

ORDINANCE NO. 10-01-2024

AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO CREATE NEW DEFINITIONS FOR “DATA CENTER”, “ONSITE POWER GENERATION”, AND “STAND-ALONE SOLAR POWER GENERATION” AND TO INSERT THESE LAND USE TYPES IN THE CLM COMMERCIAL LIGHT MANUFACTURING 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 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 economic development opportunities which can be beneficial to the community in numerous ways; and

WHEREAS, the City Council desires to amend Santaquin City Code Title 10 Chapter 08 Section 020 to define new land uses and to amend Santaquin City Code Title 10 Chapter 20 Section 240 to incorporate those land uses into the CLM Commercial Light Manufacturing zone; and

WHEREAS, the Santaquin City Planning Commission held a public hearing on September 10, 2024, which hearing was preceded by the posting of public notice on the City’s website (www.santaquin.org), on the State of Utah’s Public Notice Website, and in at least three public places within the City limits of Santaquin City in accordance with Section 10-3-711 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)

DATA CENTER: An establishment specifically intended to facilitate a group of networked computer servers typically used for the remote storage, processing, or distribution of data, and which may include transaction processing equipment, related infrastructure support equipment, and cooling equipment.

POWER GENERATION, ONSITE: A facility which produces electricity, heat, steam, or other similar energy sources, solely for use within the facility or its onsite corporate or general offices, storage or service buildings/yards, manufacturing facilities, or high-power broadcast radio antenna

that may be an integral part of the facility. Onsite power generation does not include supplementary solar panels that are wholly a part of a building on the site. See Stand-alone Solar Power Generation for solar panels which are not wholly a part of a building.

STAND-ALONE SOLAR POWER GENERATION: A solar powered electrical panel system, not wholly integrated into a building, that produces electrical power for immediate use or to charge banks of batteries.

Title 10 Chapter 20, Section 240 is amended as follows: (underlined text is added, stricken text is deleted)

Use	CLM
<u>Data Center</u>	<u>P</u>
<u>Power Generation, Onsite</u>	<u>P</u>
<u>Stand-Along Solar Power Generation</u>	<u>N</u>

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, October 2, 2024. 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 1st day of October 2024.

Daniel M. Olson, Mayor

Councilmember Art Adcock	Voted	___
Councilmember Brian Del Rosario	Voted	___
Councilmember Lynn Mecham	Voted	___
Councilmember Jeff Siddoway	Voted	___
Councilmember Travis Keel	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 1st day of October 2024, entitled

“AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO CREATE NEW DEFINITIONS FOR DATA CENTER, ONSITE POWER GENERATION, AND STAND-ALONE SOLAR PANELS AND INSERTING THESE LAND USES IN THE CLM COMMERCIAL LIGHT MANUFACTURING 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 1st day of October 2024.

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 prior to the ordinance taking effect, I posted a short summary of the ordinance on the Utah Public Notice Website as required by Utah State Code 10-3-711(1)(b) as a Class A Notice and Santaquin City Code 1-2-050(D)

I further certify that copies of the ordinance were posted online at www.santaquin.org, at the City Hall Building at 110 S. Center Street and on the State of Utah's Public Notice Website, <https://www.utah.gov/pmn/index.html>. A copy of the notice may also be requested by calling (801)754-1904.

AMALIE R. OTTLEY
Santaquin City Recorder

The foregoing instrument was acknowledged before me on this ____ day of ____ 2024,
by AMALIE R. OTTLEY.
My Commission Expires:

Notary Public