

**SPRING CITY, UTAH
ORDINANCE 2021-01
AMENDMENTS TO TITLE 10: ZONING REGULATIONS**

WHEREAS, the Spring City Planning and Zoning Commission (“P&Z”) has considered needs to revise provisions in Title 10 of the Spring City Code, relating to Zoning Regulations, as it has dealt with various development projects over time;

WHEREAS, P&Z has proposed various modifications of Title 10, Zoning 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;

WHEREAS, the Public Hearing was held on the evening of Tuesday, January 7, 2021, followed by a meeting of the City Council, at which the amendments were considered for adoption; and

WHEREAS, following the Public Hearing the City Council adopted a resolution to approve the amendments as set forth below;

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

SECTION 1: Amendment of Definition of Accessory Structure, Found at Section 10-1-3. The Definition of “Accessory Structure” found in Section 10-1-3 of the Spring City Municipal Code is amended to read in its entirety as follows, with new language added, as indicated below:

ACCESSORY STRUCTURE: A detached subordinate building clearly incidental to and located upon the same lot occupied by the main building. Unless an accessory structure meets applicable "conditional use" requirements, it cannot be a dwelling. Accessory structures most commonly include, but are not limited to, detached garages, storage sheds, storage containers, carports, greenhouses, gazebos, pavilions, barns, coops, and the like. No accessory building or group of buildings in any residential zone shall cover more than twenty five percent (25%) of the remaining yard after reducing the available yard size for the applicable setbacks. Accessory structures must comply with existing setback ordinances and zoning permit requirements.

SECTION 2: Amendment of Definition of General Plan, Found at Section 10-1-3. The definition of “General Plan” found at Section 10-1-3 of the Spring City Municipal Code is hereby amended to read in its entirety as follows, with new language added, as indicated below:

GENERAL PLAN: The general plan recommended by the planning and zoning commission and adopted by the city council (after appropriate public hearings) outlining the direction the physical as well as the philosophical development of Spring City should attempt to follow. The general plan required under UCA 10-9a-401 is known as the Spring City Master Plan.

SECTION 3: Amendment of Definition of RV Park, Found at Section 10-1-3. The definition of “RV Park” found at Section 10-1-3 of the Spring City Municipal Code is hereby amended to read in its entirety as follows, with old language stricken and new language added, as indicated below:

RV PARK: This is an area established for temporary (a maximum of 30 consecutive days within any 90 day period) parking of recreational vehicles (RVs) which for this zone only (recreational vehicle park zone) are defined as camper type trailers, motor homes, ~~truckborne~~ truck borne campers, or the like.

SECTION 4: Amendment of Section 10-1-4 - Zoning Permit Required. Section 10-1-4 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 10-1-4 ZONING PERMIT REQUIRED.

No person shall commence the erection, construction or building of any structure, building or edifice, nor add to, enlarge, alter, convert or extend any building or structure (minor repairs excepted, see Part D) within the city, nor shall any person demolish any historic or major structure (see SCMC 10-1-3, "Definitions") without first obtaining a zoning permit from the city, thus notifying the city of their intent to do so.

1. Rules and regulations for zoning permit approval shall be set forth by policy or resolution for the approval of a zoning permit to expedite the request for the building or changes to the property so as not to deter or limit the citizen or person requesting the approval of a zoning permit. If there is no policy or resolution in place the zoning permit must be approved by the planning and zoning commission, the zoning administrator, and city council. Payment in advance for permit and inspection fees established by resolution of the city council must be made before a zoning permit can be purchased from the city office. (Ord. 2014-01, 5-15-2014)
2. In the case of a zoning permit within the historic district, the permit must also be reviewed by the historic preservation subcommittee so they can give advice and counsel upon matters concerning historic style and preservation as well as available historic grants (see SCMC 10-6, article H). Note: Although some changes may not require a zoning permit, when the property falls within the historic district it would be a good idea

for owner to consult with the historic preservation subcommittee as a matter of course so that the subcommittee can advise on matters of historic preservation.

