

ORDINANCE NO. 2021-9

AN ORDINANCE OF PLEASANT GROVE CITY, UTAH COUNTY, UTAH, AMENDING SECTION 10-11D-2: PERMITTED, CONDITIONAL, AND ACCESSORY USES, BY ADDING USE #6815, DAY NURSERY OR CHILDCARE CENTER, TO THE LIST OF PERMITTED USES IN THE CS-2 (COMMERCIAL SALES-2) ZONE; INCLUDING AN EFFECTIVE DATE (DANA LEE).

WHEREAS, the applicant, Dana Lee proposes to be add use #6815, Day Nursery or Child Care Center to the list of conditional uses in the CS-2 Commercial Sales 2 Zone; and

WHEREAS, on April 8, 2021 the Pleasant Grove City Planning Commission held a public hearing to consider amending City Code Section 10-11D-2: Permitted, Conditional, and Accessory Uses, by adding Use #6815, day nursery or childcare center, to the list of permitted uses in the CS-2 (Commercial Sales-2) Zone; and

WHEREAS, at its public hearing the Planning Commission decided that the requested amendment to Section City Code Section 10-11D-2: Permitted, Conditional, and Accessory Uses, by adding Use #6815, day nursery or childcare center, to the list of permitted uses in the CS-2 (Commercial Sales-2) Zone, was in the public's interest and is consistent with the written goals and policies of the General Plan; and

WHEREAS, the Pleasant Grove Planning Commission recommended to the Pleasant Grove City Council that the amendment to Section 10-11D-2: Permitted, Conditional, and Accessory Uses in the Pleasant Grove Municipal Code be approved; and

WHEREAS, on May 4, 2021 the Pleasant Grove City Council held a public hearing to consider the request; and

WHEREAS, at its meeting the Pleasant Grove City Council was satisfied that the amendment to the Pleasant Grove Municipal Code is in the best interest of the public and consistent with the goals and policies of the General Plan; and

WHEREAS, it is the legislative body's intent that the city code amendments shall be in the interest of the public; and

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

SECTION 1. Modified Section 10-11D-2: TABLE OF PERMITTED, CONDITIONAL AND ACCESSORY USES, of the Pleasant Grove Municipal Code is hereby amended to read as follows:

10-11D-2: PERMITTED, CONDITIONAL, AND ACCESSORY USES

C. Permitted Principal Uses: The following principal uses and structures, and no others, are permitted in the CS-2 zone:

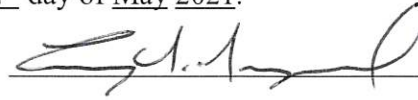
Use Number		Use Classification
1510		Hotels, tourist courts and motels
2700		Printing trade services
3438		Computer training, instruction
4602		Commercial parking lots/parking structures
4731, 4741		Radio and television communication facilities
5112		Drug and proprietary
5200		Building materials, hardware, farm equipment and supplies, retail
5300		General merchandise
5400		Food, retail
5500		Automotive, marine craft, aircraft and accessories
5600		Apparel and accessories, retail
5700		Furniture, home furnishings and equipment, retail
5810		Eating places
5820		Liquor, retail, package
5931		Antiques and secondhand merchandise, retail
5940		Books, stationery, art and hobby, retail
5950		Sporting goods, bicycles and toys, retail
5960		Farm and garden supplies, retail
5970		Jewelry, retail
5998		Pets and pet supplies, retail
6100		Finance, insurance and real estate services (except check cashing agencies and similar deferred deposit loan businesses)
6211		Laundering, dry cleaning and dyeing services
6230		Beauty and barber shops
6250		Apparel repair, alteration and cleaning, pick up services, shoe repair
6297		Gymnasiums and athletic clubs
6311		Advertising agencies
6321		Consumer and mercantile credit reporting
6330		Duplicating, mailing and stenographic services
6339		Computer graphics

6343	Dwelling and other building maintenance services
6360	Employment services
6394	Computer equipment rental and leasing
6395	Photo finishing services, videotape duplication, transfer, editing
6398	Motion picture distribution and services (includes booking agencies, etc.)
6411	Automobile repair and services (when associated with 5510, motor vehicle sales)
6416	Auto washing, polishing, detailing
6419	Only lube, diagnostic, including inspections and emissions, tune ups
6423	Computer repairs and service
6511-12	Professional healthcare offices and clinic
6517	Medical clinics, outpatient services
6530	Engineering, architectural and planning services
6595	Computer desktop publishing
6597	Business and management consulting services (including computer installation, programming, networking, system designing, etc.)
6711	Administration office services
6730	Postal services
6815	Day Nursery – child care center
6910	Religious activities
6920	Welfare and charitable services
7111	Libraries
7212	Motion picture theaters
7224	Recreation centers (general)
7232	Swimming pools
7611	Parks, general recreation
7622	Parks, leisure and ornamental
8222	Animal clinics and hospitals

SECTION 2. SEVERABILITY. The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any of the remaining sections, paragraphs, sentences, clauses or phases of this Ordinance.

