



Memorandum

To: Town Council
From: Thomas Dansie, Director of Community Development
Date: June 16, 2022
Re: Ordinance 2022-09: Revisions to the Transient Lodging Land Use Regulations

Executive Summary

On January 12, 2022 the Town Council adopted Ordinance 2022-01, a temporary land use ordinance prohibiting applications for new transient lodging facilities. The ordinance also appointed an eight-member taskforce charged with preparing recommended revisions to the Town's transient lodging land use regulations. Pursuant to this direction the taskforce prepared proposed revisions to the transient lodging regulations and forwarded the same to the Planning Commission. The Planning Commission reviewed the proposed changes and, after holding a public hearing, has recommended the Town Council approve the changes.

The Council reviewed the proposed changes in the June 8 meeting. After holding a public hearing the Council deliberated on the ordinance and requested modifications as listed below:

- Require the Transient Lodging Overlay zone for Type 1 Transient Lodging.
- Modify the front desk / concierge desk staffing requirement for Type 1 lodging based on additional research with existing hotels.
- Revise the option to use long-term residential housing to satisfy the mixed-use requirement by:
 - Clarifying that employee housing does not satisfy this requirement, and
 - Requiring more area to be devoted to long-term residential housing to satisfy the mixed-use requirement than what is required for other mixed-uses.
- Provide more detail on compliance review done as part of the annual business license renewal.

Staff has revised the ordinance based on the Council's direction. The revised ordinance is attached to this report.

Summary of Changes

The revised ordinance includes the following changes.

Type 1 Lodging in the Transient Lodging Overlay Zone

The revised ordinance requires new or expanded transient lodging that is both Type 1 and Type 2 to be in the transient lodging overlay zone. Previously Type 1 lodging was a permitted use subject to additional standards. The proposed draft requires a legislative approval (zone change) for both types of transient lodging.

Front Desk / Concierge Desk Requirements

The revised ordinance alters the front desk requirement by changing the number of hours the front desk is required to be staffed based on season (10 hours in the winter, 14 hours in the summer). These hours are based on a review of existing hotels' front desk hours.

There is a wide variety of front desk hours at hotels in the Town. Most are staffed 24 hours during the summer season. Many reduce their staff hours in the winter. Several of the smaller hotels have limited hours in both the summer and winter seasons. One hotel is contemplating changing to a self check-in kiosk with a limited concierge desk service. Of the hotels staff contacted, the current minimum staffing hours are 11 hours in the summer and 13.5 hours in the winter.

The proposed ordinance also clarifies that the front desk / concierge desk must be dedicated to the transient lodging use. It cannot be a shared front desk with another commercial use on the property.

Long-Term Residential Housing

The proposed ordinance clarifies that employee housing does not satisfy the mixed-use requirement for transient lodging. Further, if a property owner chooses to use long-term residential housing to fulfill the mixed-use requirement the amount of floor area required to be dedicated to the use is 50% more than the floor area required for other mixed-uses. These changes are intended to promote housing that is beneficial to the community.

Annual Compliance Check at the Business License Renewal

Property owners are required to provide documentation of compliance with the standards of the ordinance each year during the annual business license renewal process. The Town can develop policies that establish the protocol for this process.

The Town can develop a checklist that is sent to the transient lodging business at the same time the business license renewal is sent to the business manager. This checklist can require the business manager to provide the following information, and to certify it is true and accurate:

- For Type 1 lodging, schedule of hours of operation for the front desk / concierge desk.
- For Type 2 lodging:
 - Name and address of the property manager (to document residence within 16 miles of the facility).
 - Links to all sites where the property is listed online to document compliance with the requirement to post a photograph of the Springdale business license.
 - Current copy of the facility's good neighbor policies and nuisance reporting protocol for neighbors.
- For both types of lodging:
 - Documentation of the mixed-use on the property in compliance with the required amount of floor area. This could include business licenses for the mixed-use commercial businesses on the site, lease agreements for the long-term housing on the site, or other

documentation as appropriate. *The Town can adopt a “grace period” policy that states a property owner has a certain amount of time (six months?) to provide this mixed-use documentation if it is not immediately available at the time of business license renewal (if, for example, the commercial mixed-use went through an ownership transition while the transient lodging was in the business license renewal process). Of course, non-mixed-use documentation would continue to be required at the time of the business license renewal application.*

Other Considerations

The Council may wish to consider the following options that were discussed in concept at the meeting. Staff is providing sample language for these concepts that can assist the Council in revising the ordinance, should you choose to do so.

