

chapter 4, open and public meetings.

SINGLE LOT RESIDENTIAL DEVELOPMENT: The residential development of a single lot or parcel of land without subdividing it. Note: There are a number of laws and ordinances governing most developing 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 such development.

CONCEPT PLAN: A non-mandatory review to identify potential issues in the process of subdividing or developing a plat of land and to set up a dialogue with the planning and zoning commission, city engineer, city council, city attorney, and other concerned agencies and officials by submission of a Concept Plan laying out the plans of the project for initial review. The purpose is to ensure that the developer/subdivider/owner is aware of the due process, fees, and other concerns and issues that are requisite to approval for a building or other permit.

SPOT ZONING: The unjustifiable singling out of a piece of property for preferential treatment. It is a judicial term signifying legal invalidity. It is zoning a relatively small area differently from the surrounding area, usually for an incompatible use and often to favor the owner of a particular piece or pieces of property. Spot zoning is not allowed in Spring City as it smacks of favoritism and usually annoys neighbors.

SUBDIVIDER: Any person or persons having plans to, in the process of, or having divided land into two (2) or more parcels. To avoid penalties such person would be well advised to consult this title, "Subdivision Regulations" and comply with the same. Failure to comply with subdivision laws can carry fines and/or other penalties.

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 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 plans, terms, and conditions. Further, any person or persons making or proposing such a division of land shall be called the subdivider and/or developer and/or owner. 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.

UNCONDITIONAL USE: A land use in a particular zone which is specifically authorized in a particular zoning district by allowances stated in the character of the zone or one that can be assumed as a "use by right". Any such unconditional use must not impair the integrity and character of any given zone.

USE BY RIGHT: The right to ownership and unrestricted use of property is a basic right granted by the constitution of the United States of America. When necessary, legislative acts, laws, and ordinances are enacted to protect the health, safety, and general welfare of all concerned. If no law is in place to restrict a use or activity, such use or activity is assumed to be legal by common-law right or "use by right", except in cases where the public health, safety, or general welfare is at question.

Because zoning ordinances are in derogation of a property owner's common-law right to unrestricted use of his or her property, provision therein restricting property uses should be strictly construed and provisions permitting property use should be liberally construed in favor of the property owner. *Patterson vs. Utah Co. Board of Adjustment*, April 1995

VARIANCE: A device which grants a property owner relief from certain or specific provisions of a zoning ordinance, because of particular physical surroundings, shape or topographical conditions of the property and special circumstances attached to the property that do not generally apply to other properties in the same zone. A variance is granted when compliance would result in a particular hardship upon the owner, or infringe upon, or limit rights normally granted to others in the same or similar situation; as distinguished from a mere inconvenience or a desire to make more money. Financial conditions or hardships are not a consideration in the granting of a variance. The petitioner must prove that a physical hardship exists, and that the request would not be alien to the design or intent of the area. Only the board of adjustment is vested with the authority to grant variances. Any appeal of the board decision must be made to the district courts.

VOID: The rendering of a regulation, proceeding, ordinance, legislation, or event as legally invalid.

VOID FOR VAGUENESS: Courts will invalidate a regulation that is so unclear or ambiguous that a person of normal intelligence will not be able to comprehend what the regulation forbids or permits.

'See SCMC Title 12

HISTORY

Amended by Ord. 2023-04 on 4/6/2023

11-1-3 ADMINISTRATIVE RESPONSIBILITIES

No administrative official of the city shall issue a building permit for the building of any structure without due process and all appropriate approvals. Further, no official of the city shall authorize the opening of, or the construction, grading, or paving of any street, or authorize the laying of sewers and/or water mains, or making connections from the mains to any such lines in a street or authorize any such activity for any property which: a) has not received the status of a public street; or b) does not correspond with a street on a subdivision plat tentatively approved by the administrative land use authority; or c) having been submitted and disapproved by the administrative land use authority. (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

11-1-4 DUE PROCESS AND APPROVAL

No plat of land located within the limits of Spring City shall be divided 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 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 owners of neighboring parcels where the resulting modified parcels would be in full compliance with all applicable legal requirements; 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 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. (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

HISTORY

Amended by Ord. 2023-04 on 4/6/2023

11-1-5 SUBDIVIDER/DEVELOPER/OWNER RESPONSIBILITY

It shall be deemed the responsibility of any person desiring to subdivide land within the city to secure from the zoning administrator and/or city recorder all necessary information pertaining to the city plan of streets, parks, drainage, zoning, and other general plan requirements affecting the proposed subdivision. After obtaining such information, subdivider/developer/owner shall make application for the planned division and comply with all requirements, go through all processes, and receive all approvals before sale of or recording of any such division of land with the county recorder. (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

11-1-6 DESIGN REQUIREMENTS

The layout and design of all subdivision and engineering plans and the content of all required documentation shall be in accordance with the minimum city standards and specifications which are provided for by this title.

