

ORDINANCE NO. 02-03-2017

AN ORDINANCE AMENDING THE CITY'S HOME OCCUPATION REGULATIONS TO MORE SPECIFICALLY ADDRESS LARGE VEHICLES, CLASSIFICATIONS, CODIFICATION, AND INCLUSION IN THE CODE; ALSO PROVIDING FOR THE CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, A SAVING CLAUSE AND EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, a request has been made to amend Title 10 of the Revised Ordinances of Santaquin City (the Land Development Code) by amending Section 10-12, Home and Premise Occupations; and

WHEREAS, a public hearing was held before the Planning Commission on January 12, 2017 to consider adoption of the proposed amendment, 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.

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; and

WHEREAS, the foregoing legitimate governmental objectives are achieved by reasonable means in that any adverse impact on private property value or use has been carefully balanced against the corresponding gain to the public; and the regulations have been calculated, on recommendation of City planning staff to permit property owners to beneficially use their properties for the practical purposes to which the property is reasonably adaptable; and procedures have been established by the Land Development Code and Utah Code Ann. where appeals can be heard and decided if it is alleged that there is legislative or administrative error or where a special exception or variance to the ordinance is required.

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

Section I.

Title 10-12-5.E is amended as as follows: (Underlined text is added, stricken text is deleted)

- E. Business Related Vehicles: Business related vehicles include those vehicles owned and operated by residents of the dwelling, vehicles on the property which are nonoperable due to: 1) a collision or other violent act; 2) has had parts removed from the vehicle rendering the vehicle inoperable, or 3) is being stored on a lot for the purpose of restoration. Business related vehicles shall also include any vehicles brought to the residence by the applicant, an employee, customer, client or business related visitor and shall comply with the following:
 - 1. There shall be no more than four (4) business related vehicles parked or being stored at the residence at any one time.

Exception: Any vehicle, operable on a road or not, that is inside a fully enclosed, permanent structure shall not be included in the maximum number of vehicles permitted at one time. Single or dual occupancy, off highway recreation vehicles (OHV) or watercraft are also excluded unless such are used as part of the business operation.

2. Business related vehicles shall not exceed eight feet (8') in height.

Exception: Delivery or pick up vehicles (e.g., UPS package delivery vehicles) not owned or operated by the owner or employees of the licensed home occupation.

3. Business related vehicles shall not exceed two (2) axles or twenty two feet (22') in length individually nor three (3) axles or thirty five feet (35') in length with attachments. No vehicle having more than two (2) axles shall travel to the residence for the purpose of delivery of merchandise, goods, or supplies for use in the home occupation.
4. Business related vehicles may not exceed 16,000 GVW.

Section II.

Title 10-12-6.D is modified as follows: *(Underlined text is added, stricken text is deleted)*

- D. Businesses having more than four (4) business related vehicles parked or stored at the home at one time or which utilize a commercial vehicle that exceeds the maximum height, weight or and length requirements established in section 10-12-5 of this chapter, must comply with the following conditions:

1. All business related commercial vehicles are to be parked on the property and behind the front of the home when not being used for business purposes parked on the property.
2. The vehicles and attachments are to be located behind a six foot (6') tall opaque fence, or other obstruction, so as to minimize their view from the front property line.
3. Proof of proper CDL licensing must be provided with each license renewal.
4. No maintenance of vehicles exceeding 16,000 GVW may occur at the home unless conducted within a fully enclosed permanent structure compliant with building codes.

Section III. 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 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.

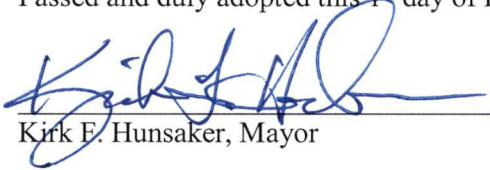
Section IV. Severability

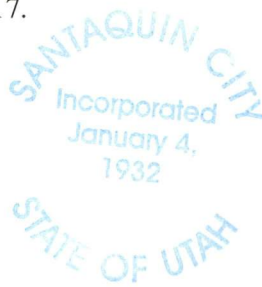
If any section, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION IV. Effective Date


The City Recorder shall deposit a copy of this ordinance in the official records of the City on February 2, 2017, 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 February 2, 2017.

Passed and duly adopted this 1st day of February, 2017.


Kirk E. Hunsaker, Mayor



ATTEST:


SUSAN B. FARNSWORTH, Santaquin City Recorder

Council Member Broadhead	<u>absent</u>
Council Member Hathaway	<u>Aye</u>
Council Member Jeffs	<u>Aye</u>
Council Member Miller	<u>absent</u>
Council Member Stevenson	<u>Aye</u>

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, SUSAN B. FARNSWORTH, 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 February, 2017, entitled

“AN ORDINANCE AMENDING THE CITY’S HOME OCCUPATION REGULATIONS TO MORE SPECIFICALLY ADDRESS LARGE VEHICLES“

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Santaquin City Utah this 1st day of February, 2017.



Susan B. Farnsworth

SUSAN B. FARNSWORTH
Santaquin City Recorder

(SEAL)

AFFIDAVIT OF POSTING

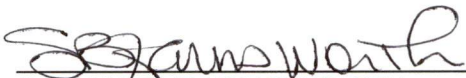
STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, SUSAN B. FARNSWORTH, 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 2nd day of February, 2017.

The three places are as follows:

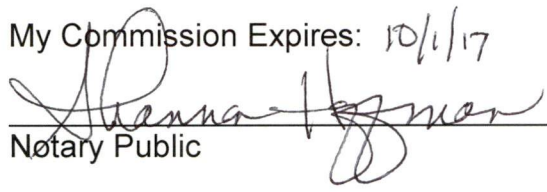
- 1. Zions Bank
- 2. Post Office
- 3. City Office

I further certify that copies of the ordinance so posted were true and correct copies of said ordinance.



 SUSAN B. FARNSWORTH
 Santaquin City Recorder

The foregoing instrument was acknowledged before me this 2nd day of February, 2017, by SUSAN B. FARNSWORTH.

My Commission Expires: 10/1/17


 Notary Public



Residing at: Utah County