- *Application Cap: The Council discussed the concept of a cap on the number of transient lodging applications the Town will consider each year. This policy would provide an additional tool for the Council to use in managing the pace of new transient lodging development. The following ordinance language can be used if the Council wishes to implement this policy:
“10-13F-8: Application Cap: The Town will accept applications for no more than five requests for the transient lodging overlay zone each calendar year. Applications will be accepted on a first come, first served basis. In the event the Town receives multiple complete applications for transient lodging in a quantity that would exceed the application cap on the same date, the Town will conduct a random drawing to determine which applications are processed.”*

Council Action

The Town Council should review the proposed ordinance to determine the following:

1. Do the proposed revisions and lodging strategies successfully address the issues identified in the Town’s Ordinance 2022-01:
 - a. Converting long-term residential rental units in commercial zones to short-term transient lodging, thereby decreasing the amount of rental housing available in the Town and exacerbating the Town’s affordable housing problems;
 - b. Converting non-lodging commercial properties into short-term transient lodging, thereby reducing the diversity of commercial uses in the Town which detracts from the Town’s village character;
 - c. Creating a market which encourages the development of land primarily with transient lodging uses and no complementary commercial uses, which reduces the diversity of commercial uses and services in the community; and
 - d. Increasing the intensity of development on commercial properties adjacent to and nearby residential properties which results in more traffic, noise, and light in these areas and degraded quality of life for Town residents.

2. Do the proposed revisions and lodging strategies promote the goals and objectives of the General Plan? The Commission may wish to specifically review the following General Plan references in making this determination:
 - a. Goal 2.1
 - b. Objective 3.1.3
 - c. Objective 4.2.3
 - d. Objective 5.1.4
3. Do the proposed revisions meet the standards for making revisions to the land use ordinance outlined in section 10-3-2(A) of the Town Code?
 - a. *Legislative amendment policy: For the purpose of establishing and maintaining sound, stable and desirable development within the Town, the Town has adopted a general public policy that amendments should not be made to this title or to the zoning map except to promote more fully the objectives and purposes of this title and the General Plan, to correct manifest errors, or to accommodate substantial changes in conditions that are not contemplated in the General Plan.*

Based on these findings the Council should make a motion to approve or disapprove the proposed ordinance revisions.

Attachments

1. Proposed Ordinance 2022-09

ORDINANCE 2022-_____

AN ORDINANCE OF THE SPRINGDALE TOWN COUNCIL REVISING THE TOWN'S LAND USE REGULATIONS REGARDING TRANSIENT LODGING, ESTABLISHING TWO TYPES OF TRANSIENT LODGING, ENACTING THE TRANSIENT LODGING OVERLAY ZONE, AND RELATED MATTERS

Whereas, on January 12, 2022 the Springdale Town Council adopted Ordinance 2022-01, a temporary land use regulation on January 12, 2022 which placed a moratorium on all applications for transient lodging facilities for a period not to exceed 180 days, and

Whereas, the Springdale Town Council appointed a taskforce to research the issues associated with transient lodging and to develop and recommend strategies to mitigate the negative impacts of transient lodging and present those to the Planning Commission, and

Whereas, the taskforce has spent the last four months analyzing transient lodging in Springdale and, based on this analysis, developed the following goals for transient lodging land use regulations:

1. Promote and preserve a diversity of commercial uses in the commercial zones, given the trend of conversion of existing commercial uses to transient lodging,
2. Address impacts created by the conversion of long-term housing to transient lodging,
3. Prevent nuisance impacts created by the location of transient lodging units in relation to other uses,
4. Address the impact of transient lodging on the Town's village character,
5. Revise ordinance language to prevent unintended consequences of the current regulations, and

Whereas, the taskforce has researched transient lodging regulation strategies in peer communities, consulted with subject matter experts on transient lodging regulation, gathered public feedback through a general survey distributed to the community, and

Whereas, the taskforce has used all this research and analysis to produce recommended land use regulation strategies to mitigate the negative impacts of transient lodging and promote the Town's village character, and

