

**SPRING CITY
ORDINANCE 2026-01**

**AN ORDINANCE OF SPRING CITY, MODIFYING BY AMENDMENT APPEALS
IN TITLE 3 CHAPTER 1 SECTION 13(I) AND TITLE 10 CHAPTER 5 SECTION
5(G) TO BE CONSISTANT WITH UTAH STATE AND SPRING CITY CODE THAT
ONLY ADMINISTRATIVE ACTION BY THE CITY COUNCIL CAN BE
APPEALED TO THE BOARD OF ADJUSTMENT**

WHEREAS, The Spring City Council has considered the need to revise provisions of Title 3 Chapter 1 Section 13(I) and Title 10 Chapter 5 Section 5(G) of the Spring City Municipal Code (SCMC) relating to Appeals; and

WHEREAS, prior to adoption of Ordinance 2024-10 the approval process for home business licenses went before the City Council; and

WHEREAS, application approvals for land use applications and zoning permit applications received final approval by the City Council; and

WHEREAS, Title 10 chapter 3 Section 4 of the Spring City Municipal Code allows denial of land use applications or zoning permit applications to be appealed to the Board; and

WHEREAS, Title 10 chapter 3 Section 4 of the Spring City Municipal Code allows denial of land use applications or zoning permit applications to be appealed to the Board; and

WHEREAS, the law; of the State of Utah allows only administrative (and not legislative) decisions of the City Council to be appealed to the Board:

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

SECTION 1: AMENDMENT "3-1-13 HOME BUSINESSES" of the Spring City Municipal Code is hereby *amended* as follows:

A M E N D M E N T

3-1-13 HOME BUSINESSES

A "home business" is any business use conducted within a dwelling or adjacent structures located on the same premises and carried on by persons residing in the dwelling unit. 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 area. A home business is permitted in the residential-agricultural zone, the commercial zone, and the historic district on a conditional basis.

A. Required Conditions: The following conditions are required and shall be requisite to and complied with at all times by the home business license holder. Should the planning and zoning commission, in any individual case, determine that one or two (2) of the following conditions will not affect the character of the particular residential neighborhood, they may waive such conditions. On the other hand, should the planning and zoning commission determine that any particular home business may have an adverse effect on the surrounding neighborhood, they may set other conditions not listed below:

1. All home business activities and services shall be conducted wholly within the confines of the structures on the premises, except the sale of produce, plants, or any like product.
2. The home business shall not exceed twenty five percent (25%) of the total floor and garage areas of the said structures.
3. Inventory and supplies for the home business shall not occupy more than fifty percent (50%) of the area permitted for the home business in Part A,2.
4. Only those persons who are bona fide residents of the premises shall be employed in the home business.
5. A home business shall not produce extraordinarily high foot or vehicular traffic to and from the dwelling premises that would be considered unusual for the particular zone.
6. Vehicular parking for a home business shall be provided for as follows:
 - a. All vehicles parked on city easements shall be no closer than five feet (5') from the road edge or the tires on vehicle must be five feet (5') from the road edge.
 - b. The property owner is encouraged to provide "off street" parking.
 - c. Upon certain conditions a temporary use permit may be obtained for greater numbers of vehicle parking for short periods of time (see SCMC 10-1-3, "Definitions"). To do so, the applicant will need to contact the planning and zoning commission or the zoning administrator.
 - d. No visitors in conjunction with the home business (clients, patrons, students, etc.) shall be permitted between the hours of eleven o'clock (11:00) P.M. and seven o'clock (7:00) A.M.
7. Signs must be contained totally within the business property. Such sign shall not be self-illuminating (e.g., neon) or be illuminated by exceedingly bright or flashing lights. Any direct lighting for said sign shall be completely shielded from the neighbors and all vehicular traffic. Temporary pennants and banners may be permitted with a temporary use permit (see SCMC 10-1-3, "Definitions", also SCMC 10-8-2, "Temporary Uses"). Vehicles or equipment may not be used primarily for the purposes of advertising.
 - a. "Free Hanging" signs may be placed either parallel to or perpendicular to the building face hanging on either a single or double pylon type base. Pylons may not be larger than six inches (6") in diameter. Signs may not cause a visual obstruction for motor vehicle operation.

