

SPRING CITY, UTAH
ORDINANCE 2023-__
AMENDMENTS TO TITLE 3: BUSINESS AND LICENSE REGULATIONS

WHEREAS, the City Council of Spring City has considered needs to revise provisions in Title 3 of the Spring City Code, relating to Business and License Regulations; and

WHEREAS, the City Council has proposed modifications to Title 3, Business and License Regulations, has presented and reviewed such modifications in a public meeting and has proposed that they be considered for adoption;

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

SECTION 1: Amendment of Section 3-1-4 – Commercial License Application and Procurement Procedure. Section 3-1-4, titled “Commercial License Application and Procurement Procedure,” is hereby amended to read in its entirety as set forth below, with new language added and existing language deleted, as indicated:

Section 3-1-4 COMMERCIAL LICENSE APPLICATION AND
PROCUREMENT ISSUANCE PROCEDURE

Issuance ~~Procurement~~ procedures for a commercial business license (available for zones other than residential zones) are as follows:

A. The applicant shall pick up an inner office information sheet and an application for commercial business license at the city offices, fill them out, and return them with the nonrefundable application fee, which fee will cover the cost of the application process. The amount of the application fee will be set by the city council and is subject to change from time to time ~~without notice~~.

B. The application for commercial business license shall be forwarded to the city staff and the planning and zoning commission for review, approval, disapproval, and/or recommendation and shall, among other information, require the following information:

1. Name, mailing address, and phone number of applicant.

2. The address, the zone(s) and location(s) where the proposed business will be conducted.

3. A thorough and complete description of the proposed business.

4. A thorough and complete impact evaluation may be required to include estimations of noise, traffic, pollution, business hours and any other pertinent information to assist the planning and zoning commission and city staff in evaluating the application.

5. A certification by signature and date that applicant has read and is in compliance with any and all conditions and requirements of the particular zone in question as set forth in SCMC Title 10.

C. In order for his/her the license application to be considered by the planning and zoning commission, the applicant shall arrange (at the city office) for this item to be put on the agenda of a regularly scheduled public planning and zoning meeting. Scheduling of this item should give adequate time (approximately 14 days in advance) for the planning and zoning commission to consider their adjudication relative to the approval or rejection of said application.

1. The applicant or his/her representative should be present at said planning and zoning meeting prepared to discuss the particulars of compliance with the conditions of this chapter and SCMC Title 10 as well as any other pertinent information regarding their application for commercial business license. ~~Because this is a public meeting, those to whom it may concern will~~ Any member of the public shall have opportunity to attend and be heard. To be heard, the person needs to make a request prior to the start of the planning and zoning meeting.

2. The planning and zoning commission may require more information or more time for ~~consideration of the case, or by a vote of its members,~~ review of the application or may approve or reject or table the application at this meeting.

3. If the planning and zoning commission rejects the application, the reasons for such rejection shall be stated in writing and shall be made available to the applicant as well as the city council.

4. Should the applicant wish to pursue the matter further, he/she may make remedies and reschedule with the planning and zoning

commission at their next public meeting or he/she may appeal the decision of the planning and zoning commission by contacting the appropriate city official and have the matter put on the agenda of the next city council meeting where the case will be put before the city council.

~~5. Notwithstanding the decisions of the planning and zoning commission, their findings and judgments, the city council shall have final approval.~~

D. Upon approval by the planning and zoning commission or in the case of an overturned rejection by vote of the city council, a commercial business license, with the appropriate city official's signatures, will be issued to the applicant.

E. If the application for a commercial business license is denied, the applicant may appeal the denial of the license to the city council. The city council shall act on the appeal of a denied license within 30 days of the receipt of the appeal. The council shall determine, on appeal, whether the denial of the license was correct and shall owe no deference to the determinations of the planning and zoning commission or city staff.