Whereas, the Planning Commission and Town Council have both reviewed and vetted the proposed revisions to the Town's land use regulations regarding transient lodging and find they are consistent with the Town's General Plan and will promote the Town's village character, and

Whereas, the necessary public hearings and procedures required to amend the Town's land use ordinance have been fulfilled,

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 definitions are revised or added to section 10-2-2 of the Town Code:

10-2-2: DEFINITIONS:

Bed and breakfast: A ~~transient lodging facility in a~~ residential style structure used as a transient lodging facility and located in a commercial zone (or in a residential zone as a nonconforming use). ~~where a~~The host, either the owner or a full-time manager, lives on-site and acts as the primary service provider for the facility. Bed

and breakfasts offer guests private guestrooms and shared living, dining, and recreational areas in a residential style structure. A bed and breakfast does not qualify as a "home occupation".

~~*Motel:* A transient lodging facility usually containing one or more buildings. Guestrooms usually have outside entrances.~~

Residential Hosting: A type of transient lodging facility where a portion of a structure with a primary long-term residential use is rented on a nightly basis. Unlike a bed and breakfast, residential hosting is clearly secondary to the use of the property as a long-term residential dwelling. Unlike a short-term rental, residential hosting is not conducted in a self-contained unit with private entrance, sleeping, and cooking facilities. Residential hosting is only allowed in the VC and CC zones.

Short-term rental: A transient lodging facility where guests have limited or no interaction with on-site staff. Short-term rentals ~~typically do are~~ not required to have front desks or full-time on-site staff. A short-term rental can be the rental of an entire structure, or rental of a completely self-contained dwelling unit, or multiple units in a larger structure (the larger structure may have a non-transient lodging use in addition to the short-term rental unit). Each short-term rental facility unit includes a private entrance, sleeping, bathing, and basic cooking facilities. Commonly referred to as a vacation rental. Short-term rentals are distinct from residential hosting in that there is limited or no interaction with the host.

Transient lodging unit: An individual^A space for overnight accommodations in a transient lodging facility. Transient lodging units in different types of transient lodging facilities are specifically defined below: For hostels, every 175 square feet of shared sleeping space counts as one transient lodging unit, and every private rented bedroom in the hostel counts as one transient lodging unit. For all other types of transient lodging the number of transient lodging units determined to be in a transient lodging facility is the greater of

1. The total number of rooms or spaces that could accommodate sleeping overnight, or
2. The total number of bathrooms in rented transient lodging spaces. For the purposes of this definition a bathroom is a space with a wash basin and either 1) a toilet, or 2) a bathtub and/or shower. Spaces with multiple toilets, bathtubs, or showers will be counted as multiple bathrooms depending on how many toilets, bathtubs, or showers they contain.

~~*Bed and breakfast:* Every bedroom that is offered for transient lodging rental in the bed and breakfast facility is counted as a transient lodging unit.~~

~~*Hostel:* Each 175 square feet of shared sleeping space in the hostel counts as one transient lodging unit. Each private bedroom in the hostel counts as one transient lodging unit.~~

~~*Hotel/motel:* Each bedroom with a bathroom in a hotel/motel counts as one transient lodging unit. Suite units in a hotel/motel with multiple bedrooms are counted as multiple transient lodging units, based on the number of bedrooms in the suite unit.~~

~~*Short term rental:* Every bedroom in the short term rental counts as one transient lodging unit.~~

Type 1 Transient Lodging: A transient lodging facility that has full-time on-site front desk or concierge staff dedicated to assisting customers of the transient lodging business. These types of facilities offer guests routine support services such as housekeeping and maintenance. These facilities may have a variety of types of accommodations, including basic rooms and suites with kitchens, and may offer food services to guests. Type 1 transient lodging is contained in a structure that is purpose-built for lodging and cannot be easily converted to a non-lodging use. Type 1 transient lodging includes hotels and motels.

Type 2 Transient Lodging: These are lodging establishments where there is no full-time on-site staff dedicated to providing services to guests. The establishment typically does not offer routine support services such as housekeeping or front desk services. Type 2 transient lodging is contained in a structure that can be converted

to a non-lodging use (either another commercial use or a long-term residential use) with minimal renovation. Type 2 transient lodging includes: short-term rentals, residential hosting, bed and breakfasts, and hostels.