1. **Single Lot Residential Development:** Multiple single lot resident developments in the city limits shall only be allowed on lands zoned R-1 single-family residential agriculture zone. Note: Single lot residential developments may be permitted, with conditions, in other zones. (See SCMC Title 9.)
2. **Side Lot Lines; Frontage:** See SCMC 11-3-3.
3. **Easements:** Easements shall be dedicated to the city for streets, utilities access, and roads and shall follow, as near as possible, the city planned street grid as indicated on the planned street grid map. In no event shall construction of buildings or other structures be permitted that would obstruct the building of future streets on the city street grid. Further, other easements, not to exceed ten feet (10'), shall be dedicated to the city as required by the city for utilities, irrigation water supply, or access to public lands. Any such dedication of land to the city does not impose liability upon the city to make improvements until the city deems it necessary or appropriate.
4. **Lot Sizes:** Residential lots shall conform to the zoning as established in the zoning title and the adopted zoning map.
5. **Required Improvements:** Subdivider/developer/owner shall provide, at their expense all required improvements (see SCMC 11-3, "Improvements And Requirements"). (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

11-1-7 BUILDING REQUIREMENTS

All construction shall be in accordance with the minimum standards set forth in the international building code. (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

11-1-8 DOCUMENTATION REQUIREMENTS

Subdivider/developer/owner shall provide all documentation required by this title. (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

11-1-9 FEES, COSTS AND CHARGES

1. **Borne By Subdivider:** Except as may otherwise be provided in this title, all costs and charges for the development and planning of subdivisions shall be borne and paid by the subdivider/developer/owner and shall not be paid by the city.
2. **Processing Fees:** With respect to new subdivisions/developments, the following provisions and standard fees shall be required and paid to the city:
 1. **Concept Plan Fee:** There are no fees associated with this type of application.
 2. **Subdivision Preliminary Plan Submittal Fee:** For the preliminary plan presented to the planning and zoning commission for consideration, with respect to each subdivision, there shall be a fee paid in the amount set forth in the city resolution for fees and charges. The said fees shall provide for the

following services:

1. Review and verification of metes and bounds conformity of lots to zoning title and planning standards.
 2. Planning review of site plan, placement of parks and common area, if any, and verification of conformance of subdivision ordinance of the city, including general plan conformity.
 3. Legal review of plat, bonding instrument, dedication of public area, preliminary title report and conformity to title.
 4. Written notice of preliminary review of the proposed development to owners of properties located within three hundred feet (300') of the proposed development.
3. Engineering Review Fees: Engineering review fees shall be collected for each lot shown upon the preliminary plan approved by the planning and zoning commission. Fees are set forth in the city resolution of fees and charges. The fees collected at the time and in a manner pursuant to Part B,5 and shall pay for the following regulatory services:
1. Flood control, topographical and drainage review.
 2. Traffic review (pattern and scope).
 3. Review of public improvements design as to adequacy and placement.
 4. Review of capital impact of subdivision, including revenue projection and estimated costs of services.
 5. Calculations and verification of public improvement bond estimates and final amount.
4. Zone Change And Annexation Fees: Each application for a zone change for any parcel of land, regardless of size, shall be accompanied by a fee to pay for legal notices and preliminary staff review of request. Annexation fees shall be based on a flat fee, plus a fee per acre of area annexed, plus a fee for preparing an impact statement. These fees are as established by the city resolution of fees and charges.
5. Payment Of Fees: All fees set forth and required by this section shall be paid to the city as follows:
1. Concept plan fees: Prior to submission of the Concept plan to the Development Review Committee.
 2. Subdivision preliminary plan submittal fees: Prior to submission of the preliminary plat to the planning and zoning commission.
 3. Engineering review fees: Prior to submission of the final plat to the administrative land use authority secretary, immediately prior to consideration of the same by the city engineer and/or the administrative land use authority.

4. Zone change and annexation fees: Concurrent with the filing of the petition.
5. Final plat review and possessing fees: Due concurrent with submittal of final plat.
6. Impact fee: If applicable, due concurrent with submittal of final plat.
6. Fee Refunds And Fee Modifications: Fees, once paid, shall not be refunded. The fees herein charged may be modified or changed from time to time hereafter by resolution of the city council. (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

11-1-10 VARIANCES

Subdivider/developer/owner may appeal to the board of adjustments for a variance by showing that a provision of these general requirements and minimum standards of design would cause unnecessary hardship if strictly adhered to and where, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of the provisions, or infringe upon or limit rights normally granted to others in the same or similar situation. Such a variance is granted only when compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money. Financial conditions or hardships are not a consideration in the granting of a variance. Any variance authorized and the reasons for such departure shall be stated on the final plat, shall be entered in writing in the minutes of the board of adjustment, and shall be recorded on the deed of any affected lot. (See definition of "variance" in SCMC 11-1-2.) (Ord. 2007-01, 2-1-2007, eff. 2-21-2007)

11-1-11 ENFORCEMENT; PENALTY

1. Misdemeanor Penalty: It shall be unlawful to record any plan or plat of a subdivision in the office of the county recorder unless the same shall bear thereon the approval of the planning and zoning commission and the administrative land use authority. Whoever, being the owner or agent of the owner of any land located within a subdivision in the incorporated area of the city, transfers or sells any land in such subdivision before the plan thereof has been approved by the planning and zoning commission and the administrative land use authority and recorded in the office of the county recorder, or parcel within the outermost bounds of recorded subdivision which does not conform to the approved and recorded lot lines of the plat, without first following the procedure of amending the subdivision plat as required by state law¹, shall be guilty of a class C misdemeanor for each lot or parcel of land transferred or sold and any such recording may be voidable. The description of lots or parcels of land by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from the penalties in U.C.A. 10-9a-803, or from the remedies herein provided.
2. Injunction: The city may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover said penalty by civil action in any court of competent jurisdiction.