

ORDINANCE NO. 09-03-2021

AN ORDINANCE AMENDING THE ZONING MAP OF SANTAQUIN CITY, MORE SPECIFICALLY, APPROVING THE REZONING OF APPROXIMATELY 7.90 ACRES OF PROPERTY FROM RESIDENTIAL COMMERCIAL (RC) ZONE TO MAIN STREET COMMERCIAL (MSC) ZONE, APPROXIMATELY 3.20 ACRES OF PROPERTY FROM RESIDENTIAL R-10 ZONE TO RESIDENTIAL COMMERCIAL (RC) ZONE, AND APPROXIMATELY 4.09 ACRES OF PROPERTY FROM RESIDENTIAL COMMERCIAL (RC) ZONE TO COMMERCIAL LIGHT MANUFACTURING (CLM) ZONE, PROVIDING SEVERABILITY AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, the Santaquin 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 Santaquin City Planning Commission held a public hearing during their August 24, 2021 meeting, which hearing was preceded by the posting of public notice in at least three public places within the City limits of Santaquin City 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 recommendation to the City Council regarding the proposed rezoning of property; and

WHEREAS, a development agreement was executed on December 19, 2002, with the property owner which generally showed the same area having commercial along the frontage of Main Street and residential units on the remaining areas; and

WHEREAS, the terms of the above-described development agreement expired on December 19, 2012; and

WHEREAS, the current zoning of Residential Commercial (RC) on the subject property does not ensure that commercial uses will be constructed along the frontage of Main Street; and

WHEREAS, that Santaquin City desires to see commercial uses constructed along the frontage of Main Street; and

WHEREAS, Santaquin City desires to work with the property owner to draft a new development agreement that will mutually benefit the City and the property owner; and

WHEREAS, the Santaquin City Council desires to amend the Official Zoning Map of Santaquin City, more specifically the rezoning of approximately 7.90 acres of property from Residential Commercial (RC) zone to Main Street Commercial (MSC) zone, approximately 3.20 acres of property from Residential R-10 zone to Residential Commercial (RC) zone, and approximately 4.09 acres of property from Residential Commercial (RC) zone to Commercial Light Manufacturing (CLM) zone which is located at approximately 580 West Main Street.

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

Section I.

That the official zoning map of the City be amended such that approximately 7.90 acres of property from Residential Commercial (RC) zone to Main Street Commercial (MSC) zone, approximately 3.20 acres of property from Residential R-10 zone to Residential Commercial (RC) zone, and approximately 4.09 acres of property from Residential Commercial (RC) zone to Commercial Light Manufacturing (CLM) zone as shown on the attached map labeled as Exhibit A and by this reference made part hereof.

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, September 8, 2021. 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 7th day of September 2021.

Kirk Hunsaker, Mayor

Councilmember Nick Miller	Voted	___
Councilmember Elizabeth Montoya	Voted	___
Councilmember Lynn Mecham	Voted	___

Councilmember Jennifer Bowman
Councilmember David Hathaway

Voted ____
Voted ____

ATTEST:

K. Aaron Shirley, City Recorder

[illegible]

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 7th day of September 2021, entitled

“AN ORDINANCE AMENDING THE ZONING MAP OF SANTAQUIN CITY, MORE SPECIFICALLY, APPROVING THE REZONING OF APPROXIMATELY 7.90 ACRES OF PROPERTY FROM RESIDENTIAL COMMERCIAL (RC) ZONE TO MAIN STREET COMMERCIAL (MSC) ZONE, APPROXIMATELY 3.20 ACRES OF PROPERTY FROM RESIDENTIAL R-10 ZONE TO RESIDENTIAL COMMERCIAL (RC) ZONE, AND APPROXIMATELY 4.09 ACRES OF PROPERTY FROM RESIDENTIAL COMMERCIAL (RC) ZONE TO COMMERCIAL LIGHT MANUFACTURING (CLM) ZONE, 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 7th day of September 2021.

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 7th day of September 2021.

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