



Memorandum

To: Planning Commission
From: Thomas Dansie, Director of Community Development
Date: April 14, 2023
Re: Workforce Housing Overlay Zone

Executive Summary

The Housing Committee has prepared a proposal for a Workforce Housing Overlay zone to be added to the Town Code. The proposal is based on direction in the General Plan, feedback from the Planning Commission, input from housing experts, the results of the community survey on housing, and interviews with Springdale employers.

The Planning Commission has reviewed drafts of the Workforce Housing Overlay zone on four separate occasions. After each of the Commission's reviews the Housing Committee has incorporated feedback and comments from the Commission into the proposal. The Committee has now prepared a final version of the ordinance for the Commission's consideration and recommendation.

If adopted, the proposed Workforce Housing Overlay zone would do the following:

- Allow increased density for residential developments targeted toward employees of Springdale and Zion National Park businesses and organizations.
 - Eight units per acre would be allowed for single-family and duplex development.
 - Sixteen units per acre would be allowed for multi-family development.
- Require at least 75% of the housing units in the development to be occupied by households with at least one member who is actively employed in Springdale.
- Establish criteria for the Planning Commission and Town Council to use when evaluating requests for the Workforce Housing Overlay zone.¹
- Require deed restrictions to be placed on any property in the Workforce Housing Overlay Zone to ensure the property remains workforce housing in perpetuity.
- Establish development standards (e.g. building sizes, heights, setbacks) for development in the Workforce Housing Overlay Zone.

The Planning Commission should review the Housing Committee's proposal for a Workforce Housing Overlay Zone. The Commission should determine whether or not the proposed WFOZ accomplishes the goals and objectives of the General Plan, and if it will help address the Town's housing needs. Based on

¹ Because the Workforce Housing Overlay Zone would require a zone change, approval of WFHOZ development is a legislative action over which the Town has a great deal of discretion. Applications for the WFHOZ need not be approved, even when compliant with the review criteria, if the Town Council finds the project does not promote the goals of the General Plan.

this discussion the Commission should make a recommendation to the Town Council whether or not to adopt the Workforce Housing Overlay Zone.

State of Housing in Springdale

Most housing in the Town of Springdale is located in low-density single family neighborhoods. Currently, the Town's two residential zones require lot sizes of at least three-quarters of an acre, and up to five acres. There are a number of non-conforming lots that were created prior to the current zoning standards. These are mostly one-quarter of an acre and larger.

The Town allows multi-family development in the two commercial zones and also in the Moderate Income Housing Development Overlay zone. The Town has one multi-family development existing as a non-conforming use in the Foothill Residential zone (the Stone Mountain condominiums).

There are currently approximately 393 total housing units in the Town (not counting employee housing units on commercial properties²). Of those, 269 are single family residences, 26 are duplexes, and 98³ are in multi-family developments.

The Town has partnered with Utah Tech University through their City Alliance program to perform an in-depth study and analysis of housing in the Town beginning this Fall. This analysis will include identifying the number of rentals compared to ownership units, and the number of primary residences compared to second homes.

As documented by prior studies, there are not enough housing units available in Springdale at an attainable price to meet the demand of employees of local businesses who wish to live in Springdale.

Housing affordability and workforce housing is a regional issue. There are few workforce housing options in Virgin, La Verkin, Hurricane, or other communities throughout Washington County.⁴ All the communities in the County, and most of the communities in the State, are struggling with similar housing issues.⁵ Thus, it is unlikely that neighboring communities are in any better position to provide workforce housing for Springdale employees than Springdale.

History and Timeline of Planning Efforts Related to Housing

The following is a brief summary of the planning efforts the Town has undertaken relative to housing in the recent past:

- [Zions Bank Public Finance Housing Study](#): In 2020 the Town engaged ZPFI to conduct an analysis and study of housing in the Town. The study documented the current state of housing, economic

² There are approximately 36 additional housing units on properties with a primary commercial use.

