

## SPRING CITY PIONEER DAYS – JULY 19-27

### “Little Denmark”



## Come and enjoy a fun, family-oriented Pioneer Day Celebration

- July 19-23 Spring City Historical Scavenger Hunt. Beginning on Saturday, July 19 and every day thereafter, a new clue will be given regarding a historical building or location. Once you find and identify that location, you will need to take a picture of you at that spot and text it to Cynthia at 435-469-1328. On Wednesday, July 23, the final location will be given and once you identify that spot and find the treasure, the first person to submit their picture to Cynthia at that location, will be the winner of a cash prize. You can either identify the clues each day, do them two days at a time or wait and do them all on Wednesday BUT all the clues for days Saturday thru Tuesday must be correctly identified before you can be eligible for the final location and prize. Clues will be posted on the city's Facebook page at Spring City Corporation or Cynthia's personal page at Cynthia DeGrey. Once the winner has been selected, the hunt will end. We encourage families to participate and enjoy learning about Spring City's history.
- July 20-23 Itty Bitty Spring City Photo Contest. This is another popular and fun family activity where you walk the streets of town and identify the location of the pictures in the contest. Pictures and instructions will be available on Sunday, July 20 at 5:00 pm at the city post office or on the city Facebook page. Entries need to be submitted to Cynthia (435-469-1328) by Wednesday July 23 at 8:00 pm. In the case of a tie, the first one to correctly identify all pictures will be the winner. Cash prizes awarded to 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> places.
- July 21 Saga of Spring City at 7:00 pm. Announcement of the 2025 Citizen of the Year and Parade Grand Marshall. Bring your blankets or lawn chairs and come enjoy an evening of stories and music from Spring City's pioneer days.
- July 22 Children's Baking Contest for ages 12 and under. Contact Sally at 435-851-3001 for more information.
- July 22 6:30 pm. Family Games at the City Park followed by movie "The Wild Robots". Bring your chairs, blankets, popcorn and treats for the movie which will begin at dusk.
- July 23 "Chalk the Walk" contest at the city park (9:00 am – 3:00 pm with judging at 4:15 pm). Contact Christi at 435-813-8180 to sign up.  
8:00 – 11:00 Street Dance music provided by J.D. Fox. We're also having a colored chalk festival at the dance so if you want to participate in that, come dressed appropriately.
- Go home and rest up for a full day of events to follow on Thursday, July 24<sup>th</sup> beginning with a "wake up call" by the city fire department volunteers about 6:30 am.

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July 24

7:00 – 9:00 am Fireman's Breakfast served at fire station.

7:00 am 5K and 1 mile Run/Walk. \$15 Pre-registration with Cynthia at 435-469-1328 by Tuesday July 9 or \$20 after this date, children 12 and under fee is \$10. Only those pre-registered are guaranteed a t-shirt. Venmo @Cynthia-DeGrey. Registration forms are available on the springcityutah.org website or at the city post office. Please be at the city hall by 6:30 am if not pre-registered. Medals will be presented to 1<sup>st</sup> and 2<sup>nd</sup> place winners.

10:00 am Parade "Little Denmark". We invite families to enter a float using this theme. Cash prizes awarded to 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> place float entries. Contact Tim or Lisa at 435-469-1389 or 435-469-1671 or register on-line at springcityutah.org.

11:30 – 1:30 Park Party with midway games, balloon art, face painting and inflatables.

12:30 - Free Community Barbecue. We'll be serving until the food is gone. Menu is pulled pork sandwiches/hot dogs, chips, cookies & drink.

1:30 Announce winners of Baking Contest, Parade, Chalk Art, Scavenger Hunt, and Itty Bitty contest

2:00 Coins in the Sand – come dig for coins.

2:30 Cross Net Volleyball Tournament ages 12 and up. Cash prizes awarded to winners.

4:30 Corn Hole Tournament/ Food Trucks/Music. To register contact Selicia at 435-469-0075.

7:00 pm "Spring City's Got Talent". To enter, contact Lorene at 435-262-1746. Cash prizes awarded to the winners.

Weather conditions permitting, community bring-your-own fireworks to city park at dark.

July 27

7:00 pm. Old Time Gospel Music Revival.

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02 July, 2025

Spring City Council  
45 South 100 East  
Spring City, UT 84662

Dear Members of the Spring City Council,

We, Spring City Planning & Zoning, are writing to respectfully recommend that the City Council consider rezoning the area designated as Light Commercial from 500 North to 600 North to accommodate a new small business, **B and S Off Road & Accessories**.

This proposed business has the potential to be a valuable addition to our community. B and S Off Road & Accessories is focused on providing high-quality off-road parts, accessories, and related services to local residents and outdoor enthusiasts throughout the region. Their presence would not only enhance the economic vitality of our city, but also align well with the growing demand for recreational and automotive services in our area.

Allowing this rezoning would open the door for B and S Off Road & Accessories to establish itself in a space that is both geographically suited and aligned with the light commercial character already existing, just one block south. Moreover, the business owners have demonstrated a commitment to operating in a manner that reflects the values and character of Spring City—responsibly, respectfully, and with community involvement.

Encouraging small, locally owned businesses like B and S to flourish will help us sustain our town's economic health while providing services, and opportunities for our residents. We believe this rezoning will benefit both the business and the community as a whole.

Thank you for your time and thoughtful consideration of this recommendation. Please feel free to contact me with any questions or for further discussion.

Sincerely,  
Spring City Planning & Zoning

Cami Christensen, Chairman

Kay Van Buren

Mike Nelson

Sally Scott

Kristen Mortenson

Date:06/29/25

Address: Spring City , City Hall

Customer: Alison Anderson

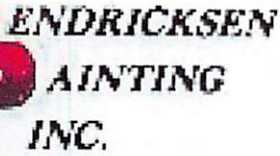
## Rodriguez Painting LLC

Agustin Rodriguez from Moroni, UT 435-214-6137

Item	Description	QTY	Amount
Exterior Re-paint 3 tones			
Windows	\$100 each	52	\$5,200
Soffit Fascia	around the building		\$6,400
Porch	\$900 each	2	\$1,800
Copula		1	\$1,300
Rent men lift	2 weeks rent, gas and delivery		\$2,500
prep details: Scrapping, sanding, primer if needed, coalk on cracks and holes and two coats of exterior paint from Sherwin Williams.			
Comments: This bid include labor and material is only for the big buiding any thing beside this will be charge extra.			
50% at front to start the project and the rest when it is finished.			
Look Forward to Work with you.			
Sincerely; Agustin Rodriguez			

Total: 17,200





## Page No. \_\_\_\_\_ of \_\_\_\_\_ Pages

## INCLUDED

Total Coverage Painting, LLC

388 East 100 North  
Mt Pleasant, UT 84647

## Estimate

Date	Estimate #
6/28/2025	211

Name / Address
spring city

			Project
Description	Qty	Rate	Total
labor power washing	10	58.00	580.00
labor scraping	48	58.00	2,784.00
labor prepping for paint	160	58.00	9,280.00
labor painting spot prime and apply two coats of paint using super paint from Sherwin Williams	320	58.00	18,560.00
materials	1	3,350.00	3,350.00
man lift for 3 weeks	1	3,600.00	3,600.00
OLD SCHOOL			
Total			\$38,154.00

# **Spring City Watershed Plan and Environmental Assessment**

## **Watershed Plan Agreement**

between the  
**Spring City, Horseshoe Irrigation Company, and Chester Irrigation Company**  
(Referred to herein as Sponsors)

and the

**UNITED STATES DEPARTMENT OF AGRICULTURE**  
**NATURAL RESOURCES CONSERVATION SERVICE**  
(Referred to herein as NRCS)

**Whereas**, application has heretofore been made to the Secretary of Agriculture by the Sponsors for assistance in preparing a plan for works of improvement for the Spring City Watershed, State of Utah, under the authority of the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. Sections 1001 to 1008, 1010, and 1012); and

**Whereas**, the responsibility for administration of the Watershed Protection and Flood Prevention Act, has been assigned by the Secretary of Agriculture to NRCS; and

**Whereas**, there has been developed through the cooperative efforts of the Sponsors and NRCS a watershed project plan and environmental assessment for works of improvement for the Spring City Watershed, State of Utah, hereinafter referred to as the watershed project plan or plan, which plan is annexed to and made a part of this agreement;

**Now**, therefore, in view of the foregoing considerations, the Secretary of Agriculture, through NRCS, and the Sponsors hereby agree on this watershed project plan and that the works of improvement for this project will be installed, operated, and maintained in accordance with the terms, conditions, and stipulations provided for in this plan and including the following:

1. **Term.** The term of this agreement is for the installation period and evaluated life of the project (102 years) and does not commit NRCS to assistance of any kind beyond the end of the evaluated life.
2. **Costs.** The costs shown in this plan are preliminary estimates. Final costs to be borne by the parties hereto will be the actual costs incurred in the installation of works of improvement.
3. **Real property.** The sponsors will acquire such real property as will be needed in connection with the works of improvement. The amounts and percentages of the real property acquisition costs to be borne by the Sponsors and NRCS are as shown in the Cost-share table in item 5 hereof.

The sponsors agrees that all land acquired for measures, other than land treatment practices, with financial or credit assistance under this agreement will not be sold or otherwise disposed of for the evaluated life of the project except to a public agency which will continue to maintain and operate the development in accordance with the Operation and Maintenance Agreement

4. **Uniform Relocation Assistance and Real Property Acquisition Policies Act.** The sponsors hereby agrees to comply with all of the policies and procedures of the Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 U.S.C. Section 4601 et seq. as further implemented through regulations in 49 CFR Part 24 and 7 CFR Part 21) when acquiring real property interests for this federally assisted project. If the sponsors are legally unable to comply with the real property acquisition requirements, it agrees that, before any Federal financial assistance is furnished, it will provide a statement to that effect, supported by an opinion of the chief legal officer of the state containing a full discussion of the facts and law involved. This statement may be accepted as constituting compliance.

5. **Cost-share for Watershed Work Plan.** The following table shows cost-share percentages and amounts for Watershed Work Plan implementation.

<b>Cost-share Table for Watershed Operation or Rehabilitation Projects</b>					
<b>Works of Improvement Cost-Shareable Items</b>	<b>NRCS</b>		<b>Sponsors</b>		<b>Total</b>
	<b>Percent</b>	<b>Cost</b>	<b>Percent</b>	<b>Cost</b>	<b>Cost</b>
Flood Control <sup>1/</sup>	100%	\$8,851,243	0%	\$0	\$8,851,243
Agricultural Water Management	75%	\$12,083,413	25%	\$4,027,804	\$16,111,217
Recreation	50%	\$189,250	50%	\$189,250	\$379,500
<b>Subtotal: Cost-Sharable Costs</b>		\$21,124,407		\$4,217,554	\$25,341,960
<b>Non-Cost-Sharable Items <sup>2/</sup></b>					
NRCS Technical Assistance/Engineering	100%	\$3,525,838	0%	\$0	\$3,525,838
Project Administration <sup>3/</sup>	97%	\$440,730	3%	\$12,000	\$452,730
Permits	0%	\$0	100%	\$30,000	\$30,000
Real Property Rights <sup>4/</sup>	0%	\$0	0%	\$0	\$0
<b>Subtotal: Non-Cost-Share Costs</b>		\$3,966,568		\$42,000	\$4,008,568
<b>Total:</b>		\$25,090,975		\$4,259,554	\$29,350,529

1/ The cost-share rate is the percentage of the average cost of installing the practice in the selected plan for the evaluation unit. During project implementation, the actual cost-share rate must not exceed the rate of assistance for similar practices and measures under existing national programs.

2/ If actual non-cost-sharable item expenditures vary from these figures, the responsible party will bear the change.

3/ The sponsors and NRCS will each bear the costs of project administration that each incurs. Sponsor costs for project administration include relocation assistance advisory service.

4/ The sponsors will acquire with other than Watershed Protection and Flood Prevention Act funds, such real property as will be needed in connection with the works of improvement. The value of real property is eligible as in-kind contributions toward the sponsors' share of the works of improvement costs. In no case will the amount of an in-kind contribution exceed the sponsors' share of the cost for the works of improvement. The maximum cost eligible for in-kind credit is the same as that for cost sharing.

