

**ORDINANCE IS NOT EFFECTIVE DUE TO NOT RECEIVING THE REQUIRED
DEVELOPMENT AGREEMENT BEFORE MAY 3, 2017**

ORDINANCE NO. 03-02-2017

AN ORDINANCE AMENDING THE CITY'S ZONING MAP, MORE SPECIFICALLY, APPROVING THE REZONING OF 26.45 ACRES FROM COMMERCIAL AND SINGLE FAMILY 1/3 ACRE LOTS (R-15) TO SINGLE FAMILY R-10(PUD), PROVIDING SEVERIBILITY AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, a request has been made to amend the Official Zoning Map of Santaquin City, more specifically to rezone approximately 26.45 acres, located near 900 South 200 West, from the Commercial (C-1) and Residential 1/3 acre lots (R-15) Zones to a PUD with base zoning of single family ¼ acre lots; and

WHEREAS, the Santaquin City Planning Commission held a public hearing during their February 23, 2017 meeting, 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; and

WHEREAS, after the noted public hearing, the Santaquin City Planning Commission forwarded a positive recommendation to the City Council for approval of the rezoning,

WHEREAS, the City Council has been given specific authority in Title 10, Chapter 9a Utah Code Ann. 1953 as amended to adopt a zoning plan including an ordinance and map which divide the municipality into districts or zones of any number, shape, or area; 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;

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

Section I.

Subject to receipt of an executed copy of a development agreement between Santaquin City and East Santaquin Meadows, LLC a copy of which is attached hereto as Exhibit B, on or before May 3, 2017:

That the official zoning map of the City be amended such that approximately 26.45 acres of ground currently zoned C-1 and R-15 be rezoned to R-10(PUD) as illustrated on the attached map labeled as Exhibit A, which by this reference is made part hereof this ordinance.

Section II. 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

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WHEREAS, the Santaquin City Planning Commission held a public hearing during their February 23, 2017 meeting, 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; and

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Section II. Severability

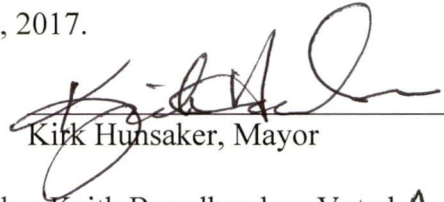
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been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section V. Posting and Effective Date. This ordinance shall become effective at 5:00 p.m. on Thursday, March 30, 2017. 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.

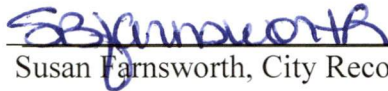
PASSED AND ADOPTED this 29th day of March, 2017.




Kirk Hunsaker, Mayor

Councilmember Keith Broadhead	Voted <u>Aye</u>
Councilmember David Hathaway	Voted <u>Aye</u>
Councilmember Amanda Jeffs	Voted <u>Aye</u>
Councilmember Nick Miller	Voted <u>absent</u>
Councilmember Marianne Stevenson	Voted <u>Aye</u>

ATTEST:


Susan Farnsworth, City Recorder

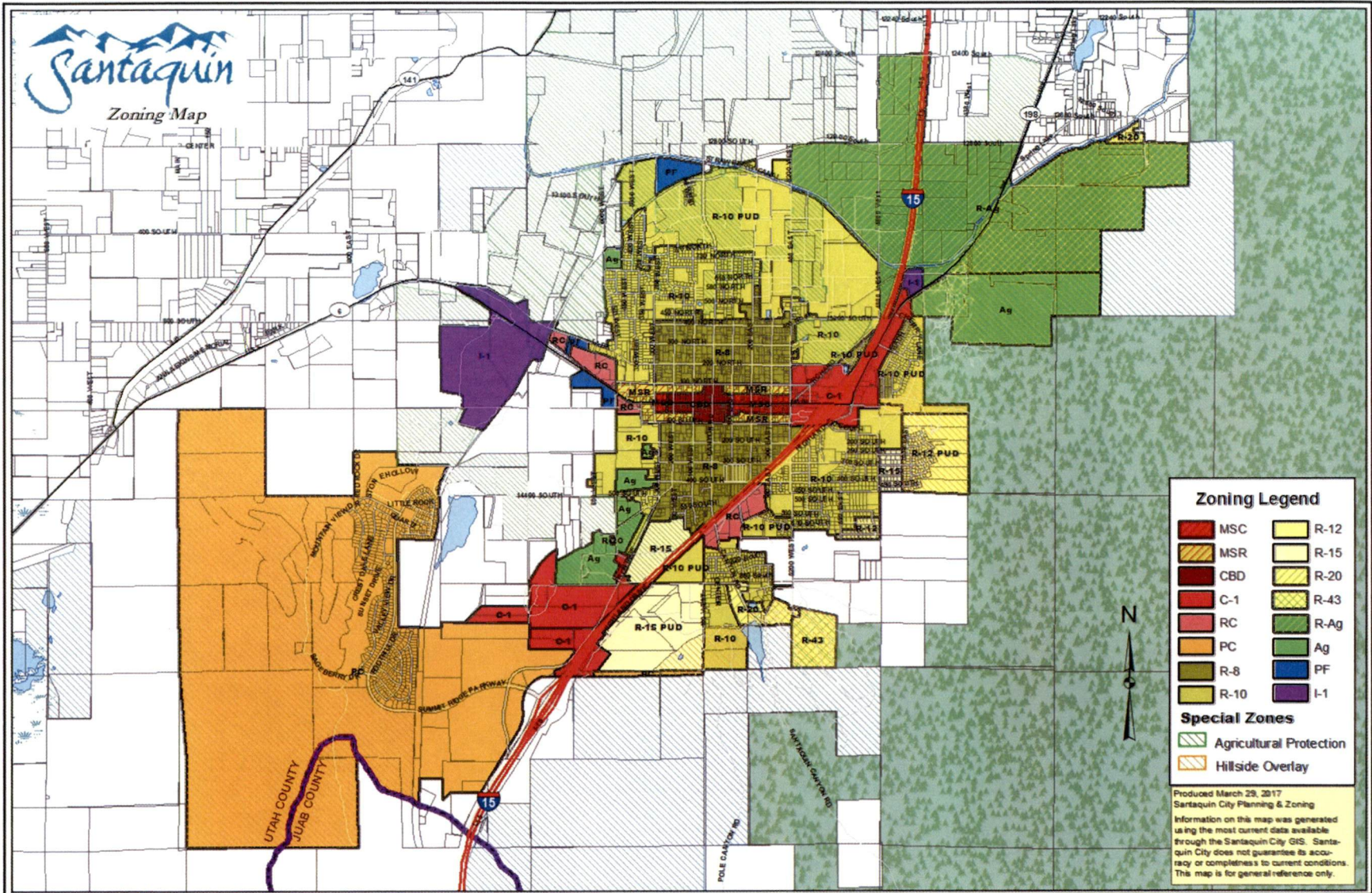


Exhibit B: DRAFT Development Agreement between Santaquin City and East Santaquin Meadows, LLC (see Adopted Resolution 03-06-2017)