³ The bulk of the 98 multi-family units are in just four developments: Red Hawk, Moenave, Juniper Lane Townhomes, and Stone Mountain Condominiums.

⁴ See this [article in the St George Spectrum](#)

⁵ See this [article in the Salt Lake Tribune](#).

factors influencing housing affordability, the amount of demand for affordable and workforce housing in the community.

- The Planning Commission has reviewed housing issues in general, and the workforce housing overlay zone in specific, on a number of occasions in the past year and a half. A summary of these meetings and links to the meeting minutes of each follows:
 - *January 5, 2022*: The Commission Identified housing as a priority goal for 2022. ([meeting minutes](#))
 - *February 2, 2022*: The Commission directed staff and two Commissioners to work on ordinance revisions to implement strategies from the 2020 Zions Bank Public Finance Housing Study. ([meeting minutes](#))
 - *March 2, 2022*: The Commission had an initial discussion on housing strategies, including the concept of amending the Moderate Income Housing Development overlay zone to create a Workforce Housing Zone. ([meeting minutes](#))
 - *May 4, 2022*: The Commission discussed in detail the concept of a workforce housing overlay zone, and gave the Housing Committee feedback on the concept. ([meeting minutes](#))
 - *June 1, 2022*: The Commission discussed the first draft of a workforce housing overlay zone and gave the Housing Committee feedback. ([meeting minutes](#))
 - *July 6, 2022*: The Commission discussed a revised draft of a workforce housing overlay zone and gave additional feedback to Town staff. The Commission also expressed general support for the concept. ([meeting minutes](#))
 - *August 3, 2022*: The Commission continued to discuss the details of a workforce housing overlay zone, expressed additional concerns, and suggested the need for a community survey. ([meeting minutes](#))
 - Note: from August to December 2022 the Housing Committee worked with a survey consultant to prepare and distribute a community survey regarding housing.
 - *January 18, 2023*: The Commission reviewed [results of the community housing survey](#).
 - *February 1, 2023*: Staff gave the Commission an update on the Housing Committee's work updating the workforce housing zone, with a preview of the updates based on the community survey. ([meeting minutes](#))
 - *March 1, 2023*: The Commission reviewed an updated draft of the workforce housing zone in detail and gave feedback and direction. ([meeting minutes](#))

General Plan Guidance

The General Plan was updated in 2021. The content in this update was vetted with the public through a two-year public involvement process. The Commission sought out and received extensive input from the community during the preparation of the General Plan update content. The General Plan contains an entire chapter devoted to housing. As with the rest of the General Plan, the content for the housing chapter was developed based on extensive public outreach and feedback.

The General Plan establishes a broad vision for the community's future. This vision is supported by a network of goals, objectives, and action strategies. Each of these goals, objectives, and strategies should be read in context of the larger overriding General Plan vision. In some cases, individual objectives from different sections of the General Plan may appear to compete with each other when taken out of the context of the larger General Plan vision. For example, in one place the General Plan emphasizes the need to protect the character of existing residential neighborhoods. In another place the Plan talks about increasing density in certain areas to promote more diverse housing options. Taken out of the context of the General Plan vision, these two statements could appear to be in competition. However, both of these strategies can help achieve the vision of a community strengthened by solid relationships among community members, and one where there is a diversity of housing options available. Commissioners should read the General Plan goals and objectives in the context of the overriding General Plan vision.

The General Plan contains the following direction regarding housing.

Community Vision Statement

Springdale is strengthened by solid relationships among community members. Community members come from diverse backgrounds, care for and support each other, respect and protect the natural environment, and work toward preserving the health of the community. The Springdale community is a place where everyone is welcome, all perspectives are valued, and people gather frequently to build community bonds. Adequate living accommodations are available for all members of the diverse community.