6. **Land treatment agreements.** The sponsors will obtain agreements from owners of not less than 50 percent of the land above each multiple-purpose and floodwater-retarding structure. These agreements must provide that the owners will carry out farm or ranch conservation plans on their land. The sponsors will ensure that 50 percent of the land upstream of any retention reservoir site is adequately protected before construction of the dam. The sponsors will provide assistance to landowners and operators to ensure the installation of the land treatment measures shown in the watershed project plan. The sponsors will encourage landowners and operators to continue to operate and maintain the land treatment measures after the long-term contracts expire, for the protection and improvement of the watershed.
7. **Floodplain Management.** Before construction of any project for flood prevention, the sponsors must agree to participate in and comply with applicable Federal floodplain management and flood insurance programs. The sponsor is required to have development controls in place below low and significant hazard dams prior to NRCS or the sponsor entering into a construction contract.
8. **Water and mineral rights.** The sponsors will acquire or provide assurance that landowners or resource users have acquired such water, mineral, or other natural resources rights pursuant to State law as may be needed in the installation and operation of the works of improvement. Any costs incurred must be borne by the sponsors and these costs are not eligible as part of the sponsor's cost-share.
9. **Permits.** The sponsors will obtain and bear the cost for all necessary Federal, State, and local permits required by law, ordinance, or regulation for installation of the works of improvement. These costs are not eligible as part of the sponsors' cost-share.
10. **NRCS assistance.** This agreement is not a fund-obligating document. Financial and other assistance to be furnished by NRCS in carrying out the plan is contingent upon the fulfillment of applicable laws and regulations and the availability of appropriations for this purpose.
11. **Additional agreements.** A separate agreement will be entered into between NRCS and the sponsors before either party initiates work involving funds of the other party. Such agreements will set forth in detail the financial and working arrangements and other conditions that are applicable to the specific works of improvement.



12. **Amendments.** This plan may be amended or revised only by mutual agreement of the parties hereto, except that NRCS may deauthorize or terminate funding at any time it determines that the sponsors have failed to comply with the conditions of this agreement or when the program funding or authority expires. In this case, NRCS must promptly notify the sponsors in writing of the determination and the reasons for the deauthorization of project funding, together with the effective date. Payments made to the sponsors or recoveries by NRCS must be in accordance with the legal rights and liabilities of the parties when project funding has been deauthorized. An amendment to incorporate changes affecting a specific measure may be made by mutual agreement between NRCS and the sponsors having specific responsibilities for the measure involved.
13. **Prohibitions.** No member of or delegate to Congress, or resident commissioner, may be admitted to any share or part of this plan, or to any benefit that may arise therefrom; but this provision may not be construed to extend to this agreement if made with a corporation for its general benefit.
14. **Operation and Maintenance (O&M).** The sponsors will be responsible for the operation, maintenance, and any needed replacement of the works of improvement by actually performing the work or arranging for such work, in accordance with an O&M Agreement. An O&M agreement will be entered into before Federal funds are obligated and will continue for the project life (102 years). Although the sponsors' responsibility to the Federal Government for O&M ends when the O&M agreement expires upon completion of the evaluated life of measures covered by the agreement, the sponsors acknowledge that continued liabilities and responsibilities associated with works of improvement may exist beyond the evaluated life.
15. **Emergency Action Plan.** Prior to construction, the sponsors must prepare an Emergency Action Plan (EAP) for each dam or similar structure where failure may cause loss of life or as required by state and local regulations. The EAP must meet the minimum content specified in the NRCS Title 180, National Operation and Maintenance Manual (NOMM), Part 500, Subpart F, Section 500.52, and meet applicable State agency dam safety requirements. The NRCS will determine that an EAP is prepared prior to the execution of fund obligating documents for construction of the structure. EAPs must be reviewed and updated by the sponsors annually.
16. **Nondiscrimination Provisions.** In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

USDA is an equal opportunity provider, employer, and lender.

By signing this agreement the recipient assures the Department of Agriculture that the program or activities provided for under this agreement will be conducted in compliance with all applicable Federal civil rights laws, rules, regulations, and policies.

17. **Certification Regarding Drug-Free Workplace Requirements (7 CFR Part 3021).** By signing this Watershed Agreement, the sponsors are providing the certification set out below. If it is later determined that the sponsors knowingly rendered a false certification, or otherwise violated the requirements of the Drug-Free Workplace Act, the NRCS, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

*Controlled substance* means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. Section 812) and as further defined by regulation (21 CFR Sections 1308.11 through 1308.15);

*Conviction* means a finding of guilt (including a plea of *nolo contendere*) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

*Criminal drug statute* means a Federal or non-Federal criminal statute involving the manufacturing, distribution, dispensing, use, or possession of any controlled substance;

*Employee* means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) all direct charge employees; (ii) all indirect charge employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantees' payroll; or employees of subrecipients or subcontractors in covered workplaces).

**Certification:**

A. The sponsors certify that they will or will continue to provide a drug-free workplace by—

- (1) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
- (2) Establishing an ongoing drug-free awareness program to inform employees about—
  - (a) The danger of drug abuse in the workplace;
  - (b) The grantee's policy of maintaining a drug-free workplace;
  - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace
- (3) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (1).
- (4) Notifying the employee in the statement required by paragraph (1) that, as a condition of employment under the grant, the employee must—
  - (a) Abide by the terms of the statement; and
  - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.
- (5) Notifying the NRCS in writing, within 10 calendar days after receiving notice under paragraph (4)(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice must include the identification numbers of each affected grant.
- (6) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (4) (b), with respect to any employee who is so convicted—
  - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.
- (7) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (1), (2), (3), (4), (5), and (6).

B. The sponsors may provide a list of the sites for the performance of work done in connection with a specific project or other agreement.

C. Agencies will keep the original of all disclosure reports in the official files of the agency.

**18. Certification Regarding Lobbying (7 CFR Part 3018) (for projects > \$100,000)**

A. The sponsors certify to the best of their knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the sponsors, to any person for influencing or attempting to influence an officer or employee of an agency, Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned must complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The sponsors must require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients must certify and disclose accordingly.

B. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by U.S. Code, Title 31, Section 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

**19. Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions (7 CFR Part 3017).**

A. The sponsors certify to the best of their knowledge and belief, that they and their principals:

(1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(2) Have not within a 3-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph A(2) of this certification; and

(4) (4) Have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

B. Where the primary sponsors is unable to certify to any of the statements in this certification, such prospective participant must attach an explanation to this agreement.

**20. Clean Air and Water Certification.**

A. The project sponsoring organizations signatory to this agreement certify as follows:

(1) Any facility to be utilized in the performance of this proposed agreement is (\_\_\_\_), is not (X) listed on the Environmental Protection Agency List of Violating Facilities.

(2) To promptly notify the NRCS-State administrative officer prior to the signing of this agreement by NRCS, of the receipt of any communication from the Director, Office of Federal Activities, U.S. Environmental Protection Agency, indicating that any facility which is proposed for use under this

agreement is under consideration to be listed on the Environmental Protection Agency List of Violating Facilities.

- (3) To include substantially this certification, including this subparagraph, in every nonexempt sub-agreement.

**B. The project sponsoring organizations signatory to this agreement agrees as follows:**

- (1) To comply with all the requirements of section 114 of the Clean Air Act as amended (42 U.S.C. Section 7414) and section 308 of the Federal Water Pollution Control Act (33 U.S.C. Section 1318), respectively, relating to inspection, monitoring, entry, reports, and information, as well as other requirements specified in section 114 and section 308 of the Air Act and the Water Act, issued there under before the signing of this agreement by NRCS.
- (2) That no portion of the work required by this agreement will be performed in facilities listed on the EPA List of Violating Facilities on the date when this agreement was signed by NRCS unless and until the EPA eliminates the name of such facility or facilities from such listing.
- (3) To use their best efforts to comply with clean air standards and clean water standards at the facilities in which the agreement is being performed.
- (4) To insert the substance of the provisions of this clause in any nonexempt subagreement.

**C. The terms used in this clause have the following meanings:**

- (1) The term "Air Act" means the Clean Air Act, as amended (42 U.S.C. Section 7401 et seq.).
- (2) The term "Water Act" means Federal Water Pollution Control Act, as amended (33 U.S.C. Section 1251 et seq.).
- (3) The term "clean air standards" means any enforceable rules, regulations, guidelines, standards, limitations, orders, controls, prohibitions, or other requirements which are contained in, issued under, or otherwise adopted pursuant to the Air Act or Executive Order 11738, an applicable implementation plan as described in section 110 of the Air Act (42 U.S.C. Section 7414) or an approved implementation procedure under section 112 of the Air Act (42 U.S.C. Section 7412).
- (4) The term "clean water standards" means any enforceable limitation, control, condition, prohibition, standards, or other requirement which is promulgated pursuant to the Water Act or contained in a permit issued to a discharger by the Environmental Protection Agency or by a State under an approved program, as authorized by section 402 of the Water Act (33 U.S.C. Section 1342), or by a local government to assure compliance with pretreatment regulations as required by section 307 of the Water Act (33 U.S.C. Section 1317).
- (5) The term "facility" means any building, plant, installation, structure, mine, vessel, or other floating craft, location or site of operations, owned, leased, or supervised by a sponsor, to be utilized in the performance of an agreement or subagreement. Where a location or site of operations contains or includes more than one building, plant, installation, or structure, the entire location will be deemed to be a facility except where the Director, Office of Federal Activities, Environmental Protection Agency, determines that independent facilities are collocated in one geographical area.

**21. Assurances and Compliance.** As a condition of the grant or cooperative agreement, the sponsors assures and certifies that it is in compliance with and will comply in the course of the agreement with all applicable laws, regulations, Executive orders and other generally applicable requirements, including those set out below which are hereby incorporated in this agreement by reference, and such other statutory provisions as a specifically set forth herein.

State, Local, and Indian Tribal Governments: OMB Circular Nos. A-87, A-102, A-129, and A-133; and 7 CFR Parts 3015, 3016, 3017, 3018, 3021, and 3052.

Nonprofit Organizations, Hospitals, Institutions of Higher Learning: OMB Circular Nos. A-110, A-122, A-129, and A-133; and 7 CFR Parts 3015, 3017, 3018, 3019, 3021 and 3052.



**22. Examination of Records.** The sponsors must give the NRCS or the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to this agreement, and retain all records related to this agreement for a period of three years after completion of the terms of this agreement in accordance with the applicable OMB Circular.

**23. Signatures.**

**Spring City**

The signing of this agreement was authorized by the Spring City governing body at an official meeting held on \_\_\_\_\_, 2025 at Spring City, Utah.

By:

Date: \_\_\_\_\_

\_\_\_\_\_  
Chris Anderson  
Mayor

**Horseshoe Irrigation Company**

The signing of this agreement was authorized by the Horseshoe Irrigation Company governing body at an official meeting held on \_\_\_\_\_, 2025 at Spring City, Utah.

By:

Date: \_\_\_\_\_

\_\_\_\_\_  
Randy Strate  
President

**Chester Irrigation Company**

The signing of this agreement was authorized by the Chester Irrigation Company governing body at an official meeting held on \_\_\_\_\_, 2025 at Spring City, Utah.

By:

Date: \_\_\_\_\_

\_\_\_\_\_  
Matt Goble  
President

By:

Date: \_\_\_\_\_

\_\_\_\_\_  
Keith Jensen  
Secretary

**USDA-NATURAL RESOURCES CONSERVATION SERVICE**

Approved by:

Date: \_\_\_\_\_

\_\_\_\_\_  
Emily Fife, State Conservationist  
Natural Resources Conservation Service  
125 South State Street, Rm 6416, Salt Lake City, UT 84138

## **PROPOSED COMPROMISE ON ZONING AMENDMENTS**

Given the high emotions that surround the proposed ordinance change and the prospects of a lawsuit and referendum that could substantially and negatively impact the City's budget and delay the implementation of any changes, I propose a compromise that I hope would help address many of the concerns that have been raised. My compromise, which is reflected in the attached revised draft of the ordinance, involves the following:

1. Create a protected historic zone that would retain the current 1.06 minimum lot size. I propose an area smaller than what is covered by the current national historic register designation. I propose an area bounded generally by 2<sup>nd</sup> West, 750 North, 500 East and 600 South (with adjustments so on the northwest and southeast corners it does not cover more area than is covered by the historic designation).
2. Increase the size of permitted external accessory dwelling units (or Guest Houses as they are defined in our municipal code) to a maximum of 1,200 square feet above ground. This change would address concerns raised by the Blain family and others similarly situated, who would like to maintain their historical homes and be able to build a new home large enough to accommodate their family.

