



ORDINANCE 2022-__

An Ordinance of the Springdale Town Council clarifying the definition of "setback" and related terms in Section 10-2-2, and clarifying setback standards for recreational facilities in Section 10-7A-4.

Whereas, the Springdale land use regulations establish minimum setback distances for structures and commercial recreational facilities, as well as standards for distances between buildings, and

Whereas, the Springdale Town Council desires to clarify the way setback distances are measured and to adopt additional setback and development standards for commercial recreational facilities, and

Whereas, the required processes and public hearings required by Town Ordinance and State Law to make revisions to the land use ordinance have been completed,

Therefore Be it Ordained by the Springdale Town Council that the follow revisions are made to Title 10 of the Town Code:

1. The following definitions in section 10-2-2 are amended as shown below:

10-2-2: DEFINITIONS:

Recreation, commercial: The use of property for recreational facilities operated as a business and open to the general public for a fee. **Also, the use of recreational facilities on a commercial property as an accessory to another commercial use, regardless of whether or not the facility is open to the general public.**

Setback, front: A setback extending across the full width of a lot or parcel, having at no point a depth of less than the minimum required horizontal distance between the front lot line, or its tangent, and the closest permissible location of a ~~vertical wall~~ **permanent element** of a building or structure. Said distance shall be measured by a line at right angles to the front lot line or its tangent.

Setback, rear: A setback extending across the full width of a lot or parcel, having at no point a depth of less than the minimum required horizontal distance between the rear lot line, or its tangent, and the closest permissible location of a ~~vertical wall~~ **permanent element** of a building or structure. Said distance shall be measured by a line at right angles to the rear lot line or its tangent.

Setback/yard: A setback is a space on a lot or parcel to the front, rear or side of a building or structure, unoccupied and unobstructed by any building or structure or parking area from the finished grade upward, except as otherwise provided in this title. A yard may be considered as meeting the setback requirement without the requirement of additional open space. A "setback" is defined as the minimum allowable horizontal distance from a given point or line of reference such as a lot line to the nearest ~~vertical wall or other~~ **permanent** element of a "building" or "structure", as defined herein.

Setback, side: A setback between a building or structure and the side lot line extending from the required front yard to the required rear yard; the width of which side yard shall be measured horizontally from, and at right angles to, the nearest point on the side lot line toward the closest permissible location of a ~~vertical wall~~ **permanent element** of a building or structure.

2. Section 10-7A-4 paragraph F is amended to read as follows:

10-7A-4: PERMITTED USE STANDARDS:

- F. *Recreational facilities, commercial:* Outdoor recreational facilities must be located at least 100 feet from any residentially zoned property. **If located outdoors all portions of commercial recreational facilities must meet the following requirements:**
1. Be located at least 100 feet from any residential zoned property.
 2. Be screened on all sides facing a residentially zoned property within 100 feet with solid fencing at least eight feet in height and vegetation which will exceed twelve feet in height at maturity.
 3. Where a building is placed between the recreational facility and the residentially zoned property the setback and screening requirements in subparagraphs 1 and 2 above do not apply, if:
 - a. The building is at least sixteen feet in height,
 - b. The building completely blocks the view of the recreational facility from all residentially zoned properties.

3. Section 10-9A-11 is amended to read as follows:

10-9A-11: DISTANCE BETWEEN BUILDINGS: (FR ZONE)

The minimum distance between a main building and any accessory structure on a parcel is as follows. **This distance is measured between the furthest extension of a permanent element on each building:**

Accessory Structure Height		Accessory Structure Size	Required Distance Between Accessory >Structure and Main Building
Less than 10 feet	And	Less than 500 square feet	10 feet
Less than 16 feet	And	Less than 1,500 square feet	20 feet
16 feet or more	or	1,500 square feet or more	30 feet

4. Section 10-9B-10 is amended to read as follows:

10-9B-10: DISTANCE BETWEEN BUILDINGS: (VR ZONE)

A main building and any accessory structure on a lot must be separated by at least the following minimum distances. **This distance is measured between the furthest extension of a permanent element on each building:**

Accessory Structure Height		Accessory Structure Size	Required Distance Between Accessory
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			Structure and Main Building
10 feet or less	and	500 square feet or less	10 feet
Less than 16 feet	and	Less than 1,500 square feet	20 feet
16 feet or more	or	1,500 square feet or more	30 feet

5. Section 10-11B-9 amended to read as follows:

10-11B-9: DISTANCE BETWEEN BUILDINGS: (VC ZONE)

The distance between any two buildings or structures on the same lot or parcel of land must be at least ten feet, if both buildings or structures being compared are less than or equal to 18 feet in height. For buildings or structures, either of which is greater than 18 feet in height, the distance required between two such buildings or structures must be at least 20 feet. *The distance between buildings is measured between the furthest extension of a permanent element on each building.*

6. Section 10-12-9 is amended to read as follows:

10-12-9: DISTANCE BETWEEN BUILDINGS: (PU ZONE)

A building or structure in the PU zone must be at least ten feet from any other building or structure on the same lot or parcel. *The distance between buildings is measured between the furthest extension of a permanent element on each building.*

Passed and adopted this ____ day of _____, 2022. This ordinance becomes effective upon approval by the Town Council and posting of the ordinance.