

September 11, 2025

**APPEAL TO THE SPRING CITY BOARD OF ADJUSTMENT**

**Re: Appeal of Planning & Zoning Recommendation to Extend Commercial District (Ordinance 2025-04) on July 30<sup>th</sup>, 2025 and City Council Adoption of Ordinance 2025-04 on August 7, 2025**

**1. Parties**

- Complainant: Bruce Spiegel, nearby resident whose property is directly impacted by the rezoning.
- Respondent: Spring City Planning & Zoning Commission (P&Z) and City Council (as adopting body).

**2. Jurisdiction**

This appeal is brought pursuant to Spring City Municipal Code Chapter 10-3-4 which authorizes an aggrieved party to challenge a land use authority's decision before the Board of Adjustment within a period not to exceed forty-five (45) days from the date of the contested action.

**3. Background**

- A. On July 30, 2025, Spring City Planning & Zoning held a public hearing regarding a proposal to rezone Main Street between 500–600 North to extend the LC-1 Light Commercial Zone.
- B. On August 7, 2025, Ordinance 2025-04 was adopted by the City Council, extending the LC-1 zone one block north to 600 North without holding a public hearing on pursuant to Utah Code 10-9a-205.
- C. The ordinance creates a significant change in zoning designation affecting previously residential properties, without adequate findings showing consistency with the City's alleged legally adopted General Plan (which is in dispute).
- D. The P&Z and Council could have addressed specific property use needs through the issuance of a **Conditional Use Permit (CUP)** within the existing zoning, rather than a broad rezoning.

**4. Adverse Effects**

- A. Bruce Spiegel, a nearby resident, business and property owner, has been directly and adversely affected by the rezoning.
- B. The rezoning was adopted without proper notice to Mr. Spiegel, depriving him of the opportunity to meaningfully participate in the decision-making process.
- C. The LC-1 extension was approved prior to review by the Main Street Historic Advisory Subcommittee,

- D. The LC-1 extension was adopted before the completion and adoption of the Main and Center Street Master Plan. The Master Plan would have provided guidance in defining the overall ‘look and feel’ of Main and Center Streets. The Master Plan should then have been adopted by P&Z and Council.
- E. The LC-1 extension failed to comply with the current General Plan in that the business was not requested to comply with the ‘look and feel’ of Historic Spring City. The business was not advised to incorporate a false front to a metal building and that the signage comply with City ordinance/General Plan so that it maintains the ‘look and feel’ of Historic Spring City.
- F. Under LUDMA, standing extends to *any person adversely affected* by a land use decision, whether or not they are residents within the city limits. Mr. Spiegel clearly meets this requirement.

## 5. Grounds for Appeal

### A. Spot Zoning

- The ordinance constitutes spot zoning by singling out a small, discrete block for commercial use inconsistent with surrounding residential zoning.
- Courts define spot zoning as a rezoning that:
  1. Targets a small parcel,
  2. Benefits a particular property owner,
  3. Conflicts with the alleged legally adopted General Plan.
- The extension northward is arbitrary and capricious in that it lacks demonstrated necessity and primarily benefits a limited group rather than the general welfare of the community.
- This type of spot zoning also violates Spring City’s Municipal Code.

### B. Inconsistency with the Alleged Legally Adopted General Plan

- The City’s alleged legally adopted General Plan emphasizes preserving residential character and historic integrity. The ordinance lacks evidence of consistency with this plan.
- The findings in Ordinance 2025-04 recite broad purposes of the LC-1 zone but do not explain why expansion to 600 North aligns with long-term planning goals.

### C. Availability of Less Drastic Alternatives

- If the City sought to accommodate a particular proposed use, a Conditional Use Permit (CUP) within the existing residential zone could achieve this without permanently altering zoning boundaries.
- A CUP would allow the City to impose site-specific conditions protecting neighbors and preserving the residential character.

D. Procedural Concerns: Suppression of Public Comment

- During the July 30, 2025, public hearing at Planning and Zoning, the hearing procedures were compromised. Marty McCain and other members of the Planning and Zoning Committee (including Mayor Anderson), attempted to silence a public citizen by refusing to allow her to speak during the meeting. I witnessed this behavior and stood near her, because I felt like the public citizen was being targeted and humiliated in public.
- Utah's Open and Public Meetings Act (Utah Code Ann. § 52-4-101 et seq.) and principles of due process guarantee the right of citizens to participate in properly noticed public hearings.
- By suppressing public comment, the Commission denied affected residents a meaningful opportunity to be heard, which undermines the legitimacy of the process and violates both statutory and constitutional requirements of fairness.

E. Procedural Concerns: Violations of LUDMA Public Hearing Requirements

LUDMA establishes mandatory procedures for rezoning, which include public hearings at two distinct levels:

1. **Planning Commission Hearing:** The Planning Commission must first hold a public hearing and provide a recommendation to the City Council.
2. **City Council Hearing:** The City Council, after receiving the Planning Commission's recommendation, must also hold its own public hearing before it can adopt or reject the rezoning ordinance.

In this case, Spring City held a Planning Commission public hearing but failed to hold a separate public hearing before the City Council.

The fact that the Planning Commission held a hearing does not satisfy the separate and distinct public hearing requirement. The public is entitled to be heard by both bodies before a final decision is made. By omitting the Council-level public hearing, the City violated LUDMA's procedural safeguards, rendering the ordinance unlawful.

## **6. Relief Requested**

The Complainant respectfully requests that the Board of Adjustment:

1. Reverse the approval of Ordinance 2025-04 as unlawful spot zoning inconsistent with the alleged legally adopted General Plan.
2. Invalidate the ordinance due to failure to comply with LUDMA's mandatory dual-hearing procedure.
3. Remand the matter back to P&Z and the City Council with instructions to hold proper hearings and consider less intrusive alternatives such as Conditional Use Permits.
4. Require the City to provide specific findings demonstrating how any future rezoning advances the Comprehensive Plan and public welfare.
5. Direct the City to adopt procedures ensuring full compliance with the Open and Public Meetings Act and LUDMA, guaranteeing all citizens a fair opportunity to participate in public hearings.
6. Work towards the development of a Main and Center Street Master Plan and adoption of the more comprehensive General Plan, showing a good faith effort by the City Council to adhere to plans.

The rezoning of one block north into the LC-1 zone constitutes impermissible spot zoning, undermines the City's planning framework, and improperly disregards available alternatives. In addition, the suppression of citizen voices and the failure to conduct a legally required City Council public hearing represent procedural violations that invalidate the ordinance. The Board should set aside the ordinance to protect the integrity of Spring City's zoning scheme and uphold the rights of its citizens.

Respectfully submitted,

Bruce Spiegel

Prepared with the Assistance of Council