While the above two suggestions are, I believe, the most important to settle the most pressing issues, if we are making changes, I would recommend that we also consider:

3. Reduce to 3% the percentage of multi-family dwellings as compared to total family homes. As we are not even contemplating any new multi-family dwellings currently, do we really want to fight over the ability to build one or two more multi-family units?
4. Making the effective date of the ordinance the date of our November municipal election, so any issues raised in any lawsuit or referendum can be worked out.

As this proposal is being submitted on the eve of our Council Meeting at which adoption of the ordinance is on the agenda, I suggest that we defer any vote on the ordinance for 30 days, to allow us to consider the proposed amendments, and whether any adjustments should be made to the amendments.

**SPRING CITY  
ORDINANCE 2025-03**

**AMENDMENTS TO TITLE 10: ZONING REGULATION & AMENDMENTS TO  
TITLE 11: SUBDIVISION REGULATIONS**

**WHEREAS**, Spring city council has chosen to make amendments to Title 10 and Title 11; and

**WHEREAS**, A Public Hearing was held on the evening of June 26, 2025, followed by a meeting of the City Council on July 10, 2025, at which the amendments were considered for adoption; and

**WHEREAS**, following the Public Hearing and at a subsequent meeting of the City Council, the City Council adopted a resolution to approve the originally proposed ordinance as modified by amendments approved by the City Council as set forth below;

**NOW THEREFORE**, be it ordained by the City Council of Spring City, in the State of Utah, as follows:

**SECTION 1: AMENDMENT** "10-1-3 DEFINITIONS" of the Spring City Municipal Code is hereby amended as follows:

**AMENDMENT**

**10-1-3 DEFINITIONS**

Unless otherwise specifically stated within the text of this title, the following definitions shall be those referred to herein and shall be considered a part of this title:

**ACCESSORY STRUCTURE:** A detached subordinate building clearly incidental to and located upon the same lot occupied by the main building. Unless an accessory structure meets applicable "conditional use" requirements, it cannot be a dwelling. Accessory structures most commonly include, but are not limited to, detached garages, storage sheds, storage containers, carports, greenhouses, gazebos, pavilions, barns, coops, and the like. No accessory building or group of buildings in any residential zone shall cover more than twenty five percent (25%) of the remaining yard after reducing the available yard size for the applicable setbacks. Accessory structures must comply with existing setback ordinances and zoning permit requirements.

**APARTMENT:** Any single-family dwelling or any apartment style single-family residence separate from or attached to a commercial building which is used as rental property.

**ASSISTED LIVING:** Assisted living dwellings are for persons in need of partial or constant medical or physical care. Types of dwellings where such help is available are multiple-unit nursing home, senior citizen, and/or multiple-unit assisted living dwellings.



**BED AND BREAKFAST:** A bed and breakfast (B&B) establishment is any single residence dwelling equipped with and providing short term sleeping and meal accommodations for tourists or like traveling persons. For conditions and specifications of a B&B see SCMC 10- 6A-3.

**BUFFER ZONE:** See SCMC Section 10-1-4 Paragraph 6.

**BUSINESS:** Any and all activities engaged in for the purpose of gain or economic profit. This definition shall include, but is not limited to, the sale of tangible personal property at retail or wholesale, the manufacturing of goods or property and the rendering of personal services for others for a consideration by persons engaged in any profession, trade, craft, business, occupation or other calling. The acts of employees rendering service to employers shall not be included in the term business, unless otherwise specifically provided.

**CONDOMINIUM:** The individual ownership of a single unit in a multi-unit project, together with an undivided interest in common in the common areas and facilities of the property.

**DEVELOPER:** Any person or entity who applies for any land use approval under this Title, or engages in "development activity" as defined in U.C.A. 10-9a-103 (2021), as may be amended from time to time.

**COMMERCIAL BUSINESS:** Any business enterprise conducted within any commercial zone. Commercial businesses are only allowed in LC-1 light commercial zone, LI-1 light industrial zone, and RVP-1 recreational vehicle park zone (consult zoning regulations in this title for activities allowable in any particular zone). With the exception of a B&B (see SCMC 10-6A-3) and home businesses (see SCMC 3-1-13, "Home Businesses" for activities allowable in residential zones), no business enterprises shall be allowed in any residential zone.

**DOMESTIC EMPLOYEE:** A person who provides household services to an individual or family. Examples include, but are not limited to, caretakers, house sitters, maids, housekeepers, nurses, gardeners, nannies and the like.

**EMPLOYEE:** Any persons employed by the operator, owner or manager of a place of business in any capacity and also any salesperson, agent or independent contractor engaged in the operation of the place of business in any capacity. The husband, wife, son, daughter, father and/or mother of the operator, owner or manager of a place of business shall not be classified as an employee in the event that said relative is working at the place of business.

**GENERAL PLAN:** The general plan recommended by the planning and zoning commission and adopted by the city council (after appropriate public hearings) outlining the direction the physical as well as the philosophical development of Spring City should attempt to follow. The general plan required under U.C.A. 10-9a-401 is known as the Spring City Master Plan.

**GUESTHOUSE, DETACHED:** Any single-family apartment style dwelling detached and separate from but found on the same lot as an existing residence. Such guesthouses are allowable in residential zones and, ~~if new construction,~~ are limited to ~~six hundred twenty-five (625)~~ twelve hundred (1,200) square feet above ground (with any below-ground construction not to extend horizontally beyond the above-ground parameters of the building). If there are conversions of

existing structures, this size limitation may be waived. They may be constructed with bathroom and kitchen facilities but shall not be used as rental apartments, except as otherwise specifically allowed in the SCMC. There shall be no more than one (1) guesthouse (whether a Guesthouse, Internal or a Guesthouse, detached) per buildable lot in any zone.

**GUESTHOUSE, INTERNAL:** Any single-family apartment style habitable building added to or created within a primary single-family dwelling and contained on one lot. A Guesthouse, Internal may be used as a rental apartment, subject to the provisions of this Title.

**HISTORIC DISTRICT:** An area located on the Main Street extending halfway through each block east to west and from 5th Street North to 5th Street South. This district is not a usage zone but an "overlay" of whatever usage zone may fall within.

**HISTORIC STRUCTURE:** Any structure 50 years or older or any structure having a historical significance such as monuments, bridges, cemeteries, etc.

**HOME BUSINESS:** Any business enterprise conducted within a dwelling or adjacent structures located on the same premises and carried on by persons residing in the dwelling unit. Excepting farming or other agricultural business enterprises, owners of all business enterprises in residential zones must obtain a home business license and comply with the conditions of this title and SCMC 3-1 prior to operating any such business. Such a business use shall be clearly incidental and secondary to the dwelling use and shall not change the character of such dwelling or the residential neighborhood (see SCMC 3-1-13, "Home Businesses" for activities allowable in residential zones).

**HOME FOR DELINQUENT TEENAGERS:** Any detention resident dwelling where two (2) or more delinquent teenagers are placed as wards of the state or by order of the court system. Said detention home, center, or dwelling shall not be allowed in any zone in Spring City.

**MAJOR STRUCTURE:** A dwelling (home), large barn, commercial building, public building or like structure.

**MANUFACTURED OR MODULAR HOME:** A manufactured or modular unit home, unlike mobile homes, does not have permanently attached axles for wheels and are designed for permanent foundations. Only those manufactured after June 1976, meet the HUD standards and must have a certificate of the same to be allowed in this city or county (see county codes). They have a minimum size requirement, are required to be placed on a normal size building lot, they have a normal pitched roof, with a permanent foundation, permanent utility hookups, and meet minimum health, fire, and safety codes.

**MOBILE HOME:** A transportable factory built housing unit. It generally has a flat roof, attached axles for wheels, nonpermanent hookups for utilities, is not designed for a permanent foundation, and is small in size (under 900 square feet). Mobile homes are only allowed in the Mobile Home Zone R3. Those built prior to June 1976, do not meet HUD certified



manufacturing standards and are not allowed in this county (see county codes).

**MODERATE INCOME HOUSING:** Refers to residential dwellings for rent that moderate income families can afford to rent. The state of Utah requires cities to make a percentage of such housing available to residents.

**NONCONFORMING USES:** Occupancy or use of any building, structure, or land within the city prohibited by provisions of this title, but which lawfully existed prior to the effective date hereof. This includes residential, commercial, industrial, and public structures occupied or vacant at the time of adoption of these provisions.

**PLACE OF BUSINESS:** Each separate location maintained or operated by any business licensee within the city from which business activity is conducted or transacted.

**PROTECTED HISTORIC ZONE:** That area within the city limits that is located within the parameters set forth below:

East of Second West, from 600 South to 500 North,  
South of 500 North, from 2<sup>nd</sup> West to 1<sup>st</sup> West,  
East of First West, from 500 North to 750 North,  
South of 750 North, from Main Street to 500 East,  
West of 500 East from 750 North to 500 South,  
North of 500 South from 500 East to Main Street, and  
West of Main Street from 500 South to 600 South.

**RV PARK:** This is an area established for temporary (a maximum of 30 consecutive days within any 90 day period) parking of recreational vehicles (RVs) which for this zone only (recreational vehicle park zone) are defined as camper type trailers, motor homes, truck borne campers, or the like.

**RECREATIONAL VEHICLES (RVs):** Camp trailers, motor homes, pickup campers, boats and/or their trailers, four-wheelers and/or their trailers, snowmobiles and/or their trailers, motorcycles and/or their trailers, flatbed trailers, converted pickup bed trailers, camp wagons, buggies, carts, and all similar type vehicles.

**SPRING CITY RESIDENT:** A resident of Spring City is anyone who owns or rents a home in Spring City and resides full time.

**SUBDIVISION:** Any plot or parcel of land which is divided into two (2) or more plots or parcels of land having no less than 1.06 acres per parcel in the case of land within the Protected Historic Zone and no less than 0.5 acres per parcel in the case of land outside the Protected Historic Zone. Lots containing less than ~~1.06~~ the required minimum acreage ~~acres~~, unless grandfathered, are unbuildable.

**TEMPORARY USE PERMIT:** A permit required to engage in any temporary business enterprise or other activity using public rights of way or conditional use of public or private property in any zone such as: motion picture production permits, carnivals, circuses, fireworks displays or stands, Christmas tree lots, promotional displays, political rallies or campaign headquarters, large (over 400 people) public gatherings, temporary sales (excepting yard sales) vending on the street, sidewalk or any public right of way (excepting lemonade stands or the like, run by children under 17 years of age), and the like. (See also SCMC 10-8-2, "Temporary Uses".) Such a permit shall, among other information and conditions, specify the time limit and place to be used. Such a temporary use permit shall be required for residents of Spring City as well as any out of town business enterprises or activities.

**VISIBILITY BARRIER:** Any fence, or building, or any structure (of normal materials), or trees and bushes or like shrubbery constructed or arranged for the purpose of hiding from public view any unsightly materials, supplies, equipment, vehicles, etc. Said visibility barriers must comply with the height and setback requirements.

**ZONING MAP:** The official map prepared, approved, and presented by the planning and zoning commission and signed and adopted by the city council (after appropriate public hearings) which map shall be posted in the city hall for public view as well as (a second copy) kept safe from tampering. Thereon shall be exhibited public roadways and facilities, each zone with boundaries and titles, as well as other pertinent information.