Land Use and Town Appearance C 2

Zone changes that will promote the Town's housing goals (as outlined in Chapter 3 of this Plan, as well as the 2020 Zions Public Finance Housing Study), will be carefully reviewed and considered. Such zone changes will only be considered for approval if the Town finds the proposed zone change will clearly benefit the Town by providing more attainable housing options for members of the community.

Housing General Goal

Springdale will retain its rural residential character by protecting existing residential neighborhoods from the impacts of increased commercialization. The Town will have housing options that support a diverse population, including low density residential units, higher density multi-family units in select locations, accessory dwelling units, and others. This will allow the Town to maintain housing for a community with families of diverse income. It will benefit local businesses by providing a larger labor pool. It will benefit the Town by having the people who are working in businesses also be committed and contributing members of the community by having access to attainable housing.

Housing Sub-Goal B

Promote community character by providing opportunities for more key contributors to the community (first responders, teachers, business owners/managers, etc.) to live full-time in the community.

Housing Sub-Goal B 1

The Town will develop policies and strategies to provide more diversity in housing options available on the market, seeking to increase housing in all categories of housing.

Housing Sub-Goal B 2 c

Consider creating a residential multi-family zone that will allow targeted and selected density changes in appropriate areas.

Housing Sub-Goal B 3 b

Explore and evaluate a creative variety of scalable employee housing solutions. These accommodations can range from hostel style, dormitory style and studio apartments. This variety of solutions would help address a wide range of housing for various length employment; short term, seasonal and also provide other longer term and more amenity-rich ‘for rent’ options.

Housing Sub-Goal B 3 c

Ensure that any development incentives the Town offers affordable housing providers are linked to deed restrictions on the property to ensure enforceability of affordable housing in the project.

Housing Sub-Goal B 3 e

Develop strategies to give employees of Springdale businesses and Zion National Park priority status to occupy deed restricted affordable housing.

Purpose and Intent of Workforce Housing Overlay Zone

The purpose of the Workforce Housing Overlay Zone is to provide a tool that could be used to create more housing options for employees of local businesses. The intent of the Overlay Zone is to help fulfill some of the objectives contained in the General Plan, specifically helping promote the Town’s sense of community by providing housing options for key contributors of the community to be able to live in the community.

There are over 1,000 employees who work in Springdale or Zion National Park who do not live in Springdale. These employees commute into the Town for work, and then back home after work. This commuting creates traffic congestion and fills limited parking supply. Further, because employees do not live in Springdale, they are less likely to contribute to the fabric and character of the community. Employees of local businesses who also live in the community are more likely to be invested and involved and contribute to the community than those employees who live elsewhere. The Workforce Housing Overlay Zone is intended to give an opportunity for some of these employees to live in Springdale.

To help ensure the Workforce Housing Overlay zone accomplishes this purpose and intent, the Housing Committee used all of the following information and sources as a foundation for the ordinance:

- The 2020 Zions Bank Public Finance Housing study

- The ordinances of other resort communities, most notably the City of Moab’s workforce housing ordinance
- Guidance and direction from the General Plan
- Information gained from in-person interviews between the Mayor, Commissioner Kenaston, and managers of Springdale businesses
- The results of the 2022 community survey on housing
- Input from affordable and workforce housing experts: Sharlene Wilde (Neighbor Works), Shirlane Quayle (St. George City Housing Director), Chris Zarek (Vice President, Cowboy Partners)

Outline of the Workforce Housing Overlay Zone

The Workforce Housing Overlay Zone would do the following:

