

ORDINANCE NO. 09-01-2015

AN ORDINANCE PROVIDING FOR THE DEFERRAL OF INFRASTRUCTURE INSTALLATION IN THE CORE AREA OF TOWN; AND ALSO PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY AND EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, the City of Santaquin is a fourth class city of the state of Utah; and

WHEREAS, the City Council has been given specific authority in the Utah Code Annotated, Title 10, Chapter 9a, to adopt land use ordinances to regulate the erection, construction, reconstruction, alteration, repair and use of buildings and structures and the uses of land, which are reasonably and appropriately related to the objectives of providing for the public safety, health, morals and welfare; and

WHEREAS, the Santaquin City Council adopted a Land Use and Development Management Code to establish regulations and standards for new development within the city, which ordinances are amended from time to time; and

WHEREAS, Santaquin City desires to amend development standards in the Core Area of town and more specifically requiring street improvements with all new developments; and

WHEREAS, the Santaquin City Planning Commission held a public hearing on August 27, 2015 and another public meeting on August 13, 2015 which were preceded by the posting of public notice in at least 3 places within the City Limits of Santaquin City and which notice was published in the Payson Chronicle Newspaper in accordance with Section 10-9a-205 of the Utah State Code, and;

WHEREAS, The Planning Commission has forwarded its recommendations for the proposed amendment to the City Council with a positive recommendation; and

WHEREAS, the drafted amendments serve to achieve the following goal from the City's adopted General Plan:

- Developed areas in the city core should be revitalized by promoting new development on vacant lands and the adaptive reuse of existing community resources.

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

Section I. Code Changes

- 1. The Santaquin City Code, Section 11-11-1: APPLICABILITY paragraph B** is amended as follows: (underlined text is added, stricken text is deleted)
 - B. Developments within the Core Area of the City must install the required improvements under the following circumstances.

1. Any development having at least 150 feet of frontage must install all required improvements.
2. Developments having less than 150 feet of frontage, but which abut properties having the required improvements already installed, must install all the required improvements.
3. Developments having less than 150 feet of frontage and which do not abut properties having existing required improvements shall;
 - a. install the required improvements, or
 - b. ~~pay the City an amount, determined by the City Engineer, to cover the cost of the improvements at the time the development is approved. Any funds received will be reserved solely for the anticipated improvements in the Core Area. In such cases the funds will be considered satisfactory for the improvements along the development frontage and no additional charges or levies will be assessed to the property owners for such improvements~~ enter into an agreement approved by the City Council, which will be recorded against the property being developed and which will outline appropriate timing and standards for installation of the required improvements by the current or future property owner/developers.
4. In each situation listed in paragraphs 1-3 above, if the improvements will create a health and/or safety risk to persons or property, as determined by the City Engineer, the City may require the developer to enter into an agreement under paragraph 3.b., above, rather than not install such improvements. ~~but pay the City the cost of the improvements in accordance with paragraph 3.b. above.~~

Section II. Contrary Provisions Repealed.

All provisions of the Santaquin City Code that are contrary to the provisions of this Ordinance are hereby repealed.

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

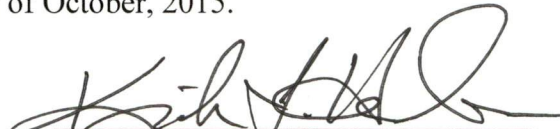
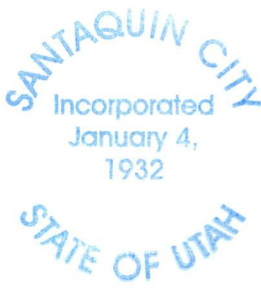
If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof 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 V. Effective Date


The City Recorder shall deposit a copy of this ordinance in the official records of the City on October 8, 2015, 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 October 8, 2015.

PASSED AND APPROVED this 7th day of October, 2015.


Kirk F. Hunsaker, Mayor

Councilmember Keith Broadhead	Voted <u>Absent</u>
Councilmember Matthew Carr	Voted <u>Absent</u>
Councilmember David Hathaway	Voted <u>aye</u>
Councilmember Amanda Jeffs	Voted <u>aye</u>
Councilmember Nick Miller	Voted <u>aye</u>

ATTEST:


City Recorder

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

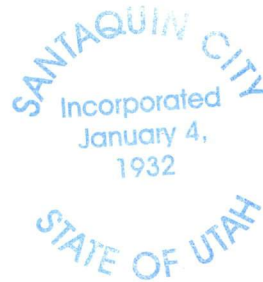
I, SUSAN B. FARNSWORTH, City Recorder of Santaquin City, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the City Council of Santaquin City, Utah, on the 7th day of October, 2015, entitled

**“AN ORDINANCE PROVIDING FOR THE DEFERRAL OF INFRASTRUCTURE
INSTALLATION IN THE CORE AREA OF TOWN”**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Santaquin City Utah this 7th day of October, 2015.

Susan B. Farnsworth
SUSAN B. FARNSWORTH
Santaquin City Recorder

(SEAL)



AFFIDAVIT OF POSTING

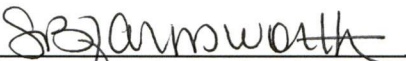
STATE OF UTAH)
) ss.
COUNTY OF UTAH)

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 8th day of October, 2015.

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 8th day of October, 2015, by SUSAN B. FARNSWORTH.

My Commission Expires: *September 10, 2018*



Notary Public

Residing at: Utah County

