and the limiting of negative effects on adjacent residential properties. (Ord. 08-02-2008, 8-20-2008, eff. 8-21-2008)
- B. Permitted Uses: General land uses within the Main Street Business ~~Commercial~~ Districts 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.
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MSC	The area represented as the Main Street Commercial area District .
MSR	The area represented as the Main Street Residential area District .
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) Establishment	P	P	N
Alcoholic beverage class B license (bars) Establishment	C	C	N
Alcoholic beverage class C license (restaurants/clubs) Establishment	P	C	N
Alcoholic beverage class D license (hotel/conventions) Establishment	P	P	N
Alcoholic beverage class E license (liquor store Establishment , etc.)	N	C	N
Arcade	A	A	N
Art gallery	P	P	P
Automotive service and repair, major	N	N	N
Automotive service and repair, minor	N	C	N
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 P
Commercial, convenience store	C	P	N
Commercial, cosmetology	P	P	P
Commercial, heavy	N	N	N
Commercial p Parking lot or garage	A N	A P	A P
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
<u>Dwelling, Bachelor</u>	<u>N</u>	<u>N</u>	<u>P</u>
<u>Dwelling, Bunkhouse</u>	<u>N</u>	<u>N</u>	<u>A</u>
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
<u>Feedlot</u>	<u>N</u>	<u>N</u>	<u>N</u>
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
<u>Impound Yard</u>	<u>N</u>	<u>N</u>	<u>N</u>
Institutions	P	P	P
<u>Junkyard</u>	<u>N</u>	<u>N</u>	<u>N</u>
Library	P	P	P
Mixed use development	C	C	C
<u>Mobile Home Park</u>	<u>N</u>	<u>N</u>	<u>N</u>
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	NP
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 <u>court</u> (RV) parks	N	N	N
Religious center	P	P	P
Resident healthcare facility	P	P	P
Residential facility for persons with a disability <u>See 10.60</u>	N	N	P
Residential facility for the elderly <u>See 10.56</u>	N	N	P
<u>Residential support facility</u>	<u>N</u>	<u>N</u>	<u>C</u>
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 <u>See 3.24</u>	N	N	N
<u>Slaughterhouse</u>	<u>N</u>	<u>N</u>	<u>N</u>
Social or reception center	P	C	C
<u>Storage Units Facilities</u>	<u>N</u>	<u>N</u>	<u>N</u>
Street vendors	P	P	N
Tattoo parlor	C	P	N
<u>Temporary Uses See 10.16.300</u>	<u>C</u>	<u>P</u>	<u>N</u>
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
<u>Truck stop</u>	<u>N</u>	<u>N</u>	<u>N</u>
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, July 6, 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 5th 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 5th day of July 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 5th 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 5th 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