



**Memorandum**

**To:** Town Council  
**From:** Thomas Dansie, Director of Community Development  
**Date:** August 7, 2019  
**Re:** **August 14, 2019 Town Council Meeting: Incentive and Exceptions Ordinance Revisions**

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In the July regular meeting and August work meeting the Council discussed a Planning Commission recommended ordinance removing development incentives. Based on discussion in these meetings the Council has decided to accept the majority of the Commission's recommendations to remove incentives from the ordinance.

The Council has decided to retain the following three development incentives, which the Commission originally recommended to remove:

- Section 10-6A-5 which allows negotiated incentives to property owners who wish to develop affordable housing on their property, in excess of the affordable housing the Code already requires. These incentives are negotiated as part of the Moderate-Income Housing Development Overlay zone process.
- Section 10-11A-5 which allows larger building size in the CC zone (an increase of up to 4,000 square feet) if the property owner provides certain public amenities (public restrooms, affordable/employee housing, red sandstone on the building), or if the building is setback 300 feet from SR9 and 100 feet from a residential zone.
- Section 10-11B-5 which allows larger building size in the VC zone (an increase of 3,000 square feet) if the building is setback at least 100 feet from both SR9 and a residential zone.

A copy of the revised proposed ordinance is attached.

**ORDINANCE 2019-06**

**AN ORDINANCE OF THE SPRINGDALE TOWN COUNCIL REVISING MULTIPLE SECTIONS OF TITLE 10, REMOVING A VARIETY OF DEVELOPMENT INCENTIVES, AND REPEALING CHAPTER 10-15E: PARKING STRUCTURE OVERLAY ZONE**

**Whereas**, the Springdale Land Use Ordinance currently includes development incentives and exceptions that modify development standards when developers provide certain public amenities as part of their development (e.g. public restrooms, affordable/employee housing, public parking, trails and other recreational amenities, etc.); and

**Whereas**, the Springdale Town Council finds the type of development allowed by these incentives and exceptions is not consistent with the Town’s village character; and

**Whereas**, in order to promote development that is more consistent with the Town’s desired village character, and to give more consistency in the size and scale of development allowed the Council wishes to remove development incentives; and

**Whereas**, based on resolution to the Town’s parking congestion problem by using strategies other than a parking structure the Council finds there is no longer a need for the parking structure overlay zone; and

**Whereas**, all public hearings and other necessary processes for revising the land use ordinance have been fulfilled;

**Now therefore be it ordained** by the Springdale Town Council that the following sections of Title 10 of the Town Code are revised as shown:

**10-6A-3: REQUIRED AFFORDABLE HOUSING:**

A. Residential developments of twenty (20) or more new single-family dwelling units or lots or eight (8) or more multi-family dwelling units shall provide at least ten percent (10%) of the number of market rate dwelling units or lots constructed as affordable housing for households whose income is at or below the median income for Washington County. ~~For developments with fewer than thirty (30) single-family dwelling units or lots or twelve (12) multi-family dwelling units, the number of lots or dwelling units allowed in the project shall be increased by one market rate unit for each affordable unit provided. For developments with thirty (30) or more single-family dwelling units or lots or twelve (12) multi-family dwelling units, the increase in the number of market rate units allowed shall be negotiated by the town council or its designated representative(s) and the developer in order to achieve the required number of affordable units.~~

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**10-11A-6(A)(3)(c)**

c. Side setbacks on lots with one hundred feet (100') or less of lot width shall be a minimum of ten feet (10'); ~~except that the required side setback may be reduced to zero if the owner of the adjacent property gives consent to reduce the side setback in a written, notarized, and recorded statement.~~

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**10-11A-8(D)**

~~D. The height limits established in subsections A and B of this section may be increased by four feet (4') according to the criteria below.~~

~~1. If a proposed building is greater than one hundred feet (100') from a residential zone, the height of the virtual plane may be increased by:~~

~~a. Four (4) additional feet if the building contains affordable or employee housing units (such employee or affordable housing shall be subject to the requirements of section 10-6A-4 of this title), or~~