**ZONING PLAN:** The adopted zoning ordinance including the zoning map. (Ord. 2005-01, 9- 8- 2005; amd. Ord. 2014-01, 5-15-2014)

**SECTION 2: AMENDMENT** "10-6A-4 LOT AND DWELLING SIZE REQUIREMENTS" of the Spring City Municipal Code is hereby amended as follows:

#### AMENDMENT

##### 10-6A-4 LOT AND DWELLING SIZE REQUIREMENTS

- A. Lot: The minimum lot area for a one-family dwelling shall be: 1.06 acres or approximately forty six thousand one hundred and sixty (46,160) square feet in area if located within the Protected Historic Zone; and 0.5 acres or approximately twenty one thousand seven hundred and eighty (21,780) square feet in area if located outside of the Protected Historic Zone, unless otherwise grandfathered or split in previous years to a lot size then permitted. ~~where a smaller lot size was allowed.~~ Any lot splits to less than 1.06 acres must connect to the Spring City culinary and wastewater systems; if unable or unwilling to connect then the minimum lot size will be 1.06 acres.
- B. Dwelling: A residential dwelling shall be constructed in compliance with the International Building Code as herein provided. (Ord. 2014-01, 5-15-2014)

**SECTION 3: AMENDMENT** "10-6A-6 LOCATION REQUIREMENTS" of the Spring City Municipal Code is hereby amended as follows:



## AMENDMENT

### 10-6A-6 LOCATION REQUIREMENTS

Each residential lot shall abut a public street for a minimum of two hundred feet (200 feet) of frontage for 1.06 acre lots and a minimum of one hundred feet (100 feet) for .5 acre lots, or proportional in frontage to above except in the case of lots previously subdivided which are smaller than or equal to 1.06 acres or lots that have been previously split and are grandfathered. Residential lots that have been previously legally subdivided and are grandfathered, which are smaller than or equal to 0.45 acres are referred to herein as "Small Lots." All residential dwellings must meet the following current permitted requirements:

- A. Residential dwellings on corner lots shall have a minimum setback of thirty feet (30') from both property lines along public streets.
- B. Residential dwellings shall have side yards of at least ten feet (10') from property lines not adjacent to public streets.
- C. Residential dwellings and accessory structures that measure greater than two hundred (200) square feet shall have a minimum rear yard of thirty feet (30'). (Note: A deck may extend 12 feet into the rear setback.)
- D. No accessory structure may be closer than thirty feet (30') of both property lines along public streets for corner lots and shall (i) not cover more than thirty percent (30%) of the rear yard, and (ii) not contain more than one (1) story unless a conditional use permit is obtained authorizing more than one (1) story; provided that, in the case of a Small Lot, no accessory structure may be closer than twenty feet (20') of both property lines along public streets for corner lots. No structure, landscaping, or other obstruction shall obscure the view of automobile drivers on corner lots. It is preferred that accessory structures shall be in the rear yard, but they shall not be closer to the property line than the dwelling. Exceptions may be made for decorative structures such as gazebos or pergolas.
- E. Accessory structures shall have a setback from all residential dwellings of twelve feet (12'), ten feet (10') from side-yard property lines and thirty feet (30') from property line corners of lots facing a public street; provided that, in the case of a Small Lot, accessory structures shall have a setback from all residential dwellings of nine feet (9'), five feet (5') from side-yard property lines and twenty feet (20') from property lines on corner lots facing a public street.
- F. There shall be ten feet (10') setbacks from irrigation lines and spouts; provided that, in the case of a Small Lot, irrigation lines and spouts setbacks shall be at least five feet (5').
- G. Accessory structures that measure two hundred (200) square feet and under will require a zoning permit with no fee to ensure proper setbacks. Any structures more than two hundred (200) square feet will need to obtain a zoning permit. (Ord. 2014- 01, 5-15-2014)

**SECTION 4: AMENDMENT "10-6D-2 PERMITTED USES"** of the Spring City Municipal Code is hereby amended as follows:

## AMENDMENT

## 10-6D-2 PERMITTED USES

Any land use not listed in this ordinance as a permitted use or conditional use shall be considered prohibited. The following buildings, structures, and uses of land shall be permitted upon compliance with the standards and requirements as set forth in this title as well as the accepted building codes:

Single-family or two-family dwellings of conventional construction, including duplexes, or townhomes, up to four structures per 1.06 acre lot, and up to ~~84~~ units per 1.06 acre lot are permitted. For lots larger or smaller than 1.06 acres, the maximum number of units shall be adjusted in proportion to the ~~size~~ of the lot. For example, a lot that is 2.12 acres will qualify for up to ~~168~~ units and a lot of 0.5 acres will justify for up to 2 units. ~~A grandfathered lot that is .503 acres will qualify for up to 4 units. A grandfathered lot that is less than 1.06 acres will qualify a proportional number of units.~~ In no event shall one lot contain more than ~~168~~ units. Units may be rented or occupied by the owner of the Property. Co-ops, time shares, or other fractional ownership other than ownership of the entire property is prohibited.

No multi-family dwelling will be permitted in the Protected Historic Zone as defined in SCMC 10-1-3.

To limit the number of multi-family dwellings within Spring City no more than 3% of Multi-Family to Single Family homes will be permitted, i.e. if there are 400 single family homes then only a maximum of 20 multi-family homes are permitted within Spring City Municipal boundaries.

A normal number of household pets are permitted. Large animals are prohibited.

Customary residential accessory structures including uses or buildings of a nature customarily incidental and subordinate to, the principal use or building are permitted. For the purposes of this ordinance, accessory structures include both permanent and temporary structures such as garages, carports, sheds, studios, home offices, shipping containers, etc. regardless of whether said structures are unenclosed or enclosed. Shipping containers and outdoor storage are prohibited.

Fences and walls between neighboring properties shall not be more than eight feet (8') in height and shall not be constructed of abnormal or obnoxious materials ~~are permitted~~. No fence, wall, shrub, or hedge shall be of a height or placement so as to obstruct traffic visibility at any intersection. Subject to the city's nuisance regulations, visibility barriers (fences, walls, shrubs, trees, etc.) may be required in some cases to hide unsightly equipment, materials, or other ~~stuffs~~ clutter found on properties in this zone. Subject to the requirements of SCMC 11-3- 4 Part D hazardous structures or areas may be required to be fenced.

Gardens, orchards and field crops are permitted.

Minor public facilities, parks, and playgrounds are permitted.



Temporary signs, a maximum of two (2) in number, not exceeding six (6) square feet, advertising the sale of the premises or other temporary event are permitted. Such signs shall be located on private property only.

**SECTION 5: AMENDMENT** “10-6D-4 LOT AND DWELLING SIZE REQUIREMENTS” of the Spring City Municipal Code is hereby amended as follows:

#### AMENDMENT

##### 10-6D-4 LOT AND DWELLING SIZE REQUIREMENTS

A. Lot: The minimum lot area for a multi-family dwelling within the Protected Historic Zone shall be 1.06 acres or approximately forty six thousand one hundred and sixty (46,160) square feet in area, and the minimum lot area for a multi-family dwelling outside of the Protected Historic Zone shall be 0.5 acres or approximately twenty one thousand seven hundred and eighty (21,780) square feet in area, in each case unless otherwise grandfathered or split in previous years to a lot size that was then ~~where a lot size was smaller than the 1.06 acre requirement was~~ allowed. Any lot splits to less than 1.06 acres must connect to the Spring City culinary and wastewater systems, if unable or unwilling to connect then the minimum lot size will be 1.06 acres.

B. Dwelling: All residential dwelling units shall be constructed in compliance with the International Building Code as herein provided.

**SECTION 6: AMENDMENT** “10-6D-6 LOCATION REQUIREMENTS” of the Spring City Municipal Code is hereby amended as follows:

#### AMENDMENT

##### 10-6D-6 LOCATION REQUIREMENTS

Each residential lot shall abut a public street for a minimum of two hundred feet (200 feet) of frontage for 1.06 acre lots and a minimum of one hundred feet (100 feet) of frontage for 0.5 acre lots, except in the case of lots previously subdivided which are smaller than or equal to 1.06 acres or lots that have been previously split and are grandfathered. Residential lots that have been previously legally subdivided and are grandfathered, which are smaller than or equal to 0.45 acres are referred to herein as “Small Lots.” All residential dwelling units must meet the following current permitted requirements:

A. Residential dwelling units on corner lots shall have a minimum setback of thirty feet (30') from both property lines along public streets.

B. Residential dwelling units shall have side yards of at least ten feet (10') from property lines not adjacent to public streets.

C. Residential dwelling units and accessory structures that measure greater than two hundred (200) square feet shall have a minimum rear yard of twenty feet (20').

D. No accessory structure may be closer than thirty feet (30') of both property lines along public streets for corner lots and shall (i) not cover more than thirty percent (30%) of the rear yard, and (ii) not contain more than one (1) story unless a conditional use permit is

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obtained authorizing more than one (1) story; provided that, in the case of a Small Lot, no accessory structure may be closer than twenty feet (20') of both property lines along public streets for corner lots. No structure, landscaping, or other obstruction shall obscure the view of automobile drivers on corner lots. It is preferred that accessory structures shall be in the rear yard, but they shall not be closer to the property line than the dwelling. Exceptions may be made for decorative structures such as gazebos or pergolas.



E. Accessory structures shall have a setback from all residential dwellings of twelve feet (12'), ten feet (10') from side-yard property lines and thirty feet (30') from property line corners of lots facing a public street; provided that, in the case of a Small Lot, accessory structures shall have a setback from all residential dwellings of nine feet (9'), ten feet (10') from side-yard property lines and twenty feet (20') from property lines on corner lots facing a public street.

F. There shall be ten feet (10') setbacks from irrigation lines and spouts; provided that, in the case of a Small Lot, irrigation lines and spouts setbacks shall be at least ten feet (10'). Accessory structures that measure two hundred (200) square feet and under will require a zoning permit with no fee to ensure proper setbacks. Any structures more than two hundred (200) square feet will need to obtain a zoning permit.

**SECTION 7: AMENDMENT** “11-1-2 DEFINITIONS” of the Spring City Municipal Code is hereby amended as follows:

## AMENDMENT

### 11-1-2 DEFINITIONS

**ADMINISTRATIVE ACTIONS:** Administrative actions are those where the policy issues have been previously settled by a legislative action, applying existing law to a particular application. Administrative actions require fact findings and there should be substantial evidence on record that justifies the action. City operations, subdivisions, developments, site plan approvals, and consideration of conditional uses are typical administrative actions.

**ADMINISTRATIVE LAND USE AUTHORITY:** The Development Review Committee is responsible to review concept plan applications and to review applications for preliminary and final plat approval and make recommendations to the Administrative Land Use Authority. For approval of a Preliminary and Final Plats, the Administrative Land Use Authority shall be the Planning Commission. If a Preliminary or Final Plat requires vacating a street, right of way, or easement, the City Council shall be the Administrative Land Use Authority. The City Council reserves the right to change the Administrative Land Use Authority at its discretion, provided that any Administrative Land Authority meets the requirements of Utah Code 10-9a-601, et seq, as amended.

**ANNEXATION:** To annex land to the city is to absorb by legal incorporation or to bring previously unincorporated land into the municipal incorporation (the city limits).

**BUFFER ZONE:** A specific area in the county surrounding the city as indicated on the buffer zone or expansion zone map and county maps that is designated as a zone where the county has given or may give certain jurisdictions or opportunities for input to the city with respect to annexation, developments, rights of way, easements, alignment with city plans, provision of services, or otherwise. It is within the discretion of the city to determine what services offered to the city residents may be extended to those residing in such zone, and the terms applicable thereto. For clarification, the city shall not be required to provide utilities and other city services to properties outside of the city limits, unless agreed to in writing by the city council after review

by Planning & Zoning, and the provision of utilities to such properties may be contingent upon annexation.

**BUFFER ZONE MAP:** The official city map outlining the buffer zone and its characteristics.

**CITY STREET GRID MAP:** The official city map outlining the "street grid" including those planned and proposed for future development. Such map would be referenced in regards to required dedications of land to the city by developers for future city streets.

**CLOSED MEETING:** Any meeting held by any board, council, commission, and committee or like group which is not open to the public. Although most meetings are open to the public they may or may not allow public comment, such as work meetings and city operational meetings. Some meetings may be closed, such as: meetings concerning character, professional competency, physical or mental health issues of city personnel or other individuals; collective bargaining meetings; strategy sessions to discuss property and equipment purchases, imminent litigations, deployment of security personnel or systems, investigations of allegations of criminal misconduct; and like meetings. However, if a meeting is not open to the public, the purpose of the closed meeting must be stated and no legislative matter may be voted on or changed, even if it is on the agenda for discussion. Minutes and recordings of the proceedings in closed meetings must be kept but are protected records under U.C.A. title 63, chapter 2 and under penalty of law all attendees shall act in accordance therewith. Any such protected records may be disclosed only by a proper court order.

