

SPRING CITY, UTAH
ORDINANCE 2023-__
AMENDMENTS TO TITLE 11: SUBDIVISION REGULATIONS

WHEREAS, the Spring City Planning and Zoning Commission (“P&Z”) has considered needs to revise provisions in Title 11 of the Spring City Code, relating to Subdivision Regulations, as it has dealt with various subdivision issues over time;

WHEREAS, P&Z has proposed various modifications of Title 11, Subdivision Regulations, has presented and reviewed such modifications in public meetings and has proposed that they be presented in a public hearing and then considered for adoption by the Spring City Council;

WHEREAS, Notice of a Public Hearing regarding the proposed amendments has been published as required by applicable law; and

WHEREAS, the Public Hearing was held on the evening of _____, _____, 2023, followed by a meeting of the City Council, at which the amendments were considered for adoption;

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

SECTION 1: Amendment of Definition of Buffer Zone, Found at Section 11-1-2. The Definition of “Buffer Zone” found in Section 11-1-2 of the Spring City Municipal Code is amended to read in its entirety as follows, with new language added, and some existing language stricken, as indicated below:

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. ~~As per an agreement with the county, activities proposed within this zone would meet with the approval of the city first, or instead of the county and~~ 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.

SECTION 2: Amendment of Definition of Subdivision, Found at Section 11-1-2. The definition of “Subdivision” found at Section 11-1-2 of the Spring City Municipal Code is hereby amended to read in its entirety as follows, with new language added, as indicated below:

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 regulations,” and comply with the same before attempting any subdivision. Failure to comply with subdivision laws ~~and/or~~ 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 plants, terms and Conditions. Further, any person or persons making or proposing such subdivision of land shall be called the subdivider and/or developer and/or owners. 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.

SECTION 3: Amendment of Section 11-1-4 – Due Process and Approval.
Section 11-1-4 of the Spring City Municipal Code, titled “Due Process and Approval,” is hereby amended to read in its entirety as follows, with old language stricken and new language added, as indicated below:

SCMC 11-1-4 DUE PROCESS AND APPROVAL

No plat of land located within the limits of Spring City shall be subdivided or divided and sold; nor shall any part thereof be divided and/or sold without completion of all subdivision requirements as put forth in this title, including approval of all officials and all ~~legislative bodies~~ land use authorities concerned. Without such process and approvals, it is unlawful to record any sale of any divided land and any such act may be punishable by fine and/or imprisonment. The only exceptions to the above shall be: a) lands divided and exchanged for convenience (in the manner of a shifting boundary line) between ~~landowners~~ owners of neighboring parcels where the resulting modified parcels would be in full compliance with all applicable legal requirements where no development is done, required or allowed; and b) a division or partitioning of agricultural land for “bona fide” agricultural purposes only (not development). Such exceptions must still be approved, in writing, by all officials and ~~legislative bodies~~ land use authorities concerned. Further, any and all conditions set by them must be complied with. Notwithstanding the other provisions of this Title 11, the city may elect to permit the consolidation of any one or more of the steps contemplated by this Title 11.

SECTION 4: Amendment of Section 11-2-3 – Preliminary Plan Reviews.
Subsection G, titled “City Council Action” of Section 11-1-4 of the Spring City Municipal Code, titled “Zoning Permit Required” is hereby amended to read in its entirety as follows, with language added and deleted as follows:

SCMC 11-2-3 Preliminary Plan Reviews

Subsection G. City Council Action:

The city council shall review the preliminary plan, the recommendations of the planning and zoning commission, as well as all other recommendations of concerned officials and agencies and shall approve or disapprove the preliminary plan or refer it back to the planning and zoning commission for further study and/or changes. Before taking action on the plan, the city council ~~shall~~ may elect to hold a public hearing or request the planning and

zoning commission to hold a public hearing putting the plan and all matters pertaining thereto before the public. Said hearing, if one is held, shall be called by giving legal notice, in a newspaper having general circulation in the city, not more than thirty (30) nor less than fifteen (15) days prior to the date of the hearing and by posting in three (3) public places within the city. The legal notice shall contain the date, place and time of the hearing. Upon approval of the preliminary plan by the city council, the subdivider/developer/owner shall be authorized to prepare and submit the final plan to the planning and zoning commission and city council, which shall be in compliance with all procedures, requirements and standards relating to final approval.

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