

ORDINANCE NO. 03-03-2014

AN ORDINANCE AMENDING REZONING PROCEDURES, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Santaquin is a fifth 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, Utah State Code, §10-9a-505, states, "The legislative body may divide the territory over which it has jurisdiction into zoning districts of a number, shape, and area that it considers appropriate to carry out the purposes of this chapter."; and

WHEREAS, The City Council requested the city's zoning processes be reconsidered to allow the placement of multiple zones on a single parcel; and

WHEREAS, the Santaquin City Planning Commission held a public hearing on this amendment on February 27, 2014. The public hearing was 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 a positive recommendations for the proposed amendment to the City Council; and

WHEREAS, the drafted amendment provides the City Council with greater flexibility to establish zoning laws that may better implement the Land Use Element and area specific master plans incorporated within the General Plan of the City. It also clarifies the city's rezoning steps.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANTAQUIN, UTAH, AS FOLLOWS:

Section I.

1. Section 10-7-2: Official Zoning Map, is amended as follows:
(underlined text is added, stricken text is deleted)

The location and boundary of each of the zones are shown on the official zoning map of Santaquin City, Utah, at city hall and said map is hereby declared to be an official record and a part of this title.

Whenever amendments or changes are made in zone boundaries such amendments or changes shall be made on the official zoning map. No amendment or change shall become effective until after proper notice it has been given to ~~recorded by~~ Utah County and/or Juab County.

Regardless of the existence of purported copies of the official zoning map, which may from time to time be made or published, the official zoning map which shall be located in the office of the Santaquin City recorder shall be the final authority in determining current zoning status.

2. Section 10-7-6: Rezoning, is amended as follows:
(underlined text is added, stricken text is deleted)

Property owners desiring to change the zoning classification for property which they own, whether individually or as a part of a larger development project, may make application to the community development department for a hearing to rezone their property. The requirements and procedures for such rezoning applications shall comply as stipulated herein.

A. Application Requirements: Applications to rezone property shall consist of, but not be limited to, the following:

1. A completed Santaquin City rezoning application;
2. Two (2) twenty four inch by thirty six inch (24" x 36") maps and five (5) eleven inch by seventeen inch (11" x 17") maps of the property proposed to be rezoned; A concept plan depicting the layout, including, but not limited to, roads, parks, trails, and type of development anticipated within each zoning classification being requested. This plan shall also include a density table which reflects the anticipated development which includes, but is not limited to:
 - a. The anticipated potential number of development units, residential and commercial, within each zoning classification requested; and
 - b. The potential number of development units possible for the same planned development under the current zoning classification.
3. Legal description of the property(s) proposed to be rezoned along with a map and area calculation for each area to be affected;
4. Materials for proper Nnotification to adjacent property owners as outlined in subsection 10-19-11D of this title; and
5. Rezoning application fees, as determined by resolution of the city council and listed in the Santaquin City fee schedule.

B. Procedure: Upon receipt of a complete application, the application will be scheduled for review and a public hearing by the planning commission at the next available meeting(s), following proper notice. Upon receiving a recommendation ~~for approval~~ from the planning commission, the application will be scheduled for review ~~and a public hearing~~ by the city council at the next available meeting(s), following proper notice. Following ~~receipt of approval~~ from the city council, the property will be rezoned on the official city zoning map and the property owner will be required to comply with any and all regulations applicable within the zoning classification to which the property is rezoned.

C. Requirements For Approval: In order to grant an approval for the rezoning of property, the planning commission and city council must find that:

1. The rezoning conforms to the intent of the Santaquin City general plan and annexation policy plan;

~~2. The rezoning does not create an unnecessary island or spot zoning;~~

~~3. The rezoning will not adversely affect surrounding properties; and~~

~~4. The rezoning will not cause property, structures, or uses of the property to unnecessarily become nonconforming according to this title.~~

~~D. Multiple Properties: If property is proposed to be rezoned with other contiguous properties, as a part of a larger development project, the application for rezoning of all such properties shall be as follows:~~

~~1. Under one application providing the names and contact information of all property owners with all required information provided as a whole for the scope of the project; and~~

~~2. With the consent of all property owners whose property lies, either in whole or in part, within the project area.~~

~~E. Multiple Zoning Classifications: Applicant(s) may request a change from one zoning designation to multiple zoning classifications so long as the following is provided by the applicant(s) in addition to, and along with, the above application materials:~~

~~1. Each zoning classification being requested shall be accompanied, on the rezoning application, by the amount of land requested within each zoning classification, expressed in square feet or acres, as applicable.~~

~~2. A map is provided depicting:~~

~~a. The desired layout of the zoning classifications being requested;~~

~~b. The amount of land, expressed in square feet or acres, as applicable, requested within each zoning classification; and~~

~~c. Land uses surrounding the properties detailed in the application, both developed and undeveloped, with their zoning classification(s).~~

~~3. A concept plan depicting the layout, including, but not limited to, roads, parks, trails, and type of development anticipated within each zoning classification. This plan shall also include a density table which reflects the anticipated development which includes, but is not limited to:~~

~~a. The anticipated potential number of development units, residential and commercial, within each zoning classification requested; and~~

~~b. The potential number of development units possible for the same planned development under the current zoning classification.~~

~~FD. Partial Rezoning: No A single property shall may be rezoned in part. All rezoning approvals by the city council and planning commission of this nature one property shall apply to the property as a whole be effective only after written notice of the change approval is given to the Utah or Juab County Assessor office.~~

GE. Corrective Measures: No rezoning shall be permitted as a corrective measure for a property, use, or structure on a property which is found to be in violation of any provision of this title by the building official, zoning administrator, or other authorized officer.

HE. Resubmission: No application for rezoning which receives a denial from the city council shall be permitted to resubmit the same application for a period of not less than twelve (12) months from the date of denial unless the applicant(s) can provide documentation of information or facts that were not available at the time of review of the original application.

Section II. Contrary Provisions Repealed. Any and all other 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 Santaquin City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, and 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 V. Effective Date.


This ordinance shall become effective at 5:00 p.m. on Thursday, March 20, 2014. 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.

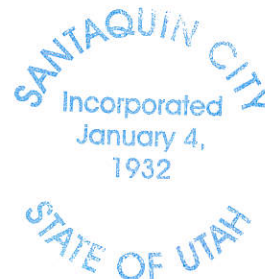
PASSED AND ADOPTED this 19th day of March, 2014.


Kirk Hunsaker, Mayor

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

ATTEST


Susan Farnsworth, 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 19th day of March, 2014, entitled

“AN ORDINANCE AMENDING REZONING PROCEDURES, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER’S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.”

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Santaquin City Utah this 19th day of March, 2014.



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 20th day of March, 2014.

The three places are as follows:

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

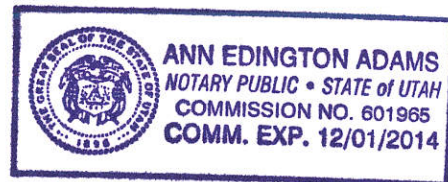
I further certify that copies of the ordinance so posted were true and correct copies of said ordinance.

Susan B. Farnsworth
SUSAN B. FARNSWORTH
Santaquin City Recorder

The foregoing instrument was acknowledged before me this 20 day of March, 2014, by SUSAN B. FARNSWORTH.

My Commission Expires: 12/1/2014

Ann Edington Adams
Notary Public



Residing at: Utah County