

**TOWN OF RUSH VALLEY
ORDINANCE NUMBER 2022-01**

**AN ORDINANCE AMENDING THE TOWN'S VARIANCE SECTION
IN THE LAND USE DEVELOPMENT AND MANAGEMENT CODE
OF THE TOWN OF RUSH VALLEY**

BE IT ENACTED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF RUSH VALLEY, UTAH AS FOLLOWS:

SECTION ONE - PURPOSE: This ordinance is for the purpose of amending the Rush Valley Land Use Development and Management Code, section 3.21 Variances. There has been unclarity and confusion regarding Variances, procedure for applying for Variances, and the procedure to be followed for Variances to be granted. This amendment is intended to repeal the Town of Rush Valley's Variance section and adopt the State of Utah's Variance statute, to wit: Utah Code Ann.10-9a-702 as the governing law in the Town of Rush Valley governing Variances. Furthermore, this ordinance is intended to clarify procedure regarding applications for Variances and granting of Variances. This amendment was initiated by the Planning & Zoning Commission and approved by the Council of the Town of Rush Valley.

SECTION TWO – AMENDMENT OF Section 3.21 Variances: This new section will be entitled “Variances – Variance Application Procedure”. This amended section will be worded as follows:

- (1) Any person or entity desiring a waiver or modification of the requirements of this Land Use Development and Management Code, as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the Planning & Zoning Commission for a Variance from the terms of this code.
- (2) Grounds for the granting of Variances shall be governed by Utah Code Ann.10-9a-702 or its amended or superseding equivalent statute.
- (3) A completed Variance Application shall be required before a request shall be considered by the Planning & Zoning Commission. An incomplete Variance Application is grounds for the denial of the Variance.
- (4) The Variance Application shall include:
 - a. The applicant's name, address, phone number, and email address;
 - b. The property owner's name, address, phone number, and email address;
 - c. The property's address and legal description;
 - d. The property's zoning district;

- e. The property's present use;
- f. A description, with complete specificity, the use, project, or type of Variance being requested;
- g. A detailed explanation in what way literal enforcement of the land use ordinance would cause a hardship on the applicant and how the literal enforcement of this code is not necessary to carry out the general purpose of the code;
- h. A detailed explanation identifying the special circumstances attached to this property which do not generally apply to other properties in the zoning district;
 - i. An explanation of when and by whom these circumstances were created, if known;
- i. A detailed explanation of how granting the proposed Variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district;
- j. The applicant's signature, dated on the day the applicant signed, declaring under penalty of perjury that the applicant is the property owner or an authorized agent of the property subject to Variance Application and that the statements made in the applications, and any accompanying documents with the application, are true and correct;
- k. The total lot size;
- l. A sketch of the property containing:
 - i. The distance from any main building on the lot to any accessory buildings;
 - ii. The distance from any/all buildings to property lines;
 - iii. The distance between the proposed structure and any building on neighboring property;
 - iv. All measurements as they currently exist and how they would be affected by any proposed building.

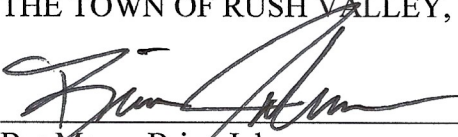
(5) An application fee of \$50.00 shall be assessed for each Variance Application.

(6) Upon submission of a complete Variance Application, a public hearing shall be held to address the Variance Application.

(7) The Planning Commission & Zoning Commission shall grant or deny a Variance request in writing within 45 days of the public hearing.

PASSED AND ADOPTED by the Town Council of the Town of Rush Valley, Utah, this
26th day of January 2022

BY ORDER OF THE TOWN COUNCIL OF
THE TOWN OF RUSH VALLEY, UTAH


By: Mayor Brian Johnson

ATTEST


Patty Rowe, Town Clerk

