

## ORDINANCE NO. 09-03-2017

**AN ORDINANCE AMENDING THE SANTAQUIN CITY CODE TO MODIFY NON-RESIDENTIAL USE WITHIN ANY MIXED USE DEVELOPMENT IN THE MAIN STREET BUSINESS DISTRICTS ZONE, PROVIDING SEVERABILITY AND AN EFFECTIVE DATE FOR THE ORDINANCE.**

**WHEREAS**, a request has been made to amend Santaquin City Code Section 10-7M-9-F5 relating to mixed use/non-residential architectural standards; and

**WHEREAS**, the Santaquin City Planning Commission held a public hearing during their August 24, 2017 meeting, which hearing was preceded by the posting of public notice in at least three public places within the City limits of Santaquin City, and which notice of public hearing was published in the Payson Chronicle Newspaper 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 favorable recommendation to the City Council for approval of the amendment,

**WHEREAS**, the City Council has been given specific authority in Title 10, Chapter 9a Utah Code Ann. 1953 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;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Santaquin City, State of Utah, as follows:

### **Section I. Amendment**

Section 10-7M-9-F5 is amended as follows: (Underlined text is added, stricken text is deleted)

5. All buildings within the Central Business District and Main Street Commercial areas must include non-residential use(s). ~~a mixed use development must have a minimum of thirty (30%) percent non-residential uses or at least~~ If a building includes residential use(s), all tenant spaces on the ground floor, which face a public street, being must be reserved for non-residential use(s) and shall have a minimum floor to ceiling height of eleven feet (11'). ~~Such Non-residential use(s) may be~~ must have independent from or access and may be directly accessible by residential tenants in the development.


**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 II. Posting and Effective Date**

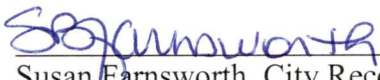
This ordinance shall become effective at 5:00 p.m. on Thursday, September 7, 2017. Prior to that time, the City Recorder shall deposit a copy of this ordinance in the official records of the City and place a copy of this ordinance in three places within the City.

PASSED AND ADOPTED this 6<sup>th</sup> day of September, 2017.

  
Kirk Hunsaker, Mayor

Councilmember David Hathaway	Voted	<i>ay</i>
Councilmember Marianne Stevenson	Voted	<i>ay</i>
Councilmember Amanda Jeffs	Voted	<i>ay</i>
Councilmember Keith Broadhead	Voted	<i>ay</i>
Councilmember Nick Miller	Voted	<i>ay</i>

ATTEST:

  
Susan Farnsworth, City Recorder