**CONCEPT PLAN:** A non-mandatory review to identify potential issues in the process of subdividing or developing a plat of land and to set up a dialogue with the planning and zoning commission, city engineer, city council, city attorney, and other concerned agencies and officials by submission of a Concept Plan laying out the plans of the project or initial review. The purpose is to ensure that the developer/subdivider/owner is aware of the due process, fees, and other concerns and issues that are requisite to approval for a building or other permit.

**CONCURRENT:** Two (2) activities that occur virtually simultaneously with each other. An example would be that growth development plans ensure that public facilities and services necessary to support new development are adequate and available at the time the development

*Page 10*

occurs.

**CONDITIONAL USE:** A land use in a particular zone that cannot be assumed by the allowances stated in the character of the zone. Any such conditional use must not impair the integrity and character of any given zone and must be stated in the zoning ordinance with the standards and conditions of the same outlined. If standards and conditions can be met by an applicant, approval must be given.

**DEDICATION:** The giving of land by a private person or entity to the city, typically for an easement, a street, a park or school site; as a part of and condition of a real estate development.

Such dedications must be accepted by the city before or concurrent with the beginning of the development. The city is not required to develop such areas immediately but in no case may they be sold or transferred to any private person.

**DEVELOPER:** Any person or persons who undertake to improve a plat of land to such an extent as to require building permits or other judicial approval, such as building roads, streets, structures, installing utilities, or any other like action. A number of laws and ordinances governing most developments and permits, as well as due process, are required.

**DEVELOPMENT:** Any plat of land which is improved to such an extent as to require building permits or other judicial approval, such as building roads, streets, buildings, structures, installing utilities, or any other like action. There are a number of laws and ordinances governing most developments and permits, as well as due process which are required.

**DEVELOPMENT REVIEW COMMITTEE:** The appointed committee, consisting of the Zoning Administrator, Public Works Director, designated City Engineer, two (2) Council Members as available and assigned by the Mayor, and others as assigned by the City Council, shall complete a review of each completed Application and provide written comments to the Applicant requesting additional information and/or modifications to plans. Each request shall be specific and include citations to ordinances, standards, or specifications.

**DUE PROCESS:** The processes required by legislative action, including the U.S. constitution, state, and local laws that ensure fairness, justice, and equality for all citizens. Such processes shall require conditions, standards, and actions that protect the health, safety and general welfare of all concerned. Regarding land uses, such due process must not only advance a legitimate public interest but be a reasonable way to further legitimize governmental purposes.

**FINAL PLAT:** The final or third step in the three (3) step process necessary for a developer to acquire a permit to build. The official plat plan including all drawings, documents, and maps indicating any and all proposed changes, proposed developments, dedications, affidavits, approvals, and all other legal documents prepared and presented to the planning and zoning commission and city council for final approval before the project is recorded in the county recorder's office and building permit is issued.

**IMPACT FEES<sup>1</sup>:** A charge levied against new development in order to generate revenue for

*Page 11*

funding capital improvements made necessary by that development. Impact fees are generally levied at the time a permit is issued. The amount and conditions of impact fees shall be set by the city council and must be reasonably supported by a fact finding process.

**LANDLOCKED:** Land divided in such a way as to leave a parcel or parcels without proper access from "bona fide" city streets or proper access to utilities in accordance with the city grid map and the appropriate codes. Such divisions are usually an attempt to circumvent the requirement to dedicate property to the city to extend city grid streets through proposed

developments. It is not legal, and along with penalties, may render sale or transfers of such lands invalid.

**LEGISLATIVE ACTIONS:** The powers to make, alter, amend, and repeal laws. Generally, legislative actions are generated in the interest of the public health, safety, and/or general welfare and relates to more than one property or person. Legislative actions may not be arbitrary or capricious. The courts usually uphold any legislative actions that are reasonably in the best interest of the general welfare.

**METES AND BOUNDS:** A method of describing the territorial limits of property by means of measuring distances and angles from designated landmarks, survey monuments, and adjoining properties, which results in a legal description.

**MORATORIUM:** A temporary freeze on a legitimate action giving time to solve or remedy a situation or problem usually through legislative action. A good faith effort to study and resolve the issue must be sought to support a moratorium or the extension of the same.

**NUISANCE:** A public nuisance is any unreasonable interference with some right that is common to the general public. Generally, a nuisance is any use, or condition of land, public street/road, or any structure thereon, or any activity or event which endangers the public safety, health, or welfare, or creates damage to others. Generally a nuisance is shown to be an ongoing rather than an isolated instance.

**PARKING vs. STORAGE:** Temporary parking of motorized vehicles on public streets, roadways, rights of way, or other designated public parking areas is permissible unless otherwise prohibited or limited by signs to the contrary. No vehicle may be parked in such a way as to restrict the normal flow of traffic. Leaving motorized vehicles parked in/on such public streets, roadways, rights of way, or other designated public parking areas for more than seven (7) consecutive days constitutes "storage" which storage is strictly prohibited (motorized vehicles in constant use excepted). Leaving nonmotorized vehicles such as trailers, horse trailers, wagons, farm equipment, camper trailers, as well as specialty motorized vehicles such as recreational vehicles (with or without trailers), including, but not limited to, boats, quadrunners, snowmobiles, and the like, parked on public streets, roadways, rights of way, or other designated public parking areas for more than forty eight (48) hours constitutes "storage" which storage is strictly prohibited. Storage on/in such public areas is subject to fines and removal by the city.

*Page 12*

**PERMITTED USE:** A "use by right" which is specifically authorized in a particular zoning district. This is in contrast with conditional uses which are authorized only if certain requirements are met and after review and approval by a designated agency. An applicant is entitled to approval of a land use application if the application conforms to the requirement of an applicable land use ordinance in effect when a complete application is submitted and all fees have been paid, except in a case where the public health, safety, or welfare is at question.

**PLAT:** A parcel of land that is part of an approved subdivision plat.

**POLICE POWER:** The enforcement powers given municipalities and jurisdictions, its legislative, policy making, and implemental entities as handed down from federal through state and local agencies, to establish laws and ordinances to preserve public order and tranquility and to promote the public health, safety, and morals, and general welfare of the public. Jurisdictions must strictly comply with the statute delegating them the powers to act. Failure to strictly follow the statutory requirements in enacting the legislation or ordinance renders it invalid. Regulations must bear a reasonable and substantial relationship to the health, safety, or welfare of the public.

**PRELIMINARY PLAN:** The second step in the three (3) step process of subdividing or developing a plat of land is to submit a comprehensive preliminary plan to the planning and zoning commission, city engineer, city attorney, and other concerned agencies and officials. The purpose is to resolve issues and ensure compliance with all regulatory laws and ordinances.

**PRESUMPTION OF CONSTITUTIONALITY:** When an ordinance or regulation is enacted by any legitimate governmental agency, the presumption is that it is legal and supported constitutionally. Should a person challenge such ordinance or regulation's constitutionality, that person has the burden of presenting evidence sufficient to overcome this presumption of constitutionality:

If an ordinance could promote the general welfare; or even if it is reasonably debatable that it is in the interest of the general welfare, we will uphold it. Utah Supreme Court

**PUBLIC HEARING:** A formally announced meeting to hear written or oral testimony, at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing. Commission or legislative representatives may ask questions but no deliberation or debate shall take place during the meeting. A full record of information shall be kept for further deliberation.

**PUBLIC MEETING:** A meeting that is required to be open to the public under U.C.A. title 52, chapter 4, open and public meetings.

**RECORD OF SURVEY:** A survey map that meets the requirements of U.C.A. title 17, chapter 23, section 17. **SIMPLE LOT SUBDIVISION:** A subdivision created through a metes and bounds Record of Survey that is filed at the Office of the County Recorder. Unlike a platted

*Page 13*

subdivision, public improvements shall be completed at the time of building permit rather than in conjunction with recording the plat.

**SINGLE LOT RESIDENTIAL DEVELOPMENT:** The residential development of a single lot or parcel of land without subdividing it. Note: There are a number of laws and ordinances governing most developing of land and any prospective developer should refer to SCMC Title 9, "Building Regulations" and this title, "Subdivision Regulations", and comply with the same before attempting any such development.



**SPOT ZONING:** The unjustifiable singling out of a piece of property for preferential treatment. It is a judicial term signifying legal invalidity. It is zoning a relatively small area differently from the surrounding area, usually for an incompatible use and often to favor the owner of a particular piece or pieces of property. Spot zoning is not allowed in Spring City as it smacks of favoritism and usually annoys neighbors.

**SUBDIVIDER:** Any person or persons having plans to, in the process of, or having divided land into two (2) or more parcels. To avoid penalties such person would be well advised to consult this title, "Subdivision And Development Regulations" and comply with the same. Failure to comply with subdivision laws can carry fines and/or other penalties.

**SUBDIVISION:** The process and result of dividing or redividing a parcel of land into two (2) or more smaller pieces, often for the development of residential uses. There are a number of laws and ordinances governing the subdividing of land and any prospective developer should refer to SCMC Title 9, "Building Regulations" and this title, "Subdivision And Development Regulations", and comply with the same before attempting any subdivision. Failure to comply with subdivision laws may result in the invalidation of certain actions or other penalties.

Without limiting the generality of the foregoing, the term "Subdivision" shall mean any land located within any residential zone (R-1 zone) within the limits of Spring City (the city) that is divided, resubdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, of offer for sale, for lease, or for residential development either on the installment plan or upon any and all other plans, terms, and conditions. Further, any person or persons making or proposing such a division of land shall be called the subdivider and/or developer and/or owner. Note: Notwithstanding this definition of a subdivision being two (2) or more lots, developers are advised that single lot residential developments in residential zones have restrictions and requirements as well (see SCMC Title 9). Notwithstanding any other provisions of this Title 11, lots that were previously recorded as 1.06 acre lots by the Sanpete County, Utah recorder's office and later combined can be divided back to the original 1.06 acre sizes (along the original recorded boundary lines), ~~but no less than 1.06 acres,~~ without complying with the requirements of this Title 11. Any person or persons proposing dividing and re-establishing historical recorded lots shall provide written documentation of said historical property boundaries. No subdivision to the original boundaries as referenced above shall be deemed to impose any requirement on the city to participate in, or bear any costs related to, either the development or improvement of access roads or the installation of Spring City utilities to the resulting lots.

**SUBDIVISION IMPROVEMENT PLAN:** The civil engineering drawings that accompany a subdivision application. These are included with the Preliminary Plat.

**UNCONDITIONAL USE:** A land use in a particular zone which is specifically authorized in a particular zoning district by allowances stated in the character of the zone or one that can be assumed as a "use by right". Any such unconditional use must not impair the integrity and character of any given zone.



**USE BY RIGHT:** The right to ownership and unrestricted use of property is a basic right granted by the constitution of the United States of America. When necessary, legislative acts, laws, and ordinances are enacted to protect the health, safety, and general welfare of all concerned. If no law is in place to restrict a use or activity, such use or activity is assumed to be legal by common-law right or "use by right", except in cases where the public health, safety, or general welfare is at question.

Because zoning ordinances are in derogation of a property owner's common-law right to unrestricted use of his or her property, provision therein restricting property uses should be strictly construed and provisions permitting property use should be liberally construed in favor of the property owner. *Patterson vs. Utah Co. Board of Adjustment*, April 1995

**VARIANCE:** A device which grants a property owner relief from certain or specific provisions of a zoning ordinance, because of particular physical surroundings, shape or topographical conditions of the property and special circumstances attached to the property that do not generally apply to other properties in the same zone. A variance is granted when compliance would result in a particular hardship upon the owner, or infringe upon, or limit rights normally granted to others in the same or similar situation; as distinguished from a mere inconvenience or a desire to make more money. Financial conditions or hardships are not a consideration in the granting of a variance. The petitioner must prove that a physical hardship exists, and that the request would not be alien to the design or intent of the area. Only the board of adjustment is vested with the authority to grant variances. Any appeal of the board decision must be made to the district courts.

**VOID:** The rendering of a regulation, proceeding, ordinance, legislation, or event as legally invalid.

**VOID FOR VAGUENESS:** Courts will invalidate a regulation that is so unclear or ambiguous that a person of normal intelligence will not be able to comprehend what the regulation forbids or permits.