3. Payment in advance for permit and inspection fees established by the city council must be made before a building permit can be purchased from the county building inspector's office.
4. Provisions of this section shall not ordinarily apply to nominal changes or minor repairs necessary for normal maintenance of the property such as roof or siding repairs, replacing of windows, minor interior changes, painting, minor landscape changes, etc. Renovation and remodeling work requiring Planning and Zoning Commission review includes electrical, mechanical plumbing and framing work. (Note: Although some changes may not require a zoning permit, when property falls within the historic district the owner may want to consult with the historic preservation subcommittee concerning matters of historic style and preservation.) Should there be issues or questions, the zoning administrator shall determine whether or not a project is to be regarded as nominal or normal maintenance. If it is determined that the project is normal maintenance, no zoning permit will be required. For accessory structures under two hundred (200) square feet without services, a zoning permit is required but the fee is waived. The permit is required to ensure that such structures comply with existing setback ordinances as described in SCMC 10-6A-6.
5. All issued permits shall expire if construction is not commenced within ninety (90) days and are invalid one (1) year after the date of issuance.
6. A buffer zone exists around the perimeter of Spring City. This Buffer Zone extends one-half (1/2) ~~207~~ mile from the municipal boundary. Zoning permit applications in the Buffer Zone must be reviewed by the Spring City Planning and Zoning Commission and submitted for review and approval by Sanpete County. A Spring City Buffer Zone permit application includes the same required information found in the Spring City Zoning Permit Application. Buffer zone properties recorded by the Sanpete County, Utah Recorder's Office on or before January 1, 2018 and 1.0 acres or larger are not required to have a minimum of 200 feet of frontage along a public street or road. All other provisions of the SCMC apply.

SECTION 5: Amendment of Section 10-1-7 - Site Plan Required. Section 10-1-7 of the Spring City Municipal Code, titled "Site Plan Required" is amended to read in its entirety as follows, to add language as indicated below:

SCMC 10-1-7 SITE PLAN REQUIRED

A detailed site plan, drawn to scale, shall be filed with the zoning administrator, as part of any application for a zoning permit. The site plan shall show, where pertinent:

1. Scale and north arrow.
2. Lot lines and dimensions.

3. Adjacent streets, roads, rights of way and easements.
4. Location of existing structures on subject property and adjoining properties, drawn to approximate scale, including utility poles and fences.
5. Location of proposed construction and improvement, including landscape elements with setback dimensions from the property lines on all sides.
6. Motor vehicle access, including parking stalls and sidewalk location.
7. Necessary explanatory notes.
8. Name, address and telephone number of builder and owner.
9. A set of blueprints is required for structures over two hundred one (201) square feet. (Ord. 2014-01, 5-15-2014) Proposed construction which includes a basement, root cellar or similar below-grade construction is required to excavate to the full design depth. Basement walls shall extend no greater than 1-foot (12 inches) above the original grade at any point. All below grade excavation shall be inspected by the City before the footing formwork is placed. A proposed construction plan which includes a connection to the City sewer system must be reviewed by a City utility services employee to verify the applicant's sewer plumbing design and the elevation of projected connection at the City sewer system connection. This design review must be completed and reviewed by the Zoning Administrator before a zoning permit will be issued.

SECTION 6: Amendment of Section 10-3-3 – Powers and Duties. Section 10-3-3 of the Spring City Municipal Code, titled “Powers and Duties” is amended to read in its entirety as follows, with language added and deleted as indicated below:

SCMC 10-3-3: POWERS AND DUTIES

The board of adjustment shall have the following powers:

1. **Appeal of An Administrative Ruling:** To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the City Council or other official responsible for the enforcement of this title.
2. **Special Exception:** To hear and decide appeals for approval of special exceptions to the terms of this title. The board shall not authorize a special exception unless specifically granted authority to do so under the terms of this title.
3. **Variances:** To authorize upon appeal such variance from the terms of this title as ~~will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this title will result in unnecessary hardship; provided, that the spirit of this title shall be observed and substantial justice done. Before any variance may be authorized, however,~~ it shall be shown that all of the following apply:

~~1. The variance will not substantially affect the comprehensive plan of zoning in the city and that literal enforcement of this title will cause unreasonable hardships, the imposition of which upon the petitioner is unnecessary in order to carry out the general purpose of the plan.~~

~~2. There are special circumstances attached to the property covered by the application which do not generally apply to the other property in the same zone.~~

~~3. Because of said special circumstances, the property covered by the application is deprived of privileges possessed by other properties in the same zone;~~

~~4. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.~~

a. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances.

b. There are special circumstances attached to the property that do not generally apply to other properties in the same zone.

c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.

d. The variance will not substantially affect the Master Plan and will not be contrary to the public interest.