~~b. Four (4) additional feet if the building contains underground parking, or~~

~~c. Four (4) additional feet and an additional story if the building contains walk-out basement apartment units used for affordable or employee housing (such employee or affordable housing shall be subject to the requirements of section 10-6A-4 of this title).~~

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**10-11A-11: PARKING:**

Off street parking in the CC zone must conform to the standards contained in chapter 23 of this title. ~~In order to promote the best possible site design and the most effective use of commercial land while allowing for the preservation of open space and wildlife corridors as called for in the general plan, the following standards are adopted to allow flexibility in meeting the requirements of chapter 23 of this title:~~

~~A. Public Parking: If a property provides public parking, the amount of required landscaping area for that property shall be reduced, according to the provisions below:~~

~~1. In order to be considered "public parking", all of the following standards must be met:~~

~~a. The total amount of parking required for the uses on the property must be satisfied. Any additional parking spaces not used to meet the parking requirements for the uses on the property may be considered public parking.~~

~~b. The public parking spaces must be clearly identified with standard "public parking" signage on the public street at the entrance to the parking area.~~

~~c. The property owner must submit a written, signed, and notarized document that:~~

~~(1) States the number of public parking spaces on the property,~~

~~(2) States that the public parking spaces will be open and available to the public in perpetuity, or until the town council determines the public parking spaces are no longer necessary, and~~

~~(3) Contains the property owner's acknowledgment that the public parking spaces may not be used to meet the parking requirements for the uses on the property.~~

~~2. The overall amount of required landscaping for a property shall be reduced by five hundred (500) square feet for each public parking space provided. However, the maximum reduction of landscape area for any property providing public parking shall be equal to ten percent (10%) of the property area.~~

~~3. In the event that a property owner who had received a landscape bonus in exchange for public parking wishes to discontinue public parking on the property, the landscape bonus would be revoked and the property owner would be required to landscape the percentage of property originally allowed as a bonus.~~

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#### **10-11B-5: AREA REQUIREMENTS:**

A. Building Size: To ensure village scale development, the gross area of each individual building or structure on a lot or parcel within the VC zone shall not exceed five thousand (5,000) square feet. Gross area shall include all attached structures and exclude basements. Buildings or structures not exceeding eight thousand (8,000) square feet ~~may~~ shall be allowed if said structure is located a minimum of one hundred (100) linear feet from SR-9 (Zion Park Boulevard) and ~~for a~~ the nearest residential zone (VR or FR zone). The linear distance requirements may contain other buildings or structures and should not be substituted for the unobstructed yard (setback) requirements of section 10-11B-6 of this article.

B. Units Per Lot: No lot or parcel of land within the VC zone shall be developed to have more than one apartment or transient lodging unit per four thousand (4,000) square feet of land area.

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**10-11B-6(E)**

~~E. Exemption: In instances where the adjacent property is commercially zoned and where a building or structure on such adjacent property is already in existence closer than the required side and rear yard setback, the Planning Commission may allow a side or rear yard less than that stated above. The Planning Commission shall review and decide each case individually. In such a review, the applicant shall show cause for reducing the yard requirement and the Planning Commission shall find the proposed reduction shall in no way be detrimental to the health, welfare or safety of persons residing or working in the vicinity.~~

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**10-11B-8: BUILDING HEIGHT:**

The height of any principal structure (excepting chimneys whose largest horizontal dimension [width] does not exceed 5 feet) shall be entirely below a virtual plane, which is an elevated replica of the grades residing below it as defined in [chapter 15A](#) of this title.

A. The virtual plane shall be twenty six feet (26') above uniform, natural, or cut grade as determined by section [10-15A-5](#) of this title, ~~except as allowed by subsection D of this section.~~

B. No building or structure in the VC zone shall contain more than two (2) stories, except as allowed by subsection ~~E-D~~ of this section.

C. In no case shall the height of any accessory building or structure exceed the height of any principal structure on the same lot or parcel.