Because zoning ordinances are in derogation of a property owner's common-law right to unrestricted use of his or her property, provision therein restricting property uses should be strictly construed and provisions permitting property use should be liberally construed in favor of the property owner. *Patterson vs. Utah Co. Board of Adjustment*, April 1995. (Ord. 2007.01, 2-1-2007, eff. 2-21-2007)

**EFFECTIVE DATE:** This Ordinance shall be in full force and effect upon the completion of the November 2025 Municipal Election, assuming it has received the required approval and has been published according to law.

PASSED AND ADOPTED BY THE SPRING CITY COUNCIL AS OF \_\_\_\_\_, 2025.

	<b>AVE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Councilmember Randy Strate	_____	_____	_____	_____
Councilmember Ken Krogue.	_____	_____	_____	_____
Councilmember Paul Penrod.	_____	_____	_____	_____
Councilmember Courtney Syme	_____	_____	_____	_____
Councilmember Marty McCain	_____	_____	_____	_____

Presiding Officer

\_\_\_\_\_  
Chris Anderson, Mayor, Spring City

\_\_\_\_\_  
Ruth Ann McCain, City Recorder  
Spring City

**SPRING CITY  
ORDINANCE 2025-03**

**AMENDMENTS TO TITLE 10: ZONING REGULATION & AMENDMENTS TO  
TITLE 11: SUBDIVISION REGULATIONS**

**WHEREAS**, Spring city council has chosen to make amendments to Title 10 and Title 11; and

**WHEREAS**, Notice of a Public Hearing was held on the evening of June 26, 2025, followed by a meeting of the City Council on July 10, 2025, at which the amendments were considered for adoption; and

**WHEREAS**, following the Public Hearing and at a subsequent meeting of the City Council, the City Council adopted a resolution to approve the originally proposed ordinance as modified by amendments approved by the City Council as set forth below;

**NOW THEREFORE**, be it ordained by the Council of the Spring City, in the State of Utah, as follows:

**SECTION 1:        AMENDMENT "10-1-3 DEFINITIONS"** of the Spring City Municipal Code is hereby *amended* as follows

**AMENDMENT**

**10-1-3 DEFINITIONS**

Unless otherwise specifically stated within the text of this title, the following definitions shall be those referred to herein and shall be considered a part of this title:

**ACCESSORY STRUCTURE:** A detached subordinate building clearly incidental to and located upon the same lot occupied by the main building. Unless an accessory structure meets applicable "conditional use" requirements, it cannot be a dwelling. Accessory structures most commonly include, but are not limited to, detached garages, storage sheds, storage containers, carports, greenhouses, gazebos, pavilions, barns, coops, and the like. No accessory building or group of buildings in any residential zone shall cover more than twenty five percent (25%) of the remaining yard after reducing the available yard size for the applicable setbacks. Accessory structures must comply with existing setback ordinances and zoning permit requirements.

**APARTMENT:** Any single-family dwelling or any apartment style single-family residence separate from or attached to a commercial building which is used as rental property.

**ASSISTED LIVING:** Assisted living dwellings are for persons in need of partial or constant medical or physical care. Types of dwellings where such help is available are multiple-unit

nursing home, senior citizen, and/or multiple-unit assisted living dwellings.

**BED AND BREAKFAST:** A bed and breakfast (B&B) establishment is any single residence dwelling equipped with and providing short term sleeping and meal accommodations for tourists or like traveling persons. For conditions and specifications of a B&B see SCMC 10-6A-3.

**BUFFER ZONE:** See SCMC Section 10-1-4 Paragraph 6.

**BUSINESS:** Any and all activities engaged in for the purpose of gain or economic profit. This definition shall include, but is not limited to, the sale of tangible personal property at retail or wholesale, the manufacturing of goods or property and the rendering of personal services for others for a consideration by persons engaged in any profession, trade, craft, business, occupation or other calling. The acts of employees rendering service to employers shall not be included in the term business, unless otherwise specifically provided.

**CONDOMINIUM:** The individual ownership of a single unit in a multi-unit project, together with an undivided interest in common in the common areas and facilities of the property.

**DEVELOPER:** Any person or entity who applies for any land use approval under this Title, or engages in "development activity" as defined in U.C.A. 10-9a-16. (2021), as may be amended from time to time.

**COMMERCIAL BUSINESS:** Any business enterprise conducted within any commercial zone. Commercial businesses are only allowed in LC-1 light commercial zone, LI-1 light industrial zone, and RVP-1 recreation vehicle park zone (consult zoning regulations in this title for activities allowable in any particular zone). With the exception of a B&B (see SCMC 10-6A-3) and home businesses (see SCMC 3-1-13, "Home Businesses" for activities allowable in residential zones), no business enterprises shall be allowed in any residential zone.

**DOMESTIC EMPLOYEE:** A person who provides household services to an individual or family. Examples include, but are not limited to, caretakers, house sitters, maids, housekeepers, nurses, gardeners, nannies and the like.

**EMPLOYEE:** Any persons employed by the operator, owner or manager of a place of business in any capacity and also any salesperson, agent or independent contractor engaged in the operation of the place of business in any capacity. The husband, wife, son, daughter, father and/or mother of the operator, owner or manager of a place of business shall not be classified as an employee in the event that said relative is working at the place of business.

**GENERAL PLAN:** The general plan recommended by the planning and zoning commission and adopted by the city council (after appropriate public hearings) outlining the direction the physical as well as the philosophical development of Spring City should attempt to follow. The general plan required under U.C.A. 10-9a-401 is known as the Spring City Master Plan.

**GUESTHOUSE, DETACHED:** Any single-family apartment style dwelling detached and separate from but found on the same lot as an existing residence. Such guesthouses are

allowable in residential zones and, if new construction, are limited to six hundred twenty five (625) square feet. If there are conversions of existing structures, this size limitation may be waived. They may be constructed with bathroom and kitchen facilities but shall not be used as rental apartments, except as otherwise specifically allowed in the SCMC. There shall be no more than one (1) guesthouse (whether a Guesthouse, Internal or a Guesthouse, detached) per buildable lot in any zone.

**GUESTHOUSE, INTERNAL:** Any single-family apartment style habitable building added to or created within a primary single-family dwelling and contained on one lot. A Guesthouse, Internal may be used as a rental apartment, subject to the provisions of this Title.

**HISTORIC DISTRICT:** An area located on the Main Street extending halfway through each block east to west and from 5th Street North to 5th Street South. This district is not a usage zone but an "overlay" of whatever usage zone may fall within.

**HISTORIC STRUCTURE:** Any structure 50 years or older or any structure having a historical significance such as monuments, bridges, cemetery, etc.

**HOME BUSINESS:** Any business enterprise conducted within a dwelling or adjacent structures located on the same premises and carried on by persons residing in the dwelling unit. Excepting farming or other agricultural business enterprises, owners of all business enterprises in residential zones must obtain a home business license and comply with the conditions of this title and SCMC 3-1 prior to operating any such business. Such a business use shall be clearly incidental and secondary to the dwelling use and shall not change the character of such dwelling or the residential neighborhood (see SCMC 3-1-13, "Home Businesses" for activities allowable in residential zones).

**HOME FOR DELINQUENT TEENAGERS:** Any detention resident dwelling where two (2) or more delinquent teenagers are placed as wards of the state or by order of the court system. Said detention home, center, or dwelling shall not be allowed in any zone in Spring City.

**MAJOR STRUCTURE:** A dwelling (home), large barn, commercial building, public building or like structure.

**MANUFACTURED OR MODULAR HOME:** A manufactured or modular unit home, unlike mobile homes, does not have permanently attached axles for wheels and are designed for permanent foundations. Only those manufactured after June 1976, meet the HUD standards and must have a certificate of the same to be allowed in this city or county (see county codes). They have a minimum size requirement, are required to be placed on a normal size building lot, they have a normal pitched roof, with a permanent foundation, permanent utility hookups, and meet minimum health, fire, and safety codes.

**MOBILE HOME:** A transportable factory built housing unit. It generally has a flat roof, attached axles for wheels, nonpermanent hookups for utilities, is not designed for a permanent foundation, and is small in size (under 900 square feet). Mobile homes are only allowed in the Mobile Home Zone R3. Those built prior to June 1976, do not meet HUD certified

manufacturing standards and are not allowed in this county (see county codes).

**MODERATE INCOME HOUSING:** Refers to residential dwellings for rent that moderate income families can afford to rent. The state of Utah requires cities to make a percentage of such housing available to residents.

**NONCONFORMING USES:** Occupancy or use of any building, structure, or land within the city prohibited by provisions of this title, but which lawfully existed prior to the effective date hereof. This includes residential, commercial, industrial, and public structures occupied or vacant at the time of adoption of these provisions.

**PLACE OF BUSINESS:** Each separate location maintained or operated by any business licensee within the city from which business activity is conducted or transacted.

**RV PARK:** This is an area established for temporary (a maximum of 30 consecutive days within any 90 day period) parking of recreational vehicles (RVs) which for this zone only (recreational vehicle park zone) are defined as camper type trailers, motor homes, truck borne campers, or the like.

**RECREATIONAL VEHICLES (RVs):** Camp trailers, motor homes, pickup campers, boats and/or their trailers, four-wheelers and/or their trailers, snowmobiles and/or their trailers, motorcycles and/or their trailers, flatbed trailers, converted pickup bed trailers, camp wagons, buggies, carts, and all similar type vehicles.

**SPRING CITY RESIDENT:** A resident of Spring City is anyone who owns or rents a home in Spring City and resides full time.

**SUBDIVISION:** Any plot or parcel of land which is divided into two (2) or more plots or parcels of land having no less than ~~1.5~~ 1.065 acres per parcel. Lots containing less than ~~1.5~~ 1.065 acres, unless grandfathered, are nonbuildable.

**TEMPORARY USE PERMIT:** A permit required to engage in any temporary business enterprise or other activity using public rights of way or conditional use of public or private property in any zone such as: motion picture production permits, carnivals, circuses, fireworks displays or stands, Christmas tree lots, promotional displays, political rallies or campaign headquarters, large (over 400 people) public gatherings, temporary sales (excepting yard sales) vending on the street, sidewalk or any public right of way (excepting lemonade stands or the like, run by children under 17 years of age), and the like. (See also SCMC 10-8-2, "Temporary Uses".) Such a permit shall, among other information and conditions, specify the time limit and place to be used. Such a temporary use permit shall be required for residents of Spring City as well as any out of town business enterprises or activities.

**VISIBILITY BARRIER:** Any fence, or building, or any structure (of normal materials), or trees and bushes or like shrubbery constructed or arranged for the purpose of hiding from public view any unsightly materials, supplies, equipment, vehicles, etc. Said visibility barriers must comply with the height and setback requirements.



**ZONING MAP:** The official map prepared, approved, and presented by the planning and zoning commission and signed and adopted by the city council (after appropriate public hearings) which map shall be posted in the city hall for public view as well as (a second copy) kept safe from tampering. Thereon shall be exhibited public roadways and facilities, each zone with boundaries and titles, as well as other pertinent information.