Section 2: 10-3A-4 is revised to read as follows:

10-3A-4: SPECIFIC STANDARDS:

In addition to the general standards found in section 10-3A-4, the Planning Commission and the Town Council will consider the following specific standards for each type of conditional use when reviewing an application. The commission may recommend and the council may impose reasonable conditions on the proposed use to bring the use into compliance with these standards.

- A. *Standards for conditional uses in the Foothill Residential Zone:* None at this time.
- B. *Standards for conditional uses in the Valley Residential Zone:* None at this time.
- C. *Standards for conditional uses in the Agricultural Zone:* None at this time.
- D. *Standards for conditional uses in the Central Commercial Zone:* None at this time.
- E. *Standards for conditional uses in the Village Commercial Zone:* None at this time.
 - ~~1. — *Transient lodging:* Transient lodging facilities, hotels, motels, hostels and bed and breakfasts.

 - a. — *Access and entrances to guestrooms (including rear patios and balconies) must be placed and oriented to have as minimal an impact on surrounding properties as possible.*
 - b. — *Outdoor gathering areas (pools, patios, courtyards, etc.) must be located such that they will not cause unreasonable increases in noise, lighting or other impacts on surrounding residentially-zoned property.*
 - c. — *Outdoor lighting must be designed such that the bulbs or lenses of light sources are not visible beyond the property boundaries. All exterior lights must use full cutoff fixtures.*~~

Section 3: 10-7A-2 is revised to read as follows:

10-7A-2: PERMITTED, ACCESSORY, AND CONDITIONAL USES ESTABLISHED:

A use that is indicated as permitted ("P") is allowed in the applicable zone if the use is consistent with all laws and ordinances applicable to the use. An accessory use ("A") is allowed in the applicable zone only if the use is accessory to a primary, allowable use and is consistent with all laws and ordinances applicable to the accessory use. A conditional use ("C") is allowed in the applicable zone only with a conditional use permit for the use and if the use is consistent with all laws and ordinances applicable to the use. An overlay zone use ("OZ") is allowed in the applicable zone only when an overlay zone is first applied to the underlying zone. A nonpermitted use ("N") is prohibited in the applicable zone. A use that is not listed in the table below is prohibited unless it is allowed in accordance with subsection 3. below.

Use	FR	VR	AG	CC	VC	PU
Residential uses:						
Accessory buildings such as garages, carports, bathhouses, greenhouses, gardening sheds and similar structures which are customarily used in conjunction with, and incidental to, a permitted principal use or structure	A	A	A	A	A	A
Accessory dwelling units, <u>external</u>	N	P	N	N	N	N

<u>Accessory dwelling units, internal</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
Elderly residential facilities, subject to the requirements of chapter 22 of this title	P	P	N	P	P	N
Guesthouses, only one per lot or parcel of land	A	A	N	A	A	N
Home occupations where public comes to the premises on an appointment only basis	P	P	P	P	P	N
Keeping of household pets, but not four or more dogs or other domesticated animals of similar size	P	P	P	P	P	P
Kennels, noncommercial, subject to the standards in this chapter)	P	P	P	P	P	N
Multiple-family dwellings or apartments	N	N	N	P	P	N
Open space, public or private	P	P	P	P	P	P
Parks, public or private	P	P	P	P	P	P
Residential facilities for persons with a disability, subject to the requirements of chapter 22 of this title	P	P	N	P	P	N
Single-family dwelling, detached only, for the use of a caretaker, watchman or similar employee of a permitted use	N	N	N	N	N	A
Single-family dwellings, detached	P	P	N	P	P	N
Single-family dwellings or dwelling groups, detached (owner or employee occupied, one per five acres of land area, in support of agricultural operations on the property)	N	N	P	N	N	N
Swimming pools	A	A	A	A	A	P
Two-family dwellings, duplex	N	P	N	P	P	N
Utilities, lines and rights-of-way only	P	P	P	P	P	P
Agricultural uses:						
Agricultural related business, including:	N	N	P	N	N	N
a. Indoor-outdoor retail market facilities specializing in produce grown on site;						
b. Processing facilities of 10,000 square feet or less in area and located a minimum of 100 feet from a VR or FR Zone boundary and 30 feet from SR-9;						
c. Warehouses or similar storage facilities of 10,000 square feet or less in area and located a minimum of 100 feet from a VR or FR Zone boundary and 30 feet from SR-9.						
Agriculture	P	P	P	P	P	P
Keeping and raising of farm animals	N	P	P	N	N	N
Keeping of nondomesticated animals not defined as "farm animals"	N	N	N	N	N	N
Commercial and public uses:						
Administrative, professional or medical offices	N	N	N	P	P	N
Ambulance and fire protection services	N	N	N	P	P	P
Art galleries	N	N	N	P	P	N
Artist studios	P	P	N	P	P	N
Automotive service stations, subject to the standards of this chapter	N	N	N	P	P	N
Bakeries, retail	N	N	N	P	P	N
Banks and financial institutions	N	N	N	P	P	N
Barber and beauty shops	N	N	N	P	P	N
Bicycle shops	N	N	N	P	P	N
Blueprint and photocopy services	N	N	N	P	P	N
Cemeteries	N	N	N	N	N	P

