



Memorandum

To: Town Council
From: Thomas Dansie, Director of Community Development
Date: June 17, 2022
Re: Ordinance Revision: Net Developable Area Standard

Executive Summary

The Planning Commission has researched and prepared an ordinance that will alter the density standards in the CC and VC zones. The proposed ordinance will exclude areas in floodways and steep slopes from the area calculation used to determine the allowable density on a property. If the ordinance is adopted, only developable area will be included in determining how many units (transient lodging or housing) are allowed on a property.

Background

The Town regulates density in the CC and VC zones based on lot area. In the CC zone properties may be developed with one transient lodging or housing unit for each 2,500 square feet of lot area. In the VC zone one unit is allowed for each 4,000 square feet of lot area.

Many properties in the CC and VC zones contain land which is undevelopable based on other land use ordinances, specifically flood hazard regulation (no development is allowed in the floodway) and grading standards (no development is allowed on steep slopes in excess of 30% grade). While these areas are not allowed to be developed, they do contribute to the overall density allowed on the developable portions of the property.

For example, a one acre property in the VC zone is allowed ten units (43,560 square feet divided by 4,000 square feet equals 10.89, which rounds down to ten units). If half of that property is in a floodway the current ordinance prohibits development from being placed in the floodway, but still allows the full ten units on the property. Thus, the property with only one-half acre of developable land is allowed to be developed with ten units. The result is a property with a perceived density that is twice the density typically allowed in the VC zone.

The Commission has found this perceived increase in density is not consistent with the Town's village atmosphere and detracts from the Town's village scale.

The proposed ordinance modifies the density provisions in the CC and VC zones by excluding area in floodways and 30% slopes from the density calculation. This will result in development with more consistent perceived density throughout the Town.

General Plan Direction

The General Plan contains references about the need to protect natural features and to maintain village character and village scale. These include:

- Objective 2.1.3
- Objective 2.2.2
- Objective 2.3.1

Because the proposed ordinance is intended to preserve natural areas and limit the development potential associated with those areas it will promote these objectives.

Public Comment

The Planning Commission held a public hearing on this agenda item and heard comments from one community member in opposition to the ordinance.

Planning Commission Action

The Commission deliberated on the proposed ordinance and made a motion to recommend **approval** of the proposed ordinance. The Commission found the proposed ordinance will promote the Town's village scale by preserving a consistent perception of density on all properties based on the amount of developable area. Commissioners Kennaston and Topham voted against the motion. They both expressed concerns about the potential unintended effects of the ordinance in making it more difficult to develop property, and that there could be other options available to accomplish the goals of the ordinance.

The Commission's motion of approval is reproduced below:

Motion made by Pam Inghram that the Planning Commission recommends approval of the proposed ordinance changes by adopting a net developable area standard to determine allowable density in the Central Commercial and Village Commercial zones as presented and discussed in the June 15, 2022, Planning Commission meeting. The Commission finds that under the current standards for determining building density in the CC and VC zones, that there has been an increase in the perceived density not consistent with the Town's village atmosphere and distracts from the village scale. The proposed ordinance modifies the density provisions in the CC and VC zones by excluding areas and floodways and on 30% slopes from the density calculation. These areas are deemed to be undevelopable under the current code. This proposed ordinance will result in development with the perceived density that is more consistent throughout the Town. The General Plan contains references to the need to protect natural features and maintain a village character and village scale. These are General Plan objectives 2.1.3 through 2.2.2, and 2.3.1. Because the proposed ordinance is intended to preserve natural areas and limit the development potential associated with those areas, it will promote these objectives.

Seconded by Noel Benson

Topham: No

Benson: Aye

Rioux: Aye

Kenaston: No

Inghram: Aye

Motion passed 3:2.

Council Action

The Council should determine whether or not the proposed ordinance revision will promote the goals and objectives of the General Plan and is in keeping with the spirit of the land use ordinance. The Commission should make findings regarding:

- Will altering the density standards based on net developable area promote the Town's village scale?
- Will the proposed ordinance promote development that is consistent with the vision of the General Plan?

Based on these findings the Council should make a motion to recommend or not recommend the proposed ordinance revision.

ORDINANCE 2022-11

AN ORDINANCE OF THE SPRINGDALE TOWN COUNCIL ADOPTING A NET DEVELOPABLE AREA STANDARD TO DETERMINE ALLOWABLE DENSITY IN THE CC AND VC ZONES

Whereas, the Springdale Town Council finds that the density (number of units allowed on a property based on its size) has a significant impact on the Town's village scale and character; and

Whereas, the Council further finds that properties with large areas of undevelopable land can be developed with what is perceived to be more intense density that is not consistent with the Town's village scale; and

Whereas, the Council desires to modify the density standard on properties with land in undevelopable areas (floodways and steep slopes) to allow density in the developable areas of the property that is consistent with the Town's village character; and

Whereas, the necessary public hearings and other processes required to amend the Town's land use ordinance have been followed;

Now therefore be it ordained by the Springdale Town Council that Title 10 of the Town Code is amended as follows:

Section 1: *The following definition of "Net Developable Land Area" is added to section 10-2-2 of the Town Code.*

10-2-2: DEFINITIONS:

Net Developable Land Area: The total amount of area contained within a lot or parcel of land minus all areas within the parcel that contain 30% slopes or FEMA designated floodways.

Section 2: *The density standard in the Central Commercial zone found in section 10-11A-7 is amended as follows:*

10-11A-7: DENSITY STANDARD:

No lot or parcel of land within the CC zone may be developed to have more than one apartment, condominium, transient lodging unit, or other similar unit per 2,500 square feet of net developable land area.

Section 3: *The density standard in the Village Commercial zone found in section 10-11B-5(B) is amended as follows:*

10-11B-5: AREA REQUIREMENTS:

B. *Units per lot:* No lot or parcel of land within the VC zone may be developed to have more than one apartment or transient lodging unit per 4,000 square feet of net developable land area.