- b. Signage will be allowed for direction to home business on private property, if permission, in writing is gained from the private property owner. The signage will be no larger than two feet by two feet (2' x 2').
- 8. No mechanical or electrical apparatus, equipment, or tools shall be permitted except those commonly associated with a residential use.
- 9. The home business shall not produce odor, smell, fumes, smoke, dust, heat, light, glare, materials, lightning, sounds, noises, or vibrations or other nuisances, including interference with radio and television reception or other adverse effects that may be discernable beyond the premises except those commonly associated with a residential area.
- 10. The home business license holder shall conduct the home business in conformity with fire, building, plumbing, electrical, and health codes specified by state laws.
- 11. The home business shall not cause or create a demand for municipal or utility services or community facilities in excess of those usual and customary to residential use.
- 12. Should more than one home business license be issued for the same dwelling, they shall comply with the terms of this chapter as if they are one business.
- 13. No process or activity may be employed that is hazardous to public health, safety, morals, or welfare.
- 14. The home business shall not alter the residential character of the premises or unreasonably disturb the peace and quiet of the neighborhood.
- 15. Inspection during reasonable hours by city officials may occur as necessary to assure compliance with this chapter.

B. Businesses Specifically Prohibited: Although not limited to the following, the businesses and types of business listed below are specifically disallowed as home businesses:

- 1. Any and all businesses dealing with controlled, dangerous, hazardous, toxic, or illegal substances or services shall be prohibited. This includes, but is not limited to, use or storage of gasoline, propane, acids and volatile paint products in quantities in excess of five (5) gallons.
- 2. Automotive sales, auto body repair, automotive or large engine repair (over 35 horsepower), other machinery sales and services, boat sales and services, motorcycle, all-terrain vehicles (ATVs), ambulance, tow truck, or other emergency vehicle storage or repair, or any like businesses shall be prohibited. This includes, but is not limited to, farm machinery, trailers, and other machinery manufacturing sales or service, or any business requiring spray painting equipment.
- 3. Any business requiring exterior storage of large quantities of supplies, materials, or equipment shall be prohibited with the exception of agricultural products and supplies.
- 4. Large scale welding, machining, or metal fabrication of any product shall be prohibited.
- 5. Large scale woodworking operations shall be prohibited.

6. Junkyards.
7. Any business that by its nature has a pronounced tendency, once started, to rapidly increase beyond standards permitted for home businesses shall be prohibited. Some types and examples of such businesses include, but are not limited to, the following: mortuaries, kennels (including mink, turkey, and other livestock stables), animal hospitals, veterinary services, clinics, dental or medical offices, hospitals, physical therapy, massage therapy or other healing arts, fitness centers (aerobic and jazzercise classes, or spas), dance and other schools, boutiques, or antique shops.

Note: Home based daycare centers shall not be deemed prohibited by the above but must remain small and not only comply with the provisions of this chapter but the requirements set down by the county, state, and federal agencies as well. (See proper county, state, and federal agencies for complete rules.)

C. Conditional Uses: Home business owners can apply to the planning and zoning commission for a conditional use. The planning commission, or when authorized, the zoning administrator, shall not authorize a conditional use permit unless evidence is presented to establish that:

1. The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the community;
2. Such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons, not injurious to property or improvements in the community, but will be compatible with and complementary to the existing surrounding uses, buildings and structures when considering traffic generation, parking, building design and location, landscaping and signs;
3. The proposed use will comply with the regulations and conditions specified in this title for such use;
4. The proposed use conforms to the goals, policies and governing principles and land use of the master plan;
5. The proposed use will not lead to the significant deterioration of the environment or ecology of the general area, nor will produce conditions or emit pollutants of such a type or of such a quantity so as to detrimentally affect to any appreciable degree public or private property including the operation of existing uses thereon in the immediate vicinity or the community or area as a whole; and
6. The conditions imposed on the use shall:
 - a. Comply with the intent, spirit, and regulations of the zoning ordinance and the zoning district where the use is to be located, and
 - b. Assure that the conditional use permit is granted if reasonable conditions can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use.

D. Business License Requirement: To assure compliance with the provisions of this chapter and to protect the character of residential neighborhoods in Spring City, a

home business license is required. It shall be unlawful for any person to operate or engage in a home business of any kind without a home business license, except as otherwise specifically provided herein. Application of the same shall be reviewed by and approved by the City as provided below before a dwelling unit in a residential zone may be used for business purposes. A home business license requiring a fee as provided below shall be renewable each year at the city offices, shall be nontransferable, and must be signed by the appropriate city officers. Home business licenses issued without a fee need not be evidenced by a certificate issued by the City, and will continue in effect until the nature of the business conducted changes from that set forth in the application. If at the request of the applicant the City issues a certificate evidencing a home business license for which it is not otherwise entitled to change a fee, the City may charge a reasonable administrative fee in connection with the issuance of such certificate.