SECTION 2: Amendment of Home Businesses Conditional Uses, as found at Section 3-1-13(C). Subparagraph 6 the Conditional Use provisions found in Section 3-1-13(C) is hereby amended to comply with applicable state requirements, and to read in its entirety as follows, with new language added, and existing language stricken, as indicated below:

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.~~Make the use harmonious with the neighboring uses in the zoning district,~~
 - c. ~~Abate nuisances that would not be in harmony with the neighboring uses,~~
 - ~~d. Protect property values and the tax base of Uintah Sanpete County,~~
~~and~~

~~—e. Bear a rational relationship to the use and health, safety, comfort, order or general welfare and shall not be arbitrary or capricious in nature.—~~

SECTION 3: Amendment of Business License Requirement, as found at Section 3-1-13(D). Section 3-1-13(D) is hereby amended to read in its entirety as follows, with new language added, and existing language stricken, as indicated below:

- 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~~planning and zoning commission~~ 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 charge a fee, the City may charge a reasonable administrative fee in connection with the issuance of such certificate.

SECTION 4: Amendment of License Procurement Procedure, as found at Section 3-1-13E. Section 3-1-13(E) is hereby amended to read in its entirety as follows, with new language added, and existing language stricken, as indicated below.

- 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 ~~with the nonrefundable application fee, which fee will cover the cost of the application process. The amount of the application fee will be set by the city council and is subject to change without notice.~~ 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.~~planning and zoning commission for review, approval, disapproval, and/or recommendation.~~

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** ~~planning and zoning commission~~ 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) It 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, ~~t~~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 ~~certified~~ 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 ~~approve or reject as well as~~ 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 to their approval and/or disapproval and notification to the city council pursuant to the issuance of a license 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 order for his/her application to be considered by the planning and zoning commission, the applicant shall arrange (at the city office) for this item to be put on the agenda of a regularly scheduled public planning and zoning meeting. Scheduling of this item should give~~ In the case of applications requiring a notification of neighbors, adequate time (approximately 30 days) ~~will be given for the City for the planning and zoning commission~~ to send out neighbor response forms, receive their return, and consider their ~~impact on the issuance of the home-based business license~~ adjudication relative to the approval or rejection of said application.

- a. The applicant or his/her representative should be present at a meeting at which the issuance of a license will be considered ~~said planning and zoning meeting~~ 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 ~~planning and zoning commission~~, 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 ~~planning and zoning commission rejects the application~~, 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. ~~Should the applicant wish to pursue the matter further, he/she may make remedies and reschedule with the planning and zoning commission at their next public meeting or he/she may appeal the decision of the planning and zoning commission by contacting the appropriate city official and have the matter put on the agenda of the next city council meeting where the case will be put before the city council.~~
 - e. ~~Notwithstanding the decisions of the planning and zoning commission, their findings and judgments, the city council shall have final approval.~~
4. ~~Upon approval by the planning and zoning commission or in the case of an overturned rejection by vote of the city council, a home business license, with the appropriate city officials' signatures, will be issued to the applicant.~~

SECTION 5: Amendment of Revocation of Home Business License Provision, found at Section 3-1-13(F). Section 3-1-13(F) is hereby amended to read in its entirety as follows, with new language added, and existing language stricken, as indicated below.

F. Revocation Of Home Business License: Notwithstanding any other remedies at law available to the ~~City planning and zoning commission and/or city council~~ 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.

- a. The ~~City planning and zoning commission and/or city council~~ may also issue warnings or citations as considered ~~by them~~ proper and shall set amounts of fines as deemed by them appropriate.
- b. All warnings, citations, and license revocations shall be presented in writing by the appropriate law enforcement agency.
- c. 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.
- d. In extreme cases where public health, safety, or welfare is concerned, the ~~City planning and zoning commission and/or city council~~ may waive all warnings and citations and elect to revoke the home business license at which time all business operations will cease.

Effective Date: This ordinance shall take effect upon publication or posting or thirty (30) days after passage, whichever occurs first.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SPRING CITY,
UTAH, _____, 2023.**

Attest:

Mayor Chris Anderson
Spring City, Utah

Ruth Ann McCain, Spring City Recorder

Results of Roll Call Vote:

AYE NAY ABSENT ABSTAIN

Craig Clark
Courtney Syme
Paul Penrod
Nancy Allred
Tim Clark

RECORDED this ____ day of _____, 2023

PUBLISHED OR POSTED this ____ day of _____, 2023

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with requirements of the Spring City Municipal Code and applicable laws of the State of Utah, the undersigned Recorder of Spring City, Utah hereby certifies that the foregoing ordinance was duly passed and published or posted at:

- 1)
 - 2)
 - 3)
- on the above referenced dates.

Ruth Ann McCain, Recorder, Spring City, Utah