- Allow increased density (housing units per acre) on a property. A property could be developed with up to eight single-family or duplex units per acre, and up to sixteen multi-family units per acre. As a comparison, the FR zone currently allows 0.2 to 0.5 single family units per acre, the VR zone allows 1.33 single family units or 2.66 duplex units per acre, the VC zone allows 10.89 multi-family units per acre, and the CC zone allows 17.42 multi-family units per acre.
- Require that at least 75% of the housing units on the property be occupied by a “qualified household.” A qualified household is one where at least one member of the household is employed:
 - By an organization in Springdale or Zion National Park,
 - Working within the boundaries of Springdale or Zion National Park,
 - For at least 1,560 hours per year (equivalent to nine months of working 40 hours per week).
- Require the owner of the property to record a restrictive covenant against the property ensuring the workforce housing units will be occupied by a qualified household in perpetuity. After a minimum period of 25 years the Town Council may alter the workforce housing requirement after first making a finding that the Town’s housing needs could be better served by the altered requirements.
- Require a property owner in the Overlay Zone to make a simple report to the Town each year documenting the workforce housing units are occupied by qualified households.
- Outline enforcement procedures and penalties for violations of the provisions of the workforce housing overlay zone.
- Establish criteria the Planning Commission and Town Council can use to evaluate requests for the workforce housing overlay zone, and make it clear that the Town is not obligated to approve a Workforce Housing Overlay Zone application even if it meets all the criteria. This will be a legislative decision. The Workforce Housing Overlay Zone might never be used, but having it in the ordinance would give the Town a tool that could be used in the future.
- Require the housing units in the Workforce Housing Overlay Zone to be occupied as the qualified household’s primary residence.
- Make it clear that housing units in the Workforce Housing Overlay Zone may not be used as transient lodging units and may not be sub-leased.

- Include development criteria (setbacks, building size, building heights) for projects in the WFOZ.

Additional Details

Based on the Commission's feedback the Housing Committee has made the following revisions to the WFOZ:

- Removed an allowance for people retired from employment in Springdale to occupy a workforce housing unit.
- Increased the parking requirement from one space per unit to one and a half spaces per unit.
- Simplified the process to document compliance with the active employment requirement for qualified households.
- Removed a prohibition on qualified households owning property elsewhere in Washington County, Utah.

The Housing Committee considered other feedback from the Commission. After considering this feedback the Committee did not make revisions for the reasons presented here.

- *Ownership units vs. rentals:* The proposed Workforce Housing Overlay Zone makes allowance for both ownership units and rental units. The Committee identified a need for both types of housing. Ownership units provide managers and business owners an opportunity to be part of the community on a long term basis. Rental units help employees who are not yet ready for home ownership, or who may be here only temporarily.
- *Development standards:* The Commission questioned some of the figures used for setbacks, building size, and landscape. Some Commissioners requested larger setbacks and increased landscape requirements. The Committee understood these concerns, and also wanted to respond to the feedback from affordable housing experts who felt that the development standards as proposed in the ordinance are already rather restrictive and could make development of any workforce housing projects more difficult. This is especially true on smaller lots. It is possible the Workforce Housing Overlay Zone may be used as a redevelopment opportunity on small lots in the center part of town. The center of town is already heavily developed and could be an appropriate location for workforce housing. Large setback and landscape requirements will make it infeasible to develop these small lots in the Workforce Housing Overlay Zone. The maximum building sizes proposed are the minimum necessary to develop effective workforce housing. As a comparison, the Redhawk apartment buildings are just over 6,000 square feet in area. Further, because the Workforce Housing Overlay Zone is a legislative zone change decision, the Town can negotiate larger setbacks, more landscape, or smaller building sizes for a particular proposal when appropriate. Conversely, the Town cannot negotiate *less* restrictive development standards (setbacks, landscape, building size) than what is established in the ordinance.
- *How was the requirement for 75% workforce units determined?* The Committee wanted the majority of the units in a development to be workforce units, while allowing some market rate units to make it feasible for a property owner to construct a Workforce Housing Overlay Zone

project. Further, the Committee felt this figure could help incentivize more ownership units relative to rental units.