**ZONING PLAN:** The adopted zoning ordinance including the zoning map. (Ord. 2005-01, 9-8-2005; amd. Ord. 2014-01, 5-15-2014)

**SECTION 2:        AMENDMENT “10-6A-4 LOT AND DWELLING SIZE REQUIREMENTS”** of the Spring City Municipal Code is hereby *amended* as follows:

#### AMENDMENT

##### 10-6A-4 LOT AND DWELLING SIZE REQUIREMENTS

- A. Lot: The minimum lot area for a one-family dwelling shall be ~~1.06~~.5 acres or approximately ~~forty six thousand one hundred and sixty (+6,160)~~ twenty one thousand seven hundred and eighty (21,780) square feet in area, unless otherwise grandfathered or split in previous years where a smaller lot size ~~was smaller than the 1.06 acre requirement~~ was allowed. Any lot split to less than 1.06 acres must connect to the Spring City culinary and wastewater systems, if unable or unwilling to connect then the minimum lot size will be 1.06 acres.
- B. Dwelling: A residential dwelling, shall be constructed in compliance with the International Building Code as herein provided. (Ord. 2014-01, 5-15-2014)

**SECTION 3:        AMENDMENT “10-6A-6 LOCATION REQUIREMENTS”** of the Spring City Municipal Code is hereby *amended* as follows:

#### AMENDMENT

##### 10-6A-6 LOCATION REQUIREMENTS

Each residential lot shall abut a public street for a minimum of two hundred feet (200 feet) of frontage for 1.06 acre lots and a minimum of one hundred feet (100 feet) for .5 acre lots, or proportional in frontage to above except in the case of lots previously subdivided which are smaller than or equal to 1.06 acres or lots that have been previously split and are grandfathered. Residential lots that have been previously legally subdivided and are grandfathered, which are smaller than or equal to 0.45 acres are referred to herein as “Small Lots.” All residential dwellings must meet the following current permitted requirements:

- A. Residential dwellings on corner lots shall have a minimum setback of thirty feet (30')

- from both property lines along public streets.
- B. Residential dwellings shall have side yards of at least ten feet (10') from property lines not adjacent to public streets.
  - C. Residential dwellings and accessory structures that measure greater than two hundred (200) square feet shall have a minimum rear yard of thirty feet (30'). (Note: A deck may extend 12 feet into the rear setback.)
  - D. No accessory structure may be closer than thirty feet (30') of both property lines along public streets for corner lots and shall (i) not cover more than thirty percent (30%) of the rear yard, and (ii) not contain more than one (1) story unless a conditional use permit is obtained authorizing more than one (1) story; provided that, in the case of a Small Lot, no accessory structure may be closer than twenty feet (20') of both property lines along public streets for corner lots. No structure, landscaping, or other obstruction shall obscure the view of automobile drivers on corner lots. It is preferred that accessory structures shall be in the rear yard, but they shall not be closer to the property line than the dwelling. Exceptions may be made for decorative structures such as gazebos or pergolas.
  - E. Accessory structures shall have a setback from all residential dwellings of twelve feet (12'), ten feet (10') from side-yard property lines and thirty feet (30') from property line corners of lots facing a public street; provided that, in the case of a Small Lot, accessory structures shall have a setback from all residential dwellings of nine feet (9'), five feet (5') from side-yard property lines and twenty feet (20') from property lines on corner lots facing a public street.
  - F. There shall be ten feet (10') setbacks from irrigation lines and spouts; provided that, in the case of a Small Lot, irrigation lines and spouts setbacks shall be at least five feet (5').
  - G. Accessory structures that measure two hundred (200) square feet and under will require a zoning permit with no fee to ensure proper setbacks. Any structures more than two hundred (200) square feet will need to obtain a zoning permit. (Ord. 2014-01, 5-15-2014)

**SECTION 4: AMENDMENT "10-6D-2 PERMITTED USES" of the Spring City Municipal Code is hereby *amended* as follows:**

## AMENDMENT

### 10-6D-2 PERMITTED USES

Any land use not listed in this ordinance as a permitted use or conditional use shall be considered prohibited. The following buildings, structures, and uses of land shall be permitted upon compliance with the standards and requirements as set forth in this title as well as the accepted building codes:

Single-family or two-family dwellings of conventional construction, including duplexes, or

townhomes, up to four structures per 1.06 acre lot, and up to 84 units per 1.06 acre lot are permitted. For lots larger or smaller than 1.06 acres, the maximum number of units shall be adjusted in proportion to the ~~size~~ of the lot. For example, a lot that is 2.12 acres will qualify for up to 168 units. ~~A grandfathered lot that is .503 acres will qualify for up to 4 units. A grandfathered lot that is less than 1.06 acres will qualify a proportional number of units.~~ In no event shall one lot contain more than 168 units. Units may be rented or occupied by the owner of the Property. Co-ops, time shares, or other fractional ownership other than ownership of the entire property is prohibited.

No multi-family dwelling will be permitted in the main street historical district as defined in SCMC 2-1-1

To limit the number of multi-family dwellings within Spring City no more than 5% of Multi-Family to Single Family homes will be permitted, i.e. if there are 400 single family homes then only a maximum of 20 multi-family homes are permitted within Spring City Municipal boundaries.

A normal number of household pets are permitted. Large animals are prohibited.

Customary residential accessory structures including uses or buildings of a nature customarily incidental and subordinate to, the principal use or building are permitted. For the purposes of this ordinance, accessory structures include both permanent and temporary structures such as garages, carports, sheds, studios, home offices, shipping containers, etc. regardless of whether said structures are unenclosed or enclosed. Shipping containers and outdoor storage are prohibited.

Fences and walls between neighboring properties shall not be more than eight feet (8') in height and shall not be constructed of abnormal or obnoxious materials ~~are permitted~~. No fence, wall, shrub, or hedge shall be of a height or placement so as to obstruct traffic visibility at any intersection. Subject to the city's nuisance regulations, visibility barriers (fences, walls, shrubs, trees, etc.) may be required in some cases to hide unsightly equipment, materials, or other ~~stuffs~~ clutter found on properties in this zone. Subject to the requirements of SCMC 11-3-4 Part D hazardous structures or areas may be required to be fenced.

Gardens, orchards and field crops are permitted.

Minor public facilities, parks, and playgrounds are permitted.

Temporary signs, a maximum of two (2) in number, not exceeding six (6) square feet, advertising the sale of the premises or other temporary event are permitted. Such signs shall be located on private property only.

**SECTION 5: AMENDMENT "10-6D-4 LOT AND DWELLING SIZE REQUIREMENTS"** of the Spring City Municipal Code is hereby *amended* as follows:



## AMENDMENT

### 10-6D-4 LOT AND DWELLING SIZE REQUIREMENTS

A. Lot: The minimum lot area for a multi-family dwelling shall be ~~1.06~~.5 acres or approximately ~~forty six thousand one hundred and sixty (46,160)~~ twenty one thousand seven hundred and eighty (21,780) square feet in area, unless otherwise grandfathered or split in previous years where a lot size was smaller than the 1.06 acre requirement was allowed. Any lot splits to less than 1.06 acres must connect to the Spring City culinary and wastewater systems, if unable or unwilling to connect then the minimum lot size will be 1.06 acres.

B. Dwelling: All residential dwelling units shall be constructed in compliance with the International Building Code as herein provided.

**SECTION 6:            AMENDMENT “10-6D-6 LOCATION REQUIREMENTS”**  
of the Spring City Municipal Code is hereby *amended* as follows:

## AMENDMENT

### 10-6D-6 LOCATION REQUIREMENTS

Each residential lot shall abut a public street for a minimum of two hundred feet (200 feet) of frontage for 1.06 acre lots at a minimum of one hundred feet (100 feet) for .5 acre lots, except in the case of lots previously subdivided which are smaller than or equal to 1.06 acres or lots that have been previously ~~split~~ and are grandfathered. Residential lots that have been previously legally subdivided and are grandfathered, which are smaller than or equal to 0.45 acres are referred to herein as “Small Lots.” All residential dwelling units must meet the following current permitted requirements:

A. Residential dwelling units on corner lots shall have a minimum setback of thirty feet (30') from both property lines along public streets.

B. Residential dwelling units shall have side yards of at least ten feet (10') from property lines not adjacent to public streets.

C. Residential dwelling units and accessory structures that measure greater than two hundred (200) square feet shall have a minimum rear yard of twenty feet (20').

D. No accessory structure may be closer than thirty feet (30') of both property lines along public streets for corner lots and shall (i) not cover more than thirty percent (30%) of the rear yard, and (ii) not contain more than one (1) story unless a conditional use permit is



obtained authorizing more than one (1) story; provided that, in the case of a Small Lot, no accessory structure may be closer than twenty feet (20') of both property lines along public streets for corner lots. No structure, landscaping, or other obstruction shall obscure the view of automobile drivers on corner lots. It is preferred that accessory structures shall be in the rear yard, but they shall not be closer to the property line than the dwelling. Exceptions may be made for decorative structures such as gazebos or pergolas.

E. Accessory structures shall have a setback from all residential dwellings of twelve feet (12'), ten feet (10') from side-yard property lines and thirty feet (30') from property line corners of lots facing a public street; provided that, in the case of a Small Lot, accessory structures shall have a setback from all residential dwellings of nine feet (9'), ten feet (10') from side-yard property lines and twenty feet (20') from property lines on corner lots facing a public street.

F. There shall be ten feet (10') setbacks from irrigation lines and spouts; provided that, in the case of a Small Lot, irrigation lines and spouts setbacks shall be at least ten feet (10'). Accessory structures that measure two hundred (200) square feet and under will require a zoning permit with no fee to ensure proper setbacks. Structures more than two hundred (200) square feet will need to obtain a zoning permit.

**SECTION 7: AMENDMENT "11-1-2 DEFINITIONS" of the Spring City Municipal Code is hereby amended as follows:**

## **AMENDMENT**

### **11-1-2 DEFINITIONS**

**ADMINISTRATIVE ACTIONS:** Administrative actions are those where the policy issues have been previously settled by a legislative action, applying existing law to a particular application. Administrative actions require fact findings and there should be substantial evidence on record that justifies the action. City operations, subdivisions, developments, site plan approvals, and consideration of conditional uses are typical administrative actions.

**ADMINISTRATIVE LAND USE AUTHORITY:** The Development Review Committee is responsible to review concept plan applications and to review applications for preliminary and final plat approval and make recommendations to the Administrative Land Use Authority. For approval of a Preliminary and Final Plats, the Administrative Land Use Authority shall be the Planning Commission. If a Preliminary or Final Plat requires vacating a street, right of way, or easement, the City Council shall be the Administrative Land Use Authority. The City Council reserves the right to change the Administrative Land Use Authority at its discretion, provided that any Administrative Land Authority meets the requirements of Utah Code 10-9a-601, et seq, as amended.

**ANNEXATION:** To annex land to the city is to absorb by legal incorporation or to bring previously unincorporated land into the municipal incorporation (the city limits).

**BUFFER ZONE:** A specific area in the county surrounding the city as indicated on the buffer zone or expansion zone map and county maps that is designated as a zone where the county has given or may give certain jurisdictions or opportunities for input to the city with respect to annexation, developments, rights of way, easements, alignment with city plans, provision of services, or otherwise. It is within the discretion of the city to determine what services offered to the city residents may be extended to those residing in such zone, and the terms applicable thereto. For clarification, the city shall not be required to provide utilities and other city services to properties outside of the city limits, unless agreed to in writing by the city council after review by Planning & Zoning, and the provision of utilities to such properties may be contingent upon annexation.

**BUFFER ZONE MAP:** The official city map outlining the buffer zone and its characteristics.

**CITY STREET GRID MAP:** The official city map outlining the "street grid" including those planned and proposed for future development. Such map would be referenced in regards to required dedications of land to the city by developers for future city streets.

**CLOSED MEETING:** Any meeting held by a board, council, commission, and committee or like group which is not open to the public. Although most meetings are open to the public they may or may not allow public comment such as work meetings and city operational meetings. Some meetings may be closed such as meetings concerning character, professional competency, physical or mental health issues of city personnel or other individuals; collective bargaining meetings; strategy sessions to discuss property and equipment purchases, imminent litigations, deployment of security personnel or systems, investigations of allegations of criminal misconduct; and like matters. However, if a meeting is not open to the public, the purpose of the closed meeting must be stated and no legislative matter may be voted on or changed, even if it is on the agenda for discussion. Minutes and recordings of the proceedings in closed meetings must be kept but are protected records under U.C.A. title 63, chapter 2 and under penalty of law all attendees shall act in accordance therewith. Any such protected records may be disclosed only by a proper court order.

**CONCEPT PLAN:** A non-mandatory review to identify potential issues in the process of subdividing or developing a plat of land and to set up a dialogue with the planning and zoning commission, city engineer, city council, city attorney, and other concerned agencies and officials by submission of a Concept Plan laying out the plans of the project or initial review. The purpose is to ensure that the developer/subdivider/owner is aware of the due process, fees, and other concerns and issues that are requisite to approval for a building or other permit.

**CONCURRENT:** Two (2) activities that occur virtually simultaneously with each other. An example would be that growth development plans ensure that public facilities and services necessary to support new development are adequate and available at the time the development

occurs.

**CONDITIONAL USE:** A land use in a particular zone that cannot be assumed by the allowances stated in the character of the zone. Any such conditional use must not impair the integrity and character of any given zone and must be stated in the zoning ordinance with the standards and conditions of the same outlined. If standards and conditions can be met by an applicant, approval must be given.

