

**SPRING CITY
ORDINANCE 2025-07**

**AN ORDINANCE OF SPRING CITY, MODIFYING BY AMENDMENT APPEALS
TO BOARD, TITLE 10 CHAPTER 3 SECTION 4 ALLOWING DENIAL OF LAND
USE APPLICATIONS AND ZONING PERMITS TO BE APPEALED TO THE
BOARD**

WHEREAS, The Spring City Council has considered the need to revise provisions of Title 10 Chapter 3 Section 4 of the Spring City Municipal Code (SCMC) relating to Appeals to Board; and

WHEREAS, prior to adoption of Ordinance 2024-10 SCMC was intended to be the appeal process for land use applications and zoning permit application;

WHEREAS, prior to adoption of Ordinance 2024-10, such applications received final approvals by the City Council;

WHEREAS, therefore the land use administrative decisions of the City Council could be appealed.

WHEREAS, Implementation of Ordinance 2024-10 puts these land use application and zoning permit application approvals to the Zoning Administrator and the the Planning and Zoning Commission and no longer go before the City Council; and

WHEREAS, the Spring City Council finds that this ordinance corrects the appeals authority of the Board of Adjustments.

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

SECTION 1: **AMENDMENT** “10-3-4 APPEALS TO BOARD” of the Spring City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10-3-4 APPEALS TO BOARD

- A. Authority: Any person, organization, corporation or unit or department of government which has been aggrieved by a decision allegedly made in error by the City Council or is requesting approval of a special exception, variance or other action upon which the board is authorized to act, may do so by filing a formal request in writing with the board; provided, any appeal from a decision made by the zoning administrator shall be made by filing an application with the board within a period not to exceed forty five

(45) days from the date of the contested action.

- B. Stay Of Proceedings Pending Appeal: An appeal stays all proceedings in furtherance of the action appealed from, unless the City Council certifies to the board of adjustment after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause eminent peril of life or property. In such case, proceedings shall not be stayed otherwise than by restraining order which may be granted by the board of adjustment or by the district court on application and notice and on due cause shown.
- C. Notice of Hearing of Appeal; Right of Appearance: The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to the parties in interest, and shall decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
- D. Decision On Appeal: In exercising the above mentioned powers, the board may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the zoning administrator and such other powers as herein provided.
- E. Vote Necessary For Reversal: The concurring vote of three (3) members of the board shall be necessary to reverse any order, requirement or determination of any such administrative official, or to decide in favor of the appellant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in the provision of such ordinance. (Ord. 2005-03, 9-8-2005)

AFTER AMENDMENT

10-3-4 APPEALS TO BOARD

- A. Authority: Any person, organization, corporation or unit or department of government which has ~~been aggrieved by a decision allegedly made in error by the City Council~~ had a denial of land use application or zoning permit application pursuant to SCMC Title 10 and/or Title 11 or is requesting approval of a special exception, variance or other action upon which the board is authorized to act, may do so by filing a formal request in writing with the board; provided, any appeal from a decision made by the zoning administrator or Planning and Zoning Commission regarding land use applications and zoning permit applications shall be made by filing an application with the board within a period not to exceed forty five (45) days from the date of the contested action.
- B. Stay Of Proceedings Pending Appeal: An appeal stays all proceedings in furtherance of the action appealed from, unless the City Council certifies to the board of adjustment after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause eminent peril of life or property. In such case, proceedings shall not be stayed otherwise than by restraining order which may be granted by the board of adjustment or by the district court on application and notice and on due cause shown.

- C. Notice of Hearing of Appeal; Right of Appearance: The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice to the parties in interest, and shall decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
- D. Decision On Appeal: In exercising the above mentioned powers, the board may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the zoning administrator and such other powers as herein provided.
- E. Vote Necessary For Reversal: The concurring vote of three (3) members of the board shall be necessary to reverse any order, requirement or determination of any such administrative official, or to decide in favor of the appellant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in the provision of such ordinance. (Ord. 2005-03, 9-8-2005)

SECTION 2: **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

Attest

Chris Anderson, Mayor, Spring City

Ruth Ann McCain, City Recorder,
Spring City