Churches	N	N	N	P	P	N
Clubs, lounges, and bars	N	N	N	P	P	N
Convenience stores	N	N	N	P	N	N
Daycare and nursery schools, subject to the standards in subsection 10-7A-4(B) of this chapter	N	N	N	P	P	N
Delicatessens	N	N	N	P	P	N
Drugstores and pharmacies	N	N	N	P	P	N
Educational institutions; public, quasi-public or private	N	N	N	P	P	P
"Established uses" as provided for in section 10-21-1 of this title	N	N	N	P	P	N
Florist shops	N	N	N	P	P	N
Food markets and grocery stores	N	N	N	P	P	N
Food trucks (see standards in section 10-22-17 of this title)	N	N	P	P	P	N
General retail stores	N	N	N	P	P	N
Guiding and tour services to areas inside Town limits, subject to the standards in this chapter	N	N	N	P	P	N
Guiding, tour, and transportation services to areas outside Town limits	N	N	N	P	P	N
Laundries, self-service	N	N	N	P	P	N
Libraries and museums, public or private	N	N	N	P	P	P
Liquor stores	N	N	N	P	P	N
Manufacturing, small scale assembly and production, subject to the standards in this chapter	N	N	N	P	P	N
Microbreweries	N	N	N	P	P	N
Nursery and garden supplies	N	N	N	P	P	N
Postal services	N	N	N	P	P	P
Public assembly	N	N	N	P	P	P
Public or quasi-public cultural activities and nature exhibits	N	N	N	P	P	P
Public parking areas and facilities	N	N	N	P	P	P
Public services facilities and government offices	N	N	N	P	P	P
Recreational facilities, commercial, subject to the standards in this chapter	N	N	N	P	P	P
Rental of nonmotorized recreational equipment	N	N	N	P	P	N
Rental of power equipment	N	N	N	P	N	N
Restaurants	N	N	P	P	P	N
Rock shops	N	N	N	P	P	N
Theaters, subject to the standards in this chapter	N	N	N	P	P	P
Transient lodging facilities, Type 1 hotels, motels, hostels and bed and breakfasts	N	N	N	<u>P^{OZ1}</u>	<u>€</u>	N
Transient lodging facilities, Type 2	<u>N</u>	<u>N</u>	<u>N</u>	<u>OZ¹</u>	<u>OZ¹</u>	<u>N</u>
Transportation services, subject to the standards in this chapter	N	N	N	P	P	P
Travel agencies	N	N	N	P	P	N
Vehicle holding area	N	P ^{2±}	N	P	P	P
Miscellaneous uses:						
Wireless communication facilities	See section 10-27-5 of this title					

Note:

1. Only when the Transient Lodging Overlay Zone is first applied to the property.
- ±2. Only on public parking lots existing on July 11, 2018 which are currently operating as non-conforming uses.

Section 4: Chapter 13, Article F: Transient Lodging Overlay Zone is enacted as follows:

10-13: Overlay Zones

Article F: Transient Lodging Overlay Zone

10-13F-1: Purpose: The Transient lodging overlay zone is established to allow for targeted expansion of transient lodging in the Town. The overlay zone is intended to allow transient lodging in a manner that will protect and promote the Town's village character and will enhance the quality of a visitor's visit to the Zion region.