- *Where could a Workforce Housing Overlay Zone development be built?* By making the Workforce Housing Overlay Zone available in all zones the Town does not foreclose an opportunity for a workforce housing project that could be appropriate. In this way the Town is not mandating or dictating where workforce housing is built. Further, because the Overlay Zone is a zone change, the Town retains ultimate discretion on where the Workforce Housing Overlay Zone can be implemented. If a property owner proposes to develop property in the Workforce Housing Overlay Zone the Town has the ability to evaluate whether or not it is a good location / project.

Public Comment

The Town has not received any formal written comment regarding the proposed Workforce Housing Overlay Zone.

Planning Commission Action

Section 10-3-2(A) of the Town Code states it is the Town’s general policy not to make amendments to land use regulations, except in three circumstances: 1) to promote the General Plan, 2) to correct errors, or 3) to accommodate changes in conditions. Thus, the Planning Commission should consider whether or not one or more of these conditions have been met. The Commission may wish to consider the following questions to help make this determination:

1. Will the proposed Workforce Housing Overlay Zone promote the community vision established in the General Plan? In particular, will the Workforce Housing Overlay Zone help strengthen community bonds by creating housing options for a diverse community?
2. Will the proposed Workforce Housing Overlay Zone promote the goals of the Housing chapter of the General Plan? In particular, will the Workforce Housing Overlay Zone:
 - a. Allow targeted higher density residential development in select locations of the Town to help provide housing options for households with diverse incomes? (Housing General Goal, Housing Sub-Goal B 2 c)
 - b. Provide opportunities for more key contributors to the community (first responders, teachers, business owners/managers, etc.) to live full-time in the community? (Housing Sub-Goal B)
 - c. Provide more diversity in housing options available on the market, seeking to increase housing in all categories of housing? (Housing Sub-Goal B 1)
3. Will the proposed Workforce Housing Overlay Zone respond to the changing housing conditions in Springdale and the rest of Washington County which have made it difficult for employees of local businesses to find appropriate housing?

Based on this analysis the Commission should make a recommendation to the Town Council whether or not to adopt the Workforce Housing Overlay zone.

Sample Motion Language

The Commission may wish to use the following sample motion language when making a recommendation:

*The Planning Commission recommends **approval/denial** of the proposed Workforce Housing Overlay Zone as presented in the Commission’s meeting on April 19, 20223. This recommendation is based on the following findings:*

[LIST FINDINGS]

Chapter 10-13G: Workforce Housing Overlay Zone

10-13G-1: Purpose and Objectives: This ordinance is adopted to help facilitate the availability of attainable housing options for employees working in Springdale and Zion National Park. The Town finds that having employees of local businesses live in the community strengthens the community and adds to the Town's village character. The purpose of the Workforce Housing Overlay Zone is to facilitate the development of housing options available for employees of local businesses.

10-13G-2: Definitions:

Business Location: The physical location of a business or organization's operation; must be a brick and mortar location and not a mobile or virtual location.

Life changing event: The marriage, divorce, caregiving to an adult relative, disability, serious illness, birth, or death of a member of a qualified household.

Ownership Unit: A dwelling unit regulated by the workforce housing overlay zone, intended for occupancy by a single qualified household, and that is owned by the household occupying the unit.

Rental Unit: A dwelling unit regulated by the workforce housing overlay zone, intended for occupancy by a single qualified household, and that is rented by the household occupying the unit.

Qualified Household: A household where at least one of the adults in the household are actively employed as detailed in this chapter in Springdale or Zion National Park.

Work: Labor in exchange for monetary compensation.

Workforce Housing Unit: A dwelling unit occupied by a qualified household.

10-13G-3: Allowable Uses:

- A. The following uses are allowed in the workforce housing zone:
 1. Duplex or single-family housing, if all the units in the development project are individually owned and owner occupied.
 2. Multi-family housing, if all the units in the development project are under a common ownership and are rented to tenants.
 3. When the WFOZ is applied to an underlying commercial zone, all of the permitted commercial uses allowed in that zone continue to be permitted with the exception of transient lodging.
- B. The following uses are prohibited in the workforce housing overlay zone:
 1. When the WFOZ is applied to an underlying residential zone, all commercial uses including transient lodging are prohibited. This prohibition does not prevent the

operation of a management / leasing office, laundry, or similar use operated solely as a support for a multi-family residential development on the same property.

