

## **ORDINANCE NO. 11-01-2020**

**AN ORDINANCE EXTENDING THE TIMEFRAME FOR A CONDITIONAL REZONE WHICH WOULD AMEND THE ZONING MAP OF SANTAQUIN CITY, MORE SPECIFICALLY, APPROVING THE REZONING OF APPROXIMATELY 233 ACRES OF PROPERTY FROM AGRICULTURE ZONE (Ag) AND RESIDENTIAL AGRICULTURE ZONE (R-Ag) TO SINGLE FAMILY R-10 WITH A PLANNED UNIT DEVELOPMENT DESIGNATION (PUD) AND INTERCHANGE COMMERCIAL (C-1), PROVIDING SEVERABILITY AND AN EFFECTIVE DATE FOR THE ORDINANCE.**

**WHEREAS**, the City Council has specific authority pursuant to 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 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 City and property owner recognizes that there are currently sewer and water service constraints that limit development of the property until significant off-site improvements have been completed; and

**WHEREAS**, the City acknowledges that extensive work has been done on the site and that the property owner is making significant progress in preparing plans for the development; and

**WHEREAS**, the Santaquin City Planning Commission held a public hearing during their November 13, 2018 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 with conditions; and

**WHEREAS**, the City Council desires to amend the Official Zoning Map of Santaquin City, more specifically the rezoning of approximately 233 acres of land from Agriculture (Ag) and Residential Agriculture (R-Ag) to single family R-10 with a Planned Unit Development Designation (PUD) and Interchange Commercial (C-1) which is located at approximately 648 North State Route 198 if conditions are met;

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

### **Section I.**

Subject to the execution of a development agreement between Santaquin City and South Valley Holdings, LLC on or before March 20, 2021 which covers the subject property which consists of approximately 233 acres. The official zoning map of the City will be amended such that approximately 233 acres of land from Agriculture (Ag) and Residential Agriculture (R-Ag) to single

family R-10 with a Planned Unit Development Designation (PUD) and Interchange Commercial (C-1) 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 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 Wednesday, November 18, 2020. 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 17<sup>th</sup> day of November, 2020.

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Kirk Hunsaker, Mayor

Councilmember Elizabeth Montoya	Voted ____
Councilmember Lynn Mecham	Voted ____
Councilmember Keith Broadhead	Voted ____
Councilmember Nick Miller	Voted ____
Councilmember Chelsea Rowley	Voted ____

ATTEST:

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K. Aaron Shirley, City Recorder



STATE OF UTAH                    )  
  ) ss.  
COUNTY OF UTAH                )

I, K. AARON SHIRLEY, 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 17<sup>th</sup> day of November, 2020, entitled

**“AN ORDINANCE EXTENDING THE TIMEFRAME FOR A CONDITIONAL REZONE WHICH WOULD AMEND THE ZONING MAP OF SANTAQUIN CITY, MORE SPECIFICALLY, APPROVING THE REZONING OF APPROXIMATELY 233 ACRES OF PROPERTY FROM AGRICULTURE ZONE (Ag) AND RESIDENTIAL AGRICULTURE ZONE (R-Ag) TO SINGLE FAMILY R-10 WITH A PLANNED UNIT DEVELOPMENT DESIGNATION (PUD) AND INTERCHANGE COMMERCIAL (C-1), PROVIDING SEVERABILITY AND AN EFFECTIVE DATE FOR THE ORDINANCE.”**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Santaquin City Utah this 17<sup>th</sup> day of November, 2020.

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K. AARON SHIRLEY  
Santaquin City Recorder

(SEAL)

AFFIDAVIT OF POSTING

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF UTAH                )

I, K. AARON SHIRLEY, 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 17<sup>th</sup> day of November, 2020.

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.

\_\_\_\_\_  
K. AARON SHIRLEY  
Santaquin City Recorder

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by K. AARON SHIRLEY.

My Commission Expires:

\_\_\_\_\_  
Notary Public

Residing at:             Utah County