5. The spirit of the land use ordinance is observed and substantial justice done.

In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under (1) above, the Board of Adjustment may not find an unreasonable hardship unless the alleged hardship: a. is located on or associated with the property for which the variance is sought; and b. comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under (1) above, the Board of Adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.

In determining whether or not there are special circumstances attached to the property under (2) above, the Board of Adjustment may find that special circumstances exist only if the special circumstances: (i) relate to the hardship complained of; and (ii) deprive the property of privileges granted to other properties in the same zone.

The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met. The applicant must present every theory of relief that it can raise in district court

Variances run with the land.

In granting a variance, the Board of Adjustment may impose additional requirements on the applicant that will: (a) mitigate any harmful effects of the variance; or (b) serve the purpose of the standard or requirement that is waived or modified.

46. Interpretation of Text or Map: To make, upon appeal, an interpretation of the zone map regarding the location of zone boundary lines, or decide the meaning of disputed terms or phrases within the text of this title.

57. Approval Of ~~Building~~ Zoning Permit Within Proposed Street On Official Map: To authorize upon appeal the grant of a ~~building zoning~~ zoning permit for a building or structure, or part thereof, within any mapped street location in any case in which the board of adjustment, upon the evidence, finds:

1a. The property of the appellant of which such mapped street location forms a part, will not yield a reasonable return to the owner unless such permit be granted; or

2b. Balancing of interest of the city in preserving the integrity of the official map and the interest of the owner in the use and benefits of the property, the grant of such permit is required by consideration of justice and equity.

68. Conditions Specified On Permit: In the event that the board of adjustment decides to authorize a ~~building zoning~~ zoning permit, it shall have the power to specify the exact location, ground area, height and other details and conditions of extent and character and also the duration of the building, structure or part thereof to be permitted.

79. Power Of Board Limited: The powers and duties of the board are limited to the judicial and administrative actions specifically authorized in this chapter. The board shall not have the authority to amend this title, nor to act outside the rules governing the activities of the board as set forth in this chapter and this title; and all decisions shall be made in such a way so as not to destroy the intent and purpose of this zoning title.

SECTION 7: Amendment to Section 10-3-4 – Appeals to Board. Section 10-3-4 of the Spring City Municipal Code, titled “Appeals to Board” is hereby amended to read in its entirety as set forth below, with changes made as highlighted below:

SCMC 10-3-4 APPEALS TO BOARD

1. 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.

2. 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.

3. ~~Notice Of Hearing 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.

4. 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.

5. 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.

SECTION 8: Amendment of Section 10-6A-3 – Conditional Uses. Section 10-6A-3 of the Spring City Municipal Code, titled “Conditional Uses” is amended to read in its entirety as follows, with language changes as are highlighted below:

SCMC 10-6A-3 – CONDITIONAL USES

The following buildings, structures, and uses of land shall be permitted upon the conditions set forth in this title and after review and approval has been given by the designated reviewing agencies. The planning and zoning commission shall review all conditional use proposals and shall approve, disapprove, or approve with conditions. Owner may appeal to the board of adjustment should he/she feel the planning and zoning commission was unfair. The following conditional uses shall not alter the residential character of the surrounding neighborhood or zone.

Bed and breakfasts. Bed and breakfast (B&B) establishments shall be allowed in this zone. A "bed and breakfast establishment" for purposes of this title shall be defined as a single residence dwelling equipped with and providing short term sleeping and meal accommodations for tourists or like traveling persons. Bed and breakfast establishments shall be allowed in accordance with the following conditions:

1. Excepting the food preparation, the limitation of area of primary residence, and other structures allowed for use of business provisions, the B&B shall comply with all required conditions for a home business use (see SCMC 3-1-13).
2. No B&B shall have more than ten (10) rooms available for such short term accommodations.
3. B&B establishments shall comply with all state and local food handling requirements as well as any ordinance governing hotels.
4. The Transient Room occupancy tax shall apply.
5. A home business license and state tax ID are required.

Short term rentals

Churches. Upon feasibility and impact studies as well as review and approval of the planning and zoning commission, churches may be allowed in this zone.