E. License Procurement Procedure: The following procedure shall be followed by those wishing to obtain a home business license:

1. The applicant shall pick up an inner office information sheet and an application for home business license at the city offices, fill them out, and return them. The application for home business license will be forwarded to the City's Zoning Administrator for consideration and, as appropriate, forwarding for consideration of applicable issues by the City Council or Planning and Zoning Commission.
 - a. The application for home business license shall have attached, a copy of this section, "Home Businesses", for consideration by the applicant.
 - b. The application for home business license shall require the following information:
 - (1) Name, mailing address, and phone number of applicant.
 - (2) The address of the premises in question (location of proposed home business).
 - (3) A thorough and complete description of the proposed business.
 - (4) A thorough and complete impact evaluation to include estimations of noise, traffic, pollution, business hours and any other pertinent information to assist the City as well as the neighbors (if applicable) to understand the character of the home business being proposed.
 - (5) A certification by signature and date that applicant has read and is in compliance with this section, and the proposed home business will satisfy the applicable conditions set forth above, and will not involve any disallowed business as referenced above.
 - (6) If the fee payment obligation is to be avoided, a certification by the applicant that the operation of the proposed home-based business will not result in a material increase in the offsite impact of the residential use alone.

- c. If the combined offsite impact from the home-based business and the primary residential use materially exceeds the offsite impact of the residential use alone, the application must be accompanied by a non-refundable fee in an amount determined from time to time by the City, to cover the cost of the application process.
2. With respect to home-based business licenses for which a fee is payable as referenced above, the city shall identify all adjacent as well as across the street and diagonal property owners (hereinafter called "neighbors") to the proposed home business premises. The city shall then send, by regular mail, the following to all such neighbors:
 - a. A copy of the application for home business license submitted by the applicant.
 - b. A neighbor response form allowing the respective neighbor to comment on the impact of the proposed business. The neighbor response forms will be reviewed by the planning and zoning commission and/or city staff in connection with the review of the license application.
 - (1) Neighbors of the applicant shall have fourteen (14) days to respond by mailing (or otherwise returning) the neighbor response form back to the city.
 - (2) It is not required that all neighbors approve of the proposed business for the license to be approved by the planning and zoning commission and city staff.
 - (3) Any comments by a neighbor must not be frivolous or prejudicial to have weight in consideration in the application review process. A comment that is determined by the city or its representatives to be frivolous or prejudicial will be disregarded.
 - (4) The city may not charge a fee for the licensing and operation of a home-based business license unless the combined offsite impact from the home-based business and the primary residential use materially exceeds the offsite impact of the residential use alone.
3. The City's Zoning Administrator shall review each application for a home-based business license and determine if any review or action by the Planning and Zoning Commission or City Council is required. If any such action is required, the City shall notify the applicant of any need to appear or be represented at any meeting. In the case of applications requiring a notification of neighbors, adequate time (approximately 30 days) will be given for the City to send out neighbor response forms, receive their return, and consider their impact on the issuance of the home-based business license.
 - a. The applicant or his/her representative should be present at a meeting at which the issuance of a license will be considered prepared to discuss the particulars of compliance with the conditions of this

chapter, the neighbor responses, as well as any other pertinent information regarding their application for home business license. Because this is a public meeting those to whom it may concern will have opportunity to attend and be heard.

- b. The public body considering the matter by a vote of its members, may or may not approve or reject the application at this meeting.
- c. If the proposed license is rejected, the reasons for such rejection shall be stated in writing and shall be made available to the applicant as well as the city council.
- d. Appeals of any action taken or failed to be taken may be made in accordance with the provisions of the Spring City Municipal Code.

F. Revocation Of Home Business License: Notwithstanding any other remedies at law available to the City relative to noncompliance or violations of this chapter, the City planning and zoning commission and/or city council shall have the right and authority to revoke any home business license if the applicable conditions and requirements are not met. At such time all home business operations shall cease.

1. The City may also issue warnings or citations as considered proper and shall set amounts of fines as deemed by them appropriate.
2. All warnings, citations, and license revocations shall be presented in writing by the appropriate law enforcement agency.
3. Upon the third cited violation of this section within a consecutive twelve (12) month period, the home business license will be revoked. At such time all home business operations shall cease.
4. In extreme cases where public health, safety, or welfare is concerned, the City may waive all warnings and citations and elect to revoke the home business license at which time all business operations will cease.

G. Zoning Changes: For zoning changes see the planning and zoning commission and/or the zoning administrator.

H. Official Authority: Within the scope of authority given them by the city council, the planning and zoning commission and the zoning administrator shall be the official coalition authorized to clarify and interpret any provision related to this section. It shall consider violations thereof, issues of complaint, or other issues related to the planning and zoning of Spring City and shall make recommendations to the city council for settlement of any and all planning and zoning issues.