**DEDICATION:** The giving of land by a private person or entity to the city, typically for an easement, a street, a park or school site; as a part of and condition of a real estate development. Such dedications must be accepted by the city before or concurrent with the beginning of the development. The city is not required to develop such areas immediately but in no case may they be sold or transferred to any private person.

**DEVELOPER:** Any person or persons who undertake to improve a plat of land to such an extent as to require building permits or other judicial approval such as building roads, streets, structures, installing utilities, or any other like action. A number of laws and ordinances governing most developments and permits, as well as due process, are required.

**DEVELOPMENT:** Any plat of land which is improved to such an extent as to require building permits or other judicial approval, such as building roads, streets, buildings, structures, installing utilities, or any other like action. There are a number of laws and ordinances governing most developments and permits, as well as due process which are required.

**DEVELOPMENT REVIEW COMMITTEE:** The appointed committee, consisting of the Zoning Administrator, Public Works Director, designated City Engineer, two (2) Council Members as available and assigned by the Mayor, and others as assigned by the City Council, shall complete a review of each completed Application and provide written comments to the Applicant requesting additional information and/or modifications to plans. Each request shall be specific and include citations to ordinances, standards, or specifications.

**DUE PROCESS:** The processes required by legislative action, including the U.S. constitution, state, and local laws that ensure fairness, justice, and equality for all citizens. Such processes shall require conditions, standards, and actions that protect the health, safety and general welfare of all concerned. Regarding land uses, such due process must not only advance a legitimate public interest but be a reasonable way to further legitimize governmental purposes.

**FINAL PLAT:** The final or third step in the three (3) step process necessary for a developer to acquire a permit to build. The official plat plan including all drawings, documents, and maps indicating any and all proposed changes, proposed developments, dedications, affidavits, approvals, and all other legal documents prepared and presented to the planning and zoning commission and city council for final approval before the project is recorded in the county recorder's office and building permit is issued.

**IMPACT FEES<sup>1</sup>:** A charge levied against new development in order to generate revenue for

funding capital improvements made necessary by that development. Impact fees are generally levied at the time a permit is issued. The amount and conditions of impact fees shall be set by the city council and must be reasonably supported by a fact finding process.

**LANDLOCKED:** Land divided in such a way as to leave a parcel or parcels without proper access from "bona fide" city streets or proper access to utilities in accordance with the city grid map and the appropriate codes. Such divisions are usually an attempt to circumvent the requirement to dedicate property to the city to extend city grid streets through proposed developments. It is not legal, and along with penalties, may render sale or transfers of such lands invalid.

**LEGISLATIVE ACTIONS:** The powers to make, alter, amend, and repeal laws. Generally, legislative actions are generated in the interest of the public health, safety, and/or general welfare and relates to more than one property or person. Legislative actions may not be arbitrary or capricious. The courts usually uphold any legislative actions that are reasonably in the best interest of the general welfare.

**METES AND BOUNDS:** A method of describing the territorial limits of property by means of measuring distances and angles from designated land marks, survey monuments, and adjoining properties, which results in a legal description.

**MORATORIUM:** A temporary freeze on a legislative action giving time to solve or remedy a situation or problem usually through legislative action. A good faith effort to study and resolve the issue must be sought to support a moratorium or the extension of the same.

**NUISANCE:** A public nuisance is any unreasonable interference with some right that is common to the general public. Generally, nuisance is any use, or condition of land, public street/road, or any structure thereon, or any activity or event which endangers the public safety, health, or welfare, or creates damage to others. Generally a nuisance is shown to be an ongoing rather than an isolated instance.

**PARKING vs. STORAGE:** Temporary parking of motorized vehicles on public streets, roadways, rights of way, or other designated public parking areas is permissible unless otherwise prohibited or limited by signs to the contrary. No vehicle may be parked in such a way as to restrict the normal flow of traffic. Leaving motorized vehicles parked in/on such public streets, roadways, rights of way, or other designated public parking areas for more than seven (7) consecutive days constitutes "storage" which storage is strictly prohibited (motorized vehicles in constant use excepted). Leaving nonmotorized vehicles such as trailers, horse trailers, wagons, farm equipment, camper trailers, as well as specialty motorized vehicles such as recreational vehicles (with or without trailers), including, but not limited to, boats, quadrunners, snowmobiles, and the like, parked on public streets, roadways, rights of way, or other designated public parking areas for more than forty eight (48) hours constitutes "storage" which storage is strictly prohibited. Storage on/in such public areas is subject to fines and removal by the city.



**PERMITTED USE:** A "use by right" which is specifically authorized in a particular zoning district. This is in contrast with conditional uses which are authorized only if certain requirements are met and after review and approval by a designated agency. An applicant is entitled to approval of a land use application if the application conforms to the requirement of an applicable land use ordinance in effect when a complete application is submitted and all fees have been paid, except in a case where the public health, safety, or welfare is at question.

**PLAT:** A parcel of land that is part of an approved subdivision plat.

**POLICE POWER:** The enforcement powers given municipalities and jurisdictions, its legislative, policy making, and implemental entities as handed down from federal through state and local agencies, to establish laws and ordinances to preserve public order and tranquility and to promote the public health, safety, and morals, and general welfare of the public. Jurisdictions must strictly comply with the statute delegating them the powers to act. Failure to strictly follow the statutory requirements in enacting the legislation or ordinance renders it invalid. Regulations must bear a reasonable and substantial relationship to the health, safety, or welfare of the public.

**PRELIMINARY PLAN:** The second step in the three (3) step process of subdividing or developing a plat of land is to submit a comprehensive preliminary plan to the planning and zoning commission, city engineer, city attorney, and other concerned agencies and officials. The purpose is to resolve issues and ensure compliance with all regulatory laws and ordinances.

**PRESUMPTION OF CONSTITUTIONALITY.** When an ordinance or regulation is enacted by any legitimate governmental agency, the presumption is that it is legal and supported constitutionally. Should a person challenge such ordinance or regulation's constitutionality, that person has the burden of presenting evidence sufficient to overcome this presumption of constitutionality:

If an ordinance could promote the general welfare; or even if it is reasonably debatable that it is in the interest of the general welfare, we will uphold it. Utah Supreme Court

**PUBLIC HEARING:** A formally announced meeting to hear written or oral testimony, at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing. Commission or legislative representatives may ask questions but no deliberation or debate shall take place during the meeting. A full record of information shall be kept for further deliberation.

**PUBLIC MEETING:** A meeting that is required to be open to the public under U.C.A. title 52, chapter 4, open and public meetings.

**RECORD OF SURVEY:** A survey map that meets the requirements of U.C.A. title 17, chapter 23, section 17. **SIMPLE LOT SUBDIVISION:** A subdivision created through a metes and bounds Record of Survey that is filed at the Office of the County Recorder. Unlike a platted

subdivision, public improvements shall be completed at the time of building permit rather than in conjunction with recording the plat.

**SINGLE LOT RESIDENTIAL DEVELOPMENT:** The residential development of a single lot or parcel of land without subdividing it. Note: There are a number of laws and ordinances governing most developing of land and any prospective developer should refer to SCMC Title 9, "Building Regulations" and this title, "Subdivision Regulations", and comply with the same before attempting any such development.

**SPOT ZONING:** The unjustifiable singling out of a piece of property for preferential treatment. It is a judicial term signifying legal invalidity. It is zoning a relatively small area differently from the surrounding area, usually for an incompatible use and often to favor the owner of a particular piece or pieces of property. Spot zoning is not allowed in Spring City as it smacks of favoritism and usually annoys neighbors.

**SUBDIVIDER:** Any person or persons having plans to, in the process of, or having divided land into two (2) or more parcels. To avoid penalties such person would be well advised to consult this title, "Subdivision And Development Regulations" and comply with the same. Failure to comply with subdivision laws can carry fines and/or other penalties.

**SUBDIVISION:** The process and result of dividing or redividing a parcel of land into two (2) or more smaller pieces, often for the development of residential uses. There are a number of laws and ordinances governing the subdividing of land and any prospective developer should refer to SCMC Title 9, "Building Regulations" and this title, "Subdivision And Development Regulations", and comply with the same before attempting any subdivision. Failure to comply with subdivision laws may result in the invalidation of certain actions or other penalties.

Without limiting the generality of the foregoing, the term "Subdivision" shall mean any land located within any residential zone (R-1 zone) within the limits of Spring City (the city) that is divided, resubdivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or other divisions of land for the purpose, whether immediate or future, of offer for sale, for lease, or for residential development either on the installment plan or upon any and all other plans, terms, and conditions. Further, any person or persons making or proposing such a division of land shall be called the subdivider and/or developer and/or owner. Note: Notwithstanding this definition of a subdivision being two (2) or more lots, developers are advised that single lot residential developments in residential zones have restrictions and requirements as well (see SCMC Title 9). Notwithstanding any other provisions of this Title 11, lots that were previously recorded as 1.06 acre lots by the Sanpete County, Utah recorder's office and later combined can be divided back to the original 1.06 acre sizes (along the original recorded boundary lines), ~~but no less than 1.06 acres~~, without complying with the requirements of this Title 11. Any person or persons proposing dividing and re-establishing historical recorded lots shall provide written documentation of said historical property boundaries. No subdivision to the original boundaries as referenced above shall be deemed to impose any requirement on the city to participate in, or bear any costs related to, either the development or improvement of access roads or the installation of Spring City utilities to the resulting lots.

**SUBDIVISION IMPROVEMENT PLAN:** The civil engineering drawings that accompany a subdivision application. These are included with the Preliminary Plat.

**UNCONDITIONAL USE:** A land use in a particular zone which is specifically authorized in a particular zoning district by allowances stated in the character of the zone or one that can be assumed as a "use by right". Any such unconditional use must not impair the integrity and character of any given zone.

**USE BY RIGHT:** The right to ownership and unrestricted use of property is a basic right granted by the constitution of the United States of America. When necessary, legislative acts, laws, and ordinances are enacted to protect the health, safety, and general welfare of all concerned. If no law is in place to restrict a use or activity, such use or activity is assumed to be legal by common-law right or "use by right", except in cases where the public health, safety, or general welfare is at question.

Because zoning ordinances are in derogation of a property owner's common-law right to unrestricted use of his or her property, provision therein restricting property uses should be strictly construed and provisions permitting property use should be liberally construed in favor of the property owner. *Patterson vs. Utah Co. Board of Adjustment*, April 1995

**VARIANCE:** A device which grants a property owner relief from certain or specific provisions of a zoning ordinance, because of particular physical surroundings, shape or topographical conditions of the property and special circumstances attached to the property that do not generally apply to other properties in the same zone. A variance is granted when compliance would result in a particular hardship upon the owner, or infringe upon, or limit rights normally granted to others in the same or similar situation, as distinguished from a mere inconvenience or a desire to make more money. Financial conditions or hardships are not a consideration in the granting of a variance. The petitioner must prove that a physical hardship exists, and that the request would not be alien to the design or intent of the area. Only the board of adjustment is vested with the authority to grant variances. Any appeal of the board decision must be made to the district courts.

**VOID:** The rendering of a regulation, proceeding, ordinance, legislation, or event as legally invalid.

**VOID FOR VAGUENESS:** Courts will invalidate a regulation that is so unclear or ambiguous that a person of normal intelligence will not be able to comprehend what the regulation forbids or permits.

Because zoning ordinances are in derogation of a property owner's common-law right to unrestricted use of his or her property, provision therein restricting property uses should be strictly construed and provisions permitting property use should be liberally construed in favor of the property owner. *Patterson vs. Utah Co. Board of Adjustment*, April 1995. (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

<sup>1</sup>See SCMC Title 12

**EFFECTIVE DATE** This Ordinance shall be in full force and effect immediately upon the required approval and publication according to law.

PASSED AND ADOPTED BY THE SPRING CITY COUNCIL

\_\_\_\_\_.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Councilmember Randy Strate	_____	_____	_____	_____
Councilmember Ken Krogue	_____	_____	_____	_____
Councilmember Paul Penrod	_____	_____	_____	_____
Councilmember Courtney Syme	_____	_____	_____	_____
Councilmember Marty McCain	_____	_____	_____	_____

Presiding Officer

\_\_\_\_\_  
Chris Anderson, Mayor, Spring City

\_\_\_\_\_  
Ruth Ann McCain, City Recorder,  
Spring City