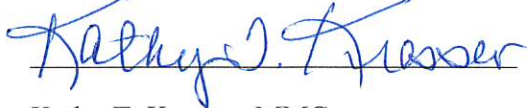
SECTION 3. EFFECTIVE DATE. This ordinance shall take effect immediately upon its passage and posting as provided by law.

SECTION 4. APPROVED AND ADOPTED AND MADE EFFECTIVE by the City Council of Pleasant Grove City, Utah County, Utah, this 4th day of May 2021.



Guy L. Fugal, Mayor

ATTEST:



Kathy T. Kresser, MMC
City Recorder



Motion: Council Member WILLIAMS

Second: Council Member ANDERSEN

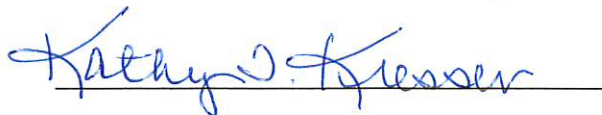
ROLL CALL	Yea	Nay	Abstain
Mayor Guy L. Fugal	_____	_____	_____
Dianna Andersen	<u>X</u>	_____	_____
Brent Bullock	<u>X</u>	_____	_____
Eric Jensen	<u>X</u>	_____	_____
Cyd LeMone	<u>X</u>	_____	_____
Todd Williams	<u>X</u>	_____	_____

CERTIFICATE OF POSTING ORDINANCE

Pleasant Grove City Corporation

I, the duly appointed recorder for the City of Pleasant Grove, hereby certify that a summary of the foregoing Ordinance No. 2021-9 was posted on the State (<http://pmn.utah.gov>) website on this 5 day of May, 2021.

Dated this 5 day of May, 2021.



Kathy T. Kresser, MMC, City Recorder

City Council Staff Report

May 3, 2021

Item 9C

TEXT AMENDMENT PROPOSAL

REQUEST Request to amend City Code Section 10-11D-2: Permitted, Conditional, and Accessory Uses, by adding Use #6815, day nursery or childcare center, to the list of permitted uses in the CS-2 (Commercial Sales-2) Zone

APPLICANT Dana Lee

ZONE CS-2 (Commercial Sales-2) Zone

STAFF RECOMMENDATION Approve the proposed amendment
Proposed Ordinance Amendments

3

Background

The applicant is request approval of a Code Text Amendment to add Use #6815, day nursery or childcare center, to the list of permitted uses in the CS-2 (Commercial Sales-2) Zone. An application for the propose Code Text Amendment was received March 6th, 2021.

Analysis

The purpose of the CS-2 (Commercial Sales-2) Zone is to provide appropriate locations where a combination of businesses, commercial, entertainment, and related activities may be established. The uses and regulations of this zone are designed to promote and encourage the development of shopping centers and smaller compatible satellite business.

Because the proposed text amendment proposes a use Staff believes to be in harmony with the intent of the established Zone and no negative effects are anticipated, Staff recommends approval.

The intent of the code amendment is to make the use permitted in the zone; however, any future application for a childcare center shall have approval of multiple different regulatory agencies such as the building department, fire department, etc. All childcare centers shall also meet additional zoning and planning regulations (parking, setbacks, pick-up and drop-off areas) for the protection of the business staff and patrons.

Recommendation

Planning Staff recommends the Planning Commission forward a recommendation of approval to Pleasant Grove City Council for the proposed City Code Amendments to City Code Section 10-11D-2: Permitted, Conditional, and Accessory Uses, by adding Use #6815, day nursery or childcare center, to the list of permitted uses in the CS-2 (Commercial Sales-2) Zone.

Recommendation from Planning Commission

Pleasant Grove City Planning Commission took the following action on the described application at their meeting on April 8, 2021.

Public Hearing: Text Amendment – Section 10-11D-2: Permitted, Conditional and Accessory Uses (CS-2 (Commercial Sales -2) Zone)

3. Public Hearing to consider the request of Dana Lee to amend City Code Section 10-11D-2: Permitted, Conditional, and Accessory Uses, by adding Use #6815, day nursery or childcare center, to the list of permitted uses in the CS-2 (Commercial Sales-2) Zone.

RECOMMEND APPROVAL

Motion: At the Public Hearing, Commissioner Clyde forward a recommendation of approval to the City Council for the proposed amendments to City Code Section 10-11D-2C: Permitted, Conditional, and Accessory Uses, by adding Use #6815, day nursery or childcare center, to the list of permitted uses in the CS-2 (Commercial Sales-2) Zone; and adopting the exhibits, conditions, and findings of the staff report.

Commissioner Butler seconded the motion.

The Commissioners unanimously voted “Aye”. The motion carried.

Motion by: Commissioner Clyde

Seconded by: Commissioner Fugal

AYE VOTES: Vice-Chair Steele, Fugal, Coombs, Clyde, Butler

NAY VOTES:

PROPOSED TEXT AMENDMENT

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