10-13F-2: Applicability: The transient lodging overlay zone may only be applied on properties already in the Central Commercial or Village Commercial zones. A person may not make an application for a zone change to the transient lodging overlay zone concurrently with an application for a zone change to the VC or CC zone.

10-13F-3: Transient Lodging Overlay Zone required for transient lodging. No person shall establish a new transient lodging facility or add more transient lodging units to an existing transient lodging facility on a property in the Town of Springdale without first obtaining approval of the Town Council to apply the Transient Lodging Overlay zone to the property. The Planning Commission will not accept applications for Design / Development Review for new transient lodging facilities unless the property where the proposed transient lodging facility is located is in the Transient Lodging Overlay zone. The Town will not accept applications for a business license for new transient lodging unless the property is located in the Transient Lodging Overlay zone.

10-13F-4: Transient Lodging Standards: All property used as transient lodging in the transient lodging overlay zone must be compliant with the following standards:

A. Mixed Use Requirement: No property in the transient lodging overlay zone may be developed with an exclusive use of transient lodging. Properties used for transient lodging must also include at least one of the following non-lodging uses on the property. These uses must be open to the general public, be operated independently from the transient lodging, and with the exception of long-term residential housing be a separate licensed business from the transient lodging. The total amount of building floor area dedicated to non-lodging uses must be the amount required as specified in the specific standards for each type of transient lodging elsewhere in this chapter. Bike rental does not meet this mixed-use requirement. Allowable mixed-uses are:

1. Long-term residential housing occupied by the same household for periods of 90 consecutive days or more.
2. Administrative, medical, or professional offices.
3. Art galleries or artist studios.
4. Bakeries, retail.
5. Barber and beauty shops.
6. Clubs, lounges, and bars.
7. Convenience stores.
8. Delicatessens.
9. Drugstores and pharmacies.
10. Florist shops.
11. Food markets and grocery stores.
12. General retail stores.
13. Liquor stores.

14. Microbreweries.

15. Restaurants.

16. Fitness centers and Spas.

B. Transient lodging facilities shall conform to all of the following development standards:

1. The transient lodging facility shall not receive approval for DDR or business license if, at the time of application, the facility is projected to create a need for essential municipal services (including water and other utility service) that the Town cannot reasonably meet and the applicant is unwilling or unable to pay the costs to upgrade the service to meet demand caused by the new development. The applicant shall not be required to pay costs to upgrade services to meet unmet demand in the community in general.

2. The transient lodging facility must be screened from all adjacent residential property by a 10-foot-wide landscape buffer which includes berms, trees, shrubs, and a solid fence or wall at least eight feet in height.

3. Transient lodging facilities must be located on a dedicated public road.

4. All entrances and access to the transient lodging facility and individual guestrooms must be oriented away from adjacent residential properties.

5. Outdoor gathering areas (patios, courtyards, etc.) must be located such that they will not create noise or lighting nuisances on adjacent residential property.

C. Managers of all transient lodging facilities shall provide documentation of compliance with all the standards in this chapter during the annual renewal of the business license for the transient lodging facility. The Town shall not issue an initial business license or business license renewal for a transient lodging facility in the transient lodging overlay zone if all of the standards of this chapter have not been met.

10-13F-5: Specific standards for Type 1 transient lodging: All Type 1 transient lodging in the transient lodging overlay zone shall comply with the following standards:

A. Minimum mixed-use requirement: Each property used for Type 1 transient lodging must include building space developed for and dedicated to mixed use with at least as much floor area as stipulated below. Uses not specifically identified in the list in section 10-13F-4(A) are not included in meeting the minimum amount of floor area required to be mixed use.

1. Type 1 Transient lodging facilities with between 1 and 20 transient lodging units must include a minimum of 2,500 square feet of floor area developed for and dedicated to mixed use.

2. Type 1 Transient lodging facilities with more than 20 transient lodging units must include a minimum of 4,800 square feet of floor area developed for and dedicated to mixed use.

