

**ORDINANCE NO. 11-01-2010**

**AN ORDINANCE MODIFYING THE CITY'S LAND USE AND DEVELOPMENT MANAGEMENT CODE TO ADDRESS TEMPORARY USES, PROVIDING FOR CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Council has been given specific authority in Title 10, Chapter 9a Utah Code Ann. 1953 to adopt a zoning plan including ordinances which regulate the erection, construction, reconstruction, alteration, repair and uses of buildings and structures and the uses of land; and

**WHEREAS**, the City's Land Use Development and Management Code regulates the location and development requirements for certain uses of property within the City; and

**WHEREAS**, a request to amend Title 10, Chapter 6 Supplementary Regulations of the Revised Ordinances of Santaquin City (the Land Development Code) has been submitted pertaining to those sections which pertain to uses of a temporary nature; and

**WHEREAS**, the Santaquin City Planning Commission held a public hearing on September 9, 2010 and subsequently forwarded its recommendations for the proposed amendment to the City Council. The noted 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**, a public meeting was held before the Santaquin City Council on November 17, 2010 to consider adoption of the proposed amendment, and

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

**Section I.**

Title 10, Chapter 6 Supplementary Regulations of the Revised Ordinances of Santaquin City is amended as follows:

1. Section 10-6-27, TEMPORARY BUILDINGS is repealed.
2. Section 10-6-30 is amended as follows:  
(Underlined text is being added to the ordinance. Text which has a strikeout through it is being deleted from the ordinance. Text to be omitted from the ordinance is as noted.)

10-6-30: ~~SEASONAL BUSINESSES~~TEMPORARY USES:

~~It shall be unlawful for any business of a seasonal nature, such as a fruit and/or vegetable stand, snow cone business, or any other business of a similar nature to erect or occupy a temporary or permanent facility for the purpose of conducting such a business before obtaining a city approved business license. Drink stands, or similar facility, located in front of a residential property, operating for a period of time of seven (7) days or less, and no more often than twice per calendar year, shall be exempt from the terms of this section.~~

**A. Purpose and Intent.** The purpose and intent of this section is to allow within Santaquin City certain uses which are transitory in nature, as either accessory or seasonal uses, in a manner that will assure

compatibility with the zone district and adjacent properties. Drink stands and garage/yard sales or similar activities, located in front of a residential property, operating for a period of time of seven (7) days or less, and no more often than four times per calendar year, shall be exempt from the terms of this section.

**B. Temporary Use Permit Required.** A temporary use permit shall be required for the following uses. Those uses which are also required to obtain a temporary business license are noted by a (TBL) symbol.

<u>Temporary Use Type</u>	<u>Location Standards</u>	<u>Duration</u>
<b><u>Produce Stands (TBL):</u></b> Includes goods grown and prepared by the operator and sold primarily for consumption (e.g. Fruits and Vegetables).	Must be located on property adjacent to an arterial or collector street (e.g. Main Street, 400 East, 200 West, and South Ridge Farm Road.)	Growing season (generally the summer months through October).
<b><u>Road Side Stands and Temporary Retail Sales (TBL):</u></b> Includes Christmas tree lots, firework stands, snow shacks, ice cream vendors, antique, rug, art, or plant sales or other similar retail uses.	Allowed if the use is permitted in the zone and accessory to the principal use or if no principal use exists, would be permitted as a stand alone use on the site.	No more than 150 licensed days per site each calendar year (i.e. Two businesses licensed to operate for 30 days each on a site will amount to 60 days on that site no matter if they are on the premise at the same time or not).
<b><u>Circus or Carnival and related Accessory Uses (TBL)</u></b> (e.g. bazaar, fair, etc.)	Permitted on public or quasi-public properties or private properties having over 5 acres.	15 consecutive days in a calendar year per applicant.
<b><u>Farmer's Market (TBL)</u></b>	Permitted on public or quasi-public properties or private properties having over 5 acres.	May not begin prior to June 1 and must terminate by November 1. Requires a new permit annually.
<b><u>Model Home or Dwelling Unit</u></b>	Permitted in all zones. (See additional standards below)	No more than two years from first occupancy of a dwelling unit in the development or until the last unit/parcel is sold, whichever comes first.
<b><u>Temporary Trailer for Retail Sales and/or Office Space.</u></b>	Permitted upon issuance of a building permit for a permanent structure and facilities on the affected site. Shall also include installation of adequate temporary parking.	Maximum period shall be twelve [12] months. The permit may be renewed and extended upon Planning Commission review for a Conditional Use up to six [6] months increments.
<b><u>Construction Office, Staging Areas and Equipment Sheds</u></b>	Permitted in all zones.	Allowed on a site until final inspections of the project are completed.

