

**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 origionally 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:

A M E N D M E N T

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) 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, 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.

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~~.5 acres per parcel. Lots containing less than ~~1.06~~.5 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~~.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 smaller 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: 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 ~~six~~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 and 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. 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

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 FEES¹: 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 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.

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 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)

¹See 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

_____.

	AYE	NAY	ABSENT	ABSTAIN
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