Construction. unconventional construction.

1. Construction, design, and materials shall not be obnoxious, repugnant, or completely out of harmony with the surrounding residential structures.
2. Must be in compliance with all building codes.

Guesthouses. For purposes of this title, a "guesthouse" shall be defined as any single-family apartment style dwelling separate from but found on the same lot as an existing residence. Such guesthouses are allowable in residential zones and, if new construction, are limited to six hundred twenty five (625) square feet. If they are conversions of existing structures, this size limitation may be waived. They may be constructed with bathroom and kitchen facilities but shall not be used as rental apartments. Such guesthouses are allowed in accordance with the following requirements:

1. This conditional use is not intended to circumvent the single-family dwelling or lot size requirements as put forth in this title nor is it intended to authorize duplex housing. It is intended to allow use of existing accessory structures such as log cabins and bungalow structures, new log cabins and bungalow structures as accommodations for nonpaying guests or domestic employees (see definition in SCMC 10-1-3).
2. Such guesthouse may not be sold separate from the main dwelling or commercial property.
3. Only one guesthouse shall be allowed per residential lot or commercial building.
4. New construction guesthouses shall be detached (excepting breezeways) from the main residence or commercial building, and shall be limited to approximately six hundred twenty five (625) square feet. Structures existing at the date of this title may be converted

to guesthouses without concern for this square footage requirement but may not be enlarged beyond the approximate six hundred twenty five (625) square feet.

5. Owners of guesthouses shall provide adequate off street parking for guests. Exceptions may be made if this requirement would change the historic character of the property.
6. Guesthouses shall be designed and constructed with materials that are comparable to and compatible with the primary residence and other residences in the vicinity.
7. There shall be no separate utility service to the guesthouse.
8. The driveway serving the primary dwelling shall also serve the guesthouse.

Home business. Home businesses in accordance with SCMC 3-1-13, "Home Businesses".

Note: Although agriculture (farming) is a business that technically may be considered a home business, it does not require a home business license.

Public school. Upon conditions, public and private school buildings and grounds, not necessarily to include storage yards.

Recreational vehicles. Recreational vehicles (RVs), including camp trailers, motor homes, pickup campers, boats and/or their trailers, four-wheelers and/or their trailers, snowmobiles and/or their trailers, motorcycles and/or their trailers, flatbed trailers, and the like (see SCMC 10-1-3, "Definitions"), may be stored in this zone in accordance with the following:

1. Notwithstanding any provisions contained herein, camper type RVs on private property only (not public rights of way) may be used short term as guest accommodations for family reunions, holiday visitors, and other similar uses.
2. RVs may be stored, displayed, sold, and serviced, but not used for living quarters in a sales lot in accordance with existing commercial conditions (see SCMC 10-6 Article D, "LC-1 Light Commercial Zone").
3. RVs may be stored and used in licensed recreational vehicle park zones (see SCMC 10-6 article G, "RVP-1 Recreational Vehicle Park Zone").
4. RVs may be stored in approved and licensed mobile home parks provided that they are in an area separate from that used as mobile home residences and upon review and approval of the planning and zoning commission.

Storage containers. A zoning permit is required for storage containers but may be combined with a zoning permit or an accessory structure permit may be obtained, if within the allowable two hundred (200) square feet requirement for accessory structures. A maximum of two (2) storage containers are not exceeding ~~fifty (50)~~ forty-five (45) feet in length allowed on 1.06 acre or larger city lots or properties and will not exceed ~~thirty percent (30%)~~ twenty-five percent (25%) of the property after property size available is adjusted to comply with setback and accessory building separation requirements. Lots smaller than 1.06 acres shall have no more than one (1) storage container per lot. Storage containers are not allowed in the Main Street Historic District unless it is for construction purposes. Said temporary

storage containers shall have time limit of six (6) months maximum from the date of zoning permit approval. All storage containers are to be compliant with the building construction standards.

Towers. Telecommunication or cellular towers or any other like towers shall not be permitted in this or any other zone in the city if it is determined by the reviewing agencies that such tower will change the character or detract from the aesthetic appearance of the zone or any neighboring zone.

Windmills. Wind powered electric generators and pumps (windmills) shall not change the residential character of the neighborhood nor shall they detract from the aesthetic appearance of the neighborhood.