**C. Standards for Temporary Use.** All Temporary Uses shall comply with the general standards as provided below.

1. Site Limitations and Standards

- a. No use shall be placed in the public right-of-way, display areas shall be limited and applications shall comply with the regulations of the Business Licensing Department.
- b. No more than two temporary uses are allowed per site at one time.
- c. Sites shall be kept free from weeds, garbage, and debris.
- d. Off-street parking and traffic circulation generated by the use shall be provided for on the site. Only City approved spaces shall be considered for off-street parking.
- e. Sanitary facilities shall be available for waste disposal for protection of community health and safety

2. Any food preparation uses must obtain the appropriate food handlers permits or other licensing through the County Health department.

3. Night lighting shall be compatible with adjacent uses, shielded and directed downward to avoid light spill onto adjacent properties.

4. Hours of operation shall be compatible with adjacent uses.

5. One sign, not to exceed 24" X 36" in size either affixed to the temporary facility or on a pole less than 4' in height, may be placed onsite.

6. Temporary Structures or Coverings.

- a. All applicable building code requirements must be met (e.g. water, power connections, accessibility, etc.)
- b. Shall be secured to the ground in order to prevent such from being moved by natural meteorological events.
- c. Shall be maintained in a state of good repair and order, including replacement of torn, tattered, faded or peeling materials.
- d. Any temporary outdoor facility shall be removed within three (3) days after the expiration date of the temporary use permit or associated business license, whichever occurs first.
- e. Shall not be place in required visibility areas or cause a safety hazard.

7. Standards specific to Model homes. In addition to the standards above the following shall also apply to model homes.

- a. Model homes must comply with all standards and conditions of approval for the advertised development including building materials, setbacks, landscaping, etc. and must comply with all applicable residential dwelling standards upon discontinued use as a sales office.
- b. Any other temporary offices, trailers, or structures used for sales, equipment storage, construction materials and any other items related to the model home must be removed from the site upon completion of a model home for the development.

- c. Upon sale of any model home for residential dwelling purposes, a re-final inspection must be conducted by the Community Development Department to assure all applicable building codes are met.

**D. Application for Temporary Use Permit.** An application for a Temporary Use Permit shall be made to the Community Development Department at least 10 days prior to the date of requested use. The Department may issue a Temporary Use Permit or deny an application for a Temporary Use Permit.

In authorizing a temporary use, the Community Development Department shall impose such requirements and conditions as considered necessary for the protection of adjacent properties and the public safety and welfare in conformance with standards as provided in this Section.

1. Application Requirements. An application for a Temporary Use Permit shall be accompanied by the following information:

- a. **Description.** A written description of the proposed use including requested length of permit and hours of operation.
- b. **Authorization for Use.** If the applicant is not the owner of the property, the ownership shall be identified along with evidence of permission of the owner for such temporary use to take place.
- c. **Site Review.** A vicinity map and plot plan with sufficient information to determine the yard requirements, sanitary facilities and availability of parking to serve the use.
- d. **Parking and Circulation Plan.** A plan which illustrates available parking and traffic movements for temporary use customers in relation to available parking on the site and existing traffic movements.
- e. **Building Details.** Information about any building or structure being used for the business shall be provided (e.g. steps, ramps, power, water, construction, etc.).
- f. Fees. All applicable fees, as set by the City Council, shall be paid before review of an application will occur.

**E. Revocation of Temporary Use Permit**

1. The City shall, upon reasonable notice, be empowered to suspend or revoke the temporary use permit of any person who violates any of the provisions of this chapter or any of the conditions set forth on their permit.
2. If, at any time, a permit under the provisions of this Chapter is suspended or revoked, it shall thereafter be unlawful for any person to operate, open, maintain, manage or conduct such affected temporary use until a new permit is granted.

**Section II. 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 City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, 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, sections of the ordinance may be re-numbered or re-lettered. Typographical errors which do no affect the intent of this ordinance may be corrected without need of public hearing by filing a corrected or re-codified copy of the same with the City Recorder.


**Section III. 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 the section, subdivision, sentence or part of the section held to be unconstitutional or otherwise invalid.

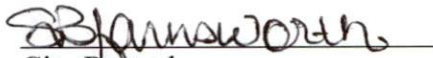
**Section IV. Effective Date**

The City Recorder shall deposit a copy of this ordinance in the official records of the City on November 18, 2010, and before 5:00 p.m. on that same day, shall place a copy of this ordinance in three places within the City. This ordinance shall become effective at 5:00 p.m. on November 18, 2010.

PASSED AND APPROVED this 17<sup>th</sup> day of November, 2010

  
James E. DeGraffenried, Mayor

ATTEST:

  
City Recorder



Councilmember Filip Askerlund	Voted <u>yes</u>
Councilmember Martin P. Green	Voted <u>yes</u>
Councilmember James F. Linford	Voted <u>yes</u>
Councilmember Rick Steele	Voted <u>yes</u>
Councilmember Brent Vincent	Voted <u>yes</u>