I. Appeals: Should any Spring City resident feel they have been unfairly affected by any decision of the planning and zoning commission or any administrative decision of the city council, they may appeal to the board of adjustment. (Ord. 2010-04, 10-6-2010)

SECTION 2: AMENDMENT “10-5-5 ESTABLISHMENT OF ZONES AND MAP” of the Spring City Municipal Code is hereby *amended* as follows:

A M E N D M E N T

10-5-5 ESTABLISHMENT OF ZONES AND MAP

- A. Planning And Zoning Commission: The planning and zoning commission may recommend to the city council the division of the territory, over which said city council has jurisdiction, into zones of a number, shape, and area that it considers appropriate to carry out the purposes of this title.
 1. Within those zones the planning and zoning commission may recommend the regulation, restriction, the erection, demolition, construction, reconstruction, alteration, repair, or use of buildings and structures, and the use of land.
 2. The planning and zoning commission shall ensure that the regulations are uniform for each class or kind of building throughout each zone, but the regulations in one zone may differ from those in other zones.
 3. The planning and zoning commission shall also interpret, for purposes of clarification, the meaning and intent of the particular use of the various zones.
- B. Zones: In order to accomplish the purposes of this title, the city is hereby divided into zones in accordance with this title and said general plan, as herein set forth:
 1. R-1 single-family residential agricultural zone;
 2. R-3 mobile home park residential zone;
 3. R-4 multiple residential assisted living zone;
 4. R-MF multi-family residential zone;
 5. LC-1 light commercial zone;
 6. LI-1 light industrial zone;
 7. PF-1 public facilities zone;
 8. RVP-1 recreational vehicle park zone; and
 9. HD historic district (this is not a zone; see SCMC 2-1 and SCMC 10-6, article H).
- C. Considerations: In the preparation of this title, due and careful consideration was given, among other things, to the suitability of land for particular uses, to existing and probable future conditions within the city, and to the character of each of the several zones with an emphasis on conservation of the value of buildings and lands, meeting the needs of the citizens, complying with the majority of citizen desires as expressed in past surveys, and encouraging the most appropriate use of lands to protect the health, safety, and general welfare of the citizens throughout the city.
- D. Map:
 1. The location and boundaries of each of the zones as contained herein are shown on the zoning map entitled "Zoning Map of Spring City, Utah", and all boundaries, titles, notations and other data shown thereon are hereby adopted as part of this title.
 2. Where uncertainty exists as to the boundaries of zones as shown on city maps, the following shall apply:
 - a. Boundaries as approximately following the centerlines of streets, highways, or alleys shall be construed as moving with the centerline.
 - b. Boundaries indicated as approximately following the right of way lines of streets, highways, or alleys shall be construed to follow such right of way lines, and in the event of a change in the right of way

lines, shall be construed as moving with the right of way line.

- c. Boundaries indicated as approximately following the centerlines of streams, rivers, canals or other bodies of water, or flood control channels, shall be construed to follow such centerlines and in the event of the change of the centerline, it shall be construed as moving with the centerline.
- d. Boundaries indicated as approximately following platted or lot lines shall be construed to follow such lot lines.
- e. In case of any further uncertainty existing, the board of adjustment shall determine the location of such boundaries.
- f. Boundaries of each of said zones are hereby established as described herein and shown on the zoning map, as amended from time to time, to conform to the actions of the city council, which map is on file in the city office, and all boundaries shown thereon are made by this reference as much a part of this title as though fully described and detailed herein.
- g. Fence lines are not true and correct property lines.
- h. Surveys are required if property boundaries are questionable.

E. Zoning Changes: Proposals for zoning changes must be presented by owners/developers to the planning and zoning commission for review and approval. Should the planning and zoning commission approve the change they will make such recommendations, in writing, to the city council who will then schedule a public hearing. After consideration of all recommendations, the city council will vote to adopt or reject the change. Should the planning and zoning commission disapprove the proposal, such disapproval with recommendations shall be passed on, in writing, to the city council. In such case the applicant may appeal to the board of adjustment whose approval or disapproval of recommendations shall be expressed, in writing, to the city council who, after a public hearing (if one has not been held on this issue) and consideration of all recommendations, will vote to adopt or reject the change.

F. Official Authority: Within the scope of authority given them by the city council, the planning and zoning commission shall be the official coalition authorized to clarify and interpret any provision related to this chapter. It shall consider violations thereof, issues of complaint, or other issues related to the planning and zoning of Spring City and shall make recommendations to the city council for settlement of any and all planning and zoning issues.

G. Appeals: Should any Spring City resident feel they have been unfairly affected by any decision of the planning and zoning commission or any administrative decision of the city council, they may appeal to the board of adjustment. (Ord. 2005-05, 9-8-2005)

PASSED AND ADOPTED BY THE SPRING CITY COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Councilmember Chris Anderson	_____	_____	_____	_____
Councilmember Marty McCain	_____	_____	_____	_____
Councilmember Michael Broadbent	_____	_____	_____	_____
Councilmember Courtney Syme	_____	_____	_____	_____
Councilmember Laurel Workman	_____	_____	_____	_____

Presiding Officer

Attest

Paul Penrod, Mayor, Spring City

Ruth Ann McCain, City Recorder,
Spring City