



Memorandum

To: Town Council
From: Thomas Dansie, Director of Community Development
Date: May 6, 2022
Re: Ordinance 2022-06: Clarification of Setback Regulations

Executive Summary

The Planning Commission recommends an ordinance revision that clarifies the method the Town uses to regulate setback distances and required distances between buildings. This recommendation is intended to improve clarity for the Planning Commission, property owners, and developers in regulating and implementing setback requirements. The ordinance also clarifies setback standards for outdoor commercial recreational facilities.

Background

The Town uses a unique method to measure required setback distances. In most communities setbacks are measured from a property line to a building wall. In contrast, Springdale measures setbacks from a property line to the furthest extension or projection of a building, such as an eave overhang, outdoor staircase, etc. The current ordinance language regarding setback requirements supports the Town's setback measurement method. However, this language can be clarified and improved to increase understanding. The Planning Commission has prepared an ordinance revision that makes the Town's ordinance language regulating setback requirements more clear and consistent.

The proposed ordinance revision also modifies the setback required for outdoor commercial recreational facilities. The Commission recommends modifications to the definition of outdoor recreational facility that clarify accessory recreational uses developed in conjunction with another primary commercial use on a property are classified as outdoor commercial recreational facilities. This change will clarify that things like pools and recreational courts at hotels are subject to the regulations for outdoor recreational facilities in section 10-7A-4(F). The proposed ordinance also adds standards to this section to protect residentially zoned properties from the impacts of outdoor recreational facilities.

General Plan Direction

The General Plan contains references about the need to protect residential properties from the impacts of adjacent commercial uses.

- Objective 2.1.2

Planning Commission Action

The Commission made a recommendation to adopt the setback revisions and clarifications, as recorded in the motion below. Commissioner Benson voted "nay" on the motion based on concerns that the standards for outdoor commercial recreational facilities are not strong enough to fully protect residential properties from the impacts of commercial recreation. He specifically objected to the language in

10-7A-4(F)(3) that allows a building to act as the buffer between a recreational facility and a residential property.

Motion made by Pam Inghram that the Planning Commission recommends approval of an ordinance revision to clarify the definition and measurement of 'setback' as proposed by staff, which includes the following changes:

1. Under section 10-2-2, accept revised language that clarifies the definition of a commercial recreational facility.

2. Section 10-7A-4(F) clarifies a commercial recreational facility must be located at least 100 feet from a residentially zoned property and be screened on all sides facing a residentially zoned property with solid fencing at least 8 feet in height and vegetation that will exceed 12 feet in height at maturity.

3. Also changing the language under 10-7A-4(F)(3(b) to read "from all adjacent residentially zoned properties." Seconded by Kyla Topham.

Topham: Aye

Benson: No

Rioux: Aye

Kenaston: Aye

Inghram: Aye

Motion passed 4:1.

MINUTES OF THE APRIL 6, 2022 PLANNING COMMISSION MEETING

1. Public Hearing – Ordinance Revision: Changes to the definition of “Setback” and related terms in Section 10-2-2, clarifications to setback standards for recreational facilities in Section 10-7A-4.

The proposed ordinance clarified the method that the Town used to measure setbacks. It added to the distance of the required setback from a residential zone regarding commercial recreational facilities. The ordinance also clarified what recreational facilities were included and explained additional standards for that setback.

Commission Questions to Staff:

Mr. Benson asked what types of facilities qualified under the definition of commercial.

- Broad language was added to the definition of “commercial recreation” in section 10-2-2.

Ms. Topham asked if the term “permanent element” used in section 10-9A-11 was defined in the code.

- The term was not currently defined in the code. The Commission could discuss in their deliberation if they wanted a definition added, and it could be added to their motion.

Public Questions to Staff: None were asked.

Motion made by Pam Inghram to open the Public Hearing. Seconded by Tom Kenaston.

Topham: Aye

Benson: Aye

Rioux: Aye

Kenaston: Aye

Inghram: Aye

Motion passed unanimously.

Public Comment: None were made.

Motion to close the Public Hearing made by Pam Inghram. Seconded by Tom Kenaston.

Topham: Aye

Benson: Aye

Rioux: Aye

Kenaston: Aye

Inghram: Aye

Motion passed unanimously.

Commission deliberation:

Mr. Benson expressed concern regarding the revisions in section 10-7A-4(F)(3). He stated that the setback distance should be required in all cases to minimize any potential negative impacts on the residents. He suggested removing the term “the setback and” and the reference to subparagraph one in section 10-7A-4(F)(3) to ensure that additional screening was not required. Still, the setback would be required regardless if there was a building between the recreational facility and a residentially zoned property.

The other Commissioners discussed that having a building that completely blocked the view of the recreational facility from all residentially zoned properties, with a height requirement of at least 16 feet, would create a better sound and visual barrier than a screening fence, vegetation, or the setback.

Therefore, they did not feel the setback distance should be required. They added that the sound ordinance could mitigate other impacts. They did express concern about possible impacts from the lighting of the recreational facilities.

· Mr. Dansie added that the outdoor lighting ordinance limited the height of pole-mounted outdoor lighting for recreational facilities to 18 feet with a setback of 60 feet from adjacent properties.

Ms. Inghram suggested changing the wording in section 10-7A-4 paragraph F(3)(B) from “all residentially zoned properties” to “all adjacent residentially zoned properties” to avoid confusion if a facility were to be seen from above, but not create any negative impacts.

Mr. Dansie suggested changing the wording in 10-7A-4(F)(2) to “within 100 feet of the subject property” to state that the 100 feet would be measured from the property boundary rather than the pool.

Motion made by Pam Inghram that the Planning Commission recommends approval of an ordinance revision to clarify the definition and measurement of ‘setback’ as proposed by staff, which includes the following changes:

- 1. Under section 10-2-2, accept revised language that clarifies the definition of a commercial recreational facility.**
- 2. Section 10-7A-4(F) clarifies a commercial recreational facility must be located at least 100 feet from a residentially zoned property and be screened on all sides facing a residentially zoned property with solid fencing at least 8 feet in height and vegetation that will exceed 12 feet in height at maturity.**
- 3. Also changing the language under 10-7A-4(F)(3)(b) to read “from all adjacent residentially zoned properties.” Seconded by Kyla Topham.**

Topham: Aye

Benson: No

Rioux: Aye

Kenaston: Aye

Inghram: Aye

Motion passed 4:1.



ORDINANCE 2022-06

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 of the subject property 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 an adjacent 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 adjacent 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

			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.