~~D. The virtual plane shall be twenty eight feet (28') above uniform, natural, or cut grade as determined by section [10-15A-5](#) of this title, if the highest finished floor elevation of the first floor of the building is more than four feet (4') below the lowest elevation of the SR-9 roadway fronting the property.~~

~~E-D~~. A building in the VC zone may have a third story walkout basement or basement parking area if all of the following criteria are met:

1. The highest finished floor elevation of the first floor of the building is at least two feet (2') below the elevation of the lowest elevation of the SR-9 roadway fronting the property.
2. The walkout basement or parking area entrance opens on the side of the building opposite SR-9.
3. There is at least six feet (6') of natural topographic relief between the side of the building facing SR-9 and the opposite side of the building, SR-9 side being the higher side. This natural topographic relief must be retained during development of the building.
4. The building meets the height limit established in subsection A of this section.

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## 10-13C-8: DENSITY AND LANDSCAPING:

A. Density: The permitted density of the underlying zone shall be the maximum allowable for the subdivision as a whole ~~unless the town council approves a bonus as provided in subsection B of this section.~~

~~B. Density Bonus: The maximum density may exceed that permitted by the underlying zone up to a maximum of twenty percent (20%) at the discretion of the town council. The town council may grant a bonus between one and twenty percent (20%). The town council must find, however, that any increase in density will be compensated by increased amenities and improved design. Such amenities may be included on the same parcel of land as the planned development. A density bonus shall not be automatic or obligatory, nor shall it be based on characteristics normally inherent in a residential subdivision or in the land itself. Open space, for example, is an inherent result of a PD design, and therefore, not in and of itself a criterion for determining a possible density increase. Specific criteria is outlined as follows:~~

~~1. Park Or Trail In Planned Development: Park or trail designated for use by all residents of the development. The trail must provide a significant benefit to the development for any bonus to be granted. (Up to a 10 percent bonus as determined by the town council.)~~

~~2. Outstanding Planned Development Design: Types of outstanding design may be: Site design which minimizes visual impact on the rest of the PD as well as on the town; covenants, conditions and restrictions (CC&Rs) that promote designs which mitigate visual significance by limiting building heights and sizes to significantly less than that permitted under the provisions of the underlying zone, and require low profile rooflines, preservation of significant viewsheds and/or site and building design which focuses on integrating the development into the landscape. Other types of exceptional development methods may be considered by the planning commission for bonuses. (Up to a 20 percent bonus as determined by the town council.)~~

~~3. Community Wide Access Trail System: An all weather trail system suitable for walking, bicycling and equestrian use. The trail shall be built to include all necessary signs, bridges, etc. The system shall be deeded a public right of way upon acceptance by the town. (Up to a 20 percent bonus as determined by the town council.)~~

C. Guarantee Of Performance: All improvements for which density bonuses have been granted shall be included in the guarantee of performance, where applicable, as provided for in section ~~10-14B-6~~ of this title. If the developer fails to fulfill any obligation created by a granting of a density bonus, the Town Council may deny all building permits until the developer meets those obligations.

D. Density Bonus Calculation: Allowed density refers to the number of permitted lots on a given parcel of land. A density bonus is calculated as follows:

Standard permitted density (SPD) = number of homes permitted according to the underlying zone

(Earned density bonus x SPD) + SPD = new permitted density

~~E-B~~ Required Landscaping: The required landscaping of the underlying zone shall be required for the subdivision as a whole unless the Planning Commission approves an exemption as permitted in subsection F of this section. Individual lots in the subdivision will not be required to meet the landscape area standards of subsection [10-18-4A](#) of this title if the subdivision as a whole meets said standards.

~~F-C~~ Landscaping Exemption: If the development provides a public facility or has designated a public pathway, park or other similar public amenity, the Planning Commission shall allow the developer to include any property dedicated to such purpose in the calculation of the landscape area for the property.

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**ARTICLE E. PARKING STRUCTURE OVERLAY ZONE (PSOZ)**

*REMOVE IN ITS ENTIRETY*

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Passed and adopted by the Springdale Town Council on July 10, 2019.

This ordinance shall become effective upon passage and posting.

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Stanley J. Smith, Mayor

Attest:

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Darci Carlson, Town Clerk