

ORDINANCE NO. 12-02-2017

AN ORDINANCE AMENDING THE SANTAQUIN CITY CODE TO ESTABLISH AN EXPIRATION FOR LAND USE APPLICATIONS, PROVIDING SEVERABILITY AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, a request has been made to create Santaquin City Code Section 10-6-35 relating to an expiration of land use applications after 180 days; and

WHEREAS, the Santaquin City Planning Commission held a public hearing on November 9th, 2017, 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 favorable recommendation to the City Council for approval of the amendments,

WHEREAS, the City Council has been given specific authority in Title 10, Chapter 9a Utah Code Ann. 1953 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;

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

Section I. Amendments

Section 10-6-35 is adopted as follows: (Underlined text is added, stricken text is deleted)

10-6-35: EXPIRATION OF LAND USE APPLICATIONS:

All land use applications shall be deemed abandoned and forfeited 180 days after the date of filing unless such application has been pursued in good faith and is deemed to be progressing toward approval. An extension may be granted but may not exceed 180 days. Any extension request must be made in writing to the Community Development Department and justifiable cause for extension must be demonstrated. Any existing application that has been submitted prior to the adoption of this section will have the full 180 day period to progress toward approval before the application is deemed expired.

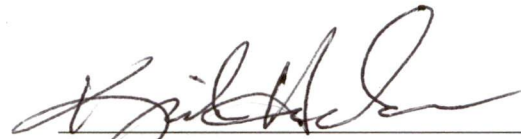
Section II. Severability

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 II. Posting and Effective Date


This ordinance shall become effective at 5:00 p.m. on Thursday, December 14, 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 13th day of December, 2017.


Kirk Hunsaker, Mayor

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

ATTEST:


Susan Earnsworth, City Recorder