3. The floor area of public restrooms on a property used for Type 1 transient lodging facility may be included in the mixed-use floor area total if all the following conditions are met:

a. The restrooms are open to the general public at all times the front desk or concierge desk is open.

b. There are two separate restrooms providing accommodations for all genders.

c. The restrooms are signed as public restrooms such that passersby in front of the facility are able to identify and locate the restrooms.

d. The property owner is responsible for all maintenance and operational costs associated with the restrooms.

e. No more than 300 square feet of restroom area is counted as mixed use area.

4. If long-term residential housing is used to meet the mixed-use requirement, the amount of floor area required to meet the minimum mixed-use floor area requirement is increased by 50%. Housing must be open for rent by members of the general public. Housing made available to employees of a

transient lodging facility and that is contingent in any way on their employment at the transient lodging facility does not satisfy the mixed-use requirement.

B. On-site staff requirement:

1. All Type 1 transient lodging facilities shall have a front desk or concierge desk that is continuously staffed by on-site personnel to respond to inquiries and requests from and provide service to guests of the facility. The front desk / concierge desk must be dedicated specifically to the transient lodging use on the property and may not be used in conjunction with any other use or business. The front desk / concierge desk must be open and continuously staffed by on-site personnel for at least 10 hours each day between October 15 and March 15, and for at least 14 hours each day all other times.

2. In addition to the front desk / concierge desk, a Type 1 transient lodging facility must have 24 hour on-call staff available who are able to be on the property to respond to emergencies and nuisance issues within 30 minutes of being notified.

10-13F-6: Specific standards for Type 2 transient lodging: All Type 2 transient lodging in the transient lodging overlay zone shall comply with the following standards:

A. Minimum mixed use requirement: With the exception of residential hosting, each property used for Type 2 transient lodging must include building space developed for and dedicated to mixed use with at least as much floor area as stipulated below. Uses not specifically identified in the list in section 10-13F-4(A) are not included in meeting the minimum amount of floor area required to be mixed use.

1. Transient lodging facility with between 1 and 5 transient lodging units: minimum 800 square feet of building floor area developed for and dedicated to mixed use.

2. Transient lodging facility with between 6 and 10 lodging units: minimum 1,200 square feet of building floor area developed for and dedicated to mixed use.

3. Transient lodging facility with more than 10 lodging units: minimum 1,600 square feet of building floor area developed for and dedicated to mixed use.

4. If long-term residential housing is used to meet the mixed-use requirement, the amount of floor area required to meet the minimum mixed-use floor area requirement is increased by 50%. Housing must be open for rent by members of the general public. Housing made available to employees of a transient lodging facility and that is contingent in any way on their employment at the transient lodging facility does not satisfy the mixed-use requirement.

B. Property manager requirement: All Type 2 transient lodging shall be managed by a property manager who lives within 16 miles driving distance of the lodging facility and who is on-call 24 hours per day. The property manager must be able to be on the transient lodging property to respond to complaints of nuisance or non-compliance with the standards in this chapter within 30 minutes of being notified.

1. Residential hosting transient lodging facilities must have a primary use of long-term residential housing, in addition to the secondary use as a Type 2 transient lodging facility. These facilities must be permanently occupied by a person using the structure as their primary residence. The permanent resident of the residential hosting facility must act as the property manager to fill the property manager requirement of this paragraph.

C. Unit Count Maximum: No Type 2 transient lodging facility may contain more than 15 transient lodging units.

D. Type 2 transient lodging facilities shall list the Springdale Business license and a photograph of the actual license on all online sites where the lodging is able to be reserved or rented.

E. Type 2 transient lodging facilities shall adopt good neighbor policies and shall provide a nuisance reporting mechanism to allow neighbors to report complaints.

F. Location standards for Type 2 transient lodging in the transient lodging overlay zone:

1. In the Village Commercial zone no property may be used for Type 2 transient lodging if there are already three or more properties within 500 feet of the subject property already being used as Type 2 transient lodging.
2. In the Central Commercial zone no property may be used for Type 2 transient lodging if there are already three or more properties within 250 feet of the subject property already being used as Type 2 transient lodging.

10-13F-7: Notice and Restrictive Covenant Required: The Town will not finalize approval of the transient lodging overlay zone on any property until the owner of the property has recorded a notice and restrictive covenant against the property in the Washington County Recorder's office that details the requirements of this chapter as applied to the property and binds future property owners to comply with the requirements of this chapter, as conditioned and applied to the property.