

## **ORDINANCE NO. 03-02-2021**

**AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO ESTABLISH A FOURTEEN (14) DAY SUBMISSION REQUIREMENT FOR DEVELOPMENT APPLICATIONS AND RESUBMITTALS, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN 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 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 Council desires to amend Santaquin City Code Title 10 Chapter 68 Section 120 to establish a fourteen (14) day submission requirement for development applications and resubmittals; and

**WHEREAS**, the Santaquin City Planning Commission held a public hearing on February 23, 2021, 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 a 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 recommendation to the City Council;

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

### **Section I. Amendments**

**Title 10 Chapter 48 Section 040 is amended as follows:** (underlined text is added, stricken text is deleted)

#### **10.68.120 DEVELOPMENT APPLICATION REQUIREMENTS**

All development proposals shall include the appropriate city approved application forms; required information listed on such forms, and required fees prior to city review of the proposal. These forms include the following:

Site development review application - concept.

Site development review application.

Subdivision or condominium review application - concept.

Subdivision or condominium review application - preliminary.

Subdivision or condominium review application - final.

Complete applications or resubmittals for development proposals shall be submitted at least fourteen (14) days prior to the applicable public meeting. The Community Development Director and City Engineer may recommend that an application or resubmittal be on an agenda earlier than fourteen (14) days if they find that the submitted materials are ready for review by a public body. Applicants are encouraged to meet with city staff prior to submittal to discuss development concerns, required materials, review time frames and development options. (Ord. 03-02-2007, 3-7-2007)

**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 III. 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 IV. 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. 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 V. Posting and Effective Date**

This ordinance shall become effective at 5:00 p.m. on Wednesday, March 3<sup>rd</sup>, 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 2<sup>nd</sup> day of March 2021.

\_\_\_\_\_  
Kirk Hunsaker, Mayor

Councilmember Nick Miller	Voted	___
Councilmember Elizabeth Montoya	Voted	___
Councilmember Lynn Mecham	Voted	___
Councilmember Jennifer Bowman	Voted	___
Councilmember David Hathaway	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 2<sup>nd</sup> day of March, 2021, entitled

**“AN ORDINANCE AMENDING SANTAQUIN CITY CODE TO ESTABLISH A FOURTEEN (14) DAY SUBMISSION REQUIREMENT FOR DEVELOPMENT APPLICATIONS AND RESUBMITTALS, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER’S ERRORS, 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 2<sup>nd</sup> day of March, 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 2<sup>nd</sup> day of March, 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.

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