SECTION 9: Amendment of Section 10-6A-4 – Lot and Dwelling Size Requirements. Section 10-6A-4 of the Spring City Municipal Code, titled “Lot and Dwelling Size Requirements, is amended to read in its entirety as set forth below. Language that has been added and deleted is highlighted.

SCMC 10-6A-4 – LOT AND DWELLING SIZE REQUIREMENTS

1. Lot: The minimum lot area for a one-family dwelling shall be 1.06 acres or approximately forty six thousand and ten (~~46,010~~) one hundred and sixty (46,160) square feet in area, unless otherwise grandfathered or split in previous years where a lot size was smaller than the 1.06 acre requirement was allowed.
2. Dwelling: A residential dwelling shall be constructed in compliance with the International Building Code as herein provided.

SECTION 10: Amendment of Section 10-6A-6 – Location Requirements. Section 10-6A-6 of the Spring City Municipal Code titled “Location Requirements” is amended to read in its entirety as set forth below. Language that has been added or deleted is highlighted.

SCMC 10-6A-6 – LOCATION REQUIREMENTS

Each residential lot shall abut a public street for a minimum of two hundred fourteen feet (214') of frontage, except in the case of lots previously subdivided smaller than or equal to 1.06 acres or lots that have been previously split and are grandfathered. Lots containing a minimum of 1.06 acres shall have a minimum of 200-ft of frontage on a public street. All residential dwellings must meet the following setback requirements:

1. Residential dwellings on corner lots shall have a minimum setback of thirty feet (30') from both property lines along public streets.
2. Residential dwellings shall have side yards of at least ten feet (10') from property lines not adjacent to public streets.
3. Residential dwellings shall have a minimum rear yard of thirty feet (30'). (Note: A deck may extend 12 feet into the rear setback.)

4. No accessory structure may be closer than thirty feet (30') of both property lines along public streets for corner lots and no structure, landscaping, or other obstruction shall obscure the view of automobile drivers on corner lots. It is preferred that accessory structures shall be in the rear yard, but they shall not be closer to the property line than the dwelling. Exceptions may be made for decorative structures such as gazebos or pergolas.
5. Accessory structures shall have a setback from all residential dwellings of twelve feet (12'), ten feet (10') from side-yard property lines and thirty feet (30') from property line corners of lots facing a public street.
6. There shall be ten feet (10') setbacks from irrigation lines and spouts.

Accessory structures that measure two hundred one (201) square feet and under will require a zoning permit with no fee to ensure proper setbacks. Any structures two hundred one (201) square feet and over will need to obtain a zoning permit.


SECTION 11: Amendment of Section 10-6A-9 – Utility Requirements. -Section 19-6A-9 of the Spring City Municipal Code is amended to read in its entirety as set forth below. Language that has been added or deleted is highlighted.

SCMC 10-6A-9 – UTILITY REQUIREMENTS

All residential dwellings whose closest property line is within three hundred feet (300') of the end of a city sewer system main line pipe, must hook up with said city sewer. Those over three hundred feet (300') from the city sewer system must have ~~an adequate~~ a septic system permit issued through the Central Utah Public Health Department. These and other utilities shall be provided for by owner/developer in accordance with the specifications in SCMC 11-3-1. All residential dwellings are required, at residents' expense, to have garbage collection services.

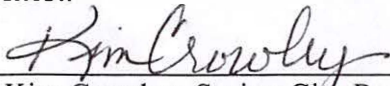
Effective Date: This ordinance shall be in full force and effect immediately upon the required approval and posting or publication according to law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SPRING CITY, UTAH,
JANUARY 7, 2021.**



Mayor Cynthia Allred DeGray
Spring City, Utah

Attest:



Kim Crowley, Spring City Recorder



Results of Roll Call Vote:

	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
Cody Harmer	X			
Chris Anderson	X			
Paul Penrod	X			
Craig Clark	X			
Joe McGriff	X			


RECORDED this 7 day of January, 2021

PUBLISHED OR POSTED this 19 day of January, 2021

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) *San pete Messenger*
 - 2) *Utah Public Notice Website*
 - 3) *Spring City Message Board, Website, and Post Office*
- on the above referenced dates.



Kim Crowley, Recorder, Spring City, Utah