2. When the WFOZ is applied to an underlying commercial zone, transient lodging is prohibited.

10-13G-4: Active Employment Requirement:

- A. At least 75% of the dwelling units in a development in the workforce housing zone must be occupied by qualified households where at least one adult in the household is actively employed. To be actively employed, a person must work:
 1. Within the municipal boundaries of the Town of Springdale or in Zion National Park (persons who work for outdoor or adventure guiding or tour services based in Springdale and who meet clients in Springdale satisfy this criterion, even if the guided trip or tour occurs outside of Springdale), and
 2. For an employer whose business location is in the Town of Springdale or Zion National Park, and
 3. For at least 1,560 hours per year.
- B. A person must meet all three of these criteria to be qualified as “actively employed.”
- C. A person who works from home through remote work, home occupation, or other work from home arrangement is not considered actively employed.
- D. An actively employed person’s employer may have physical business locations outside the Town of Springdale and/or Zion National Park in addition to the business location in the Town of Springdale and/or Zion National Park. However, to be actively employed, the person must work primarily at the business location in the Town of Springdale and/or Zion National Park.
- E. A person may work for multiple businesses or organizations to meet the minimum hours per year standard, as long as all the businesses or organizations meet the requirements described in this section.

10-13G-5: Qualified Household Standards: In addition to meeting the active employment criteria above, the following standards apply to qualified households:

- A. The maximum number of people that may be part of a qualified household is:
 1. Two if the household occupies a one-bedroom unit or a studio.
 2. Two per bedroom if the household occupies a unit with multiple bedrooms.
- B. For rental units, once a household is determined to be a qualified household for an occupancy of a specific unit, that household will not lose the ability to occupy that unit based upon a life changing event that occurs after the household first occupies the specified unit. The household will continue to be able to occupy the rental workforce housing unit for a maximum period of one year from the date of the life changing event. If after one year the household does not meet all three criteria to be “actively employed,” the household is no longer eligible to occupy the rental workforce housing unit.

10-13G-6: Allowed Density: The maximum allowable density in the workforce housing zone is:

- A. Eight units per acre if the property is developed with duplexes or single-family units, all of which must be ownership units.
- B. Sixteen units per acre if the property is developed with multi-family residential, all of which must be rental units.
- C. The following areas of a property in the Workforce Housing Overlay Zone are not included when determining the maximum number of units allowed per acre on that property:
 - 1. Areas of the property that are 30% and greater natural grade, and
 - 2. Areas in floodways.

10-13G-7: Deed Restriction: The requirement for qualified households to occupy workforce housing units on a property will be maintained via a restrictive covenant recorded on the property and which shall document all the requirements of this chapter.

- A. For ownership units: Prior to issuance of a certificate of occupancy for any ownership unit, the property owner must record a restrictive covenant in the Washington County Recorder's Office that stipulates the unit must be owned and occupied by qualified households. The restrictive covenant must further state that any and all future sales of the property must be to qualified households. Thirty days prior to the sale of an ownership unit, the property owner must notify the Town in writing of the intention to sell the unit. The notification must include documentation that the new purchaser is a qualified household. Any sale of an ownership unit to any party other than a qualified household is null and void.
- B. For rental units: Prior to the issuance of a certificate of occupancy for any rental unit, the property owner must record a restrictive covenant in the Washington County Recorder's Office that stipulates at least 75% of the units in the development will be occupied by qualified households. The restrictive covenant must also include all of the following requirements:
 - 1. The lease agreement for a rental Workforce Housing Unit must include a clause that states the lessee understands the active employment criteria for Qualified Households and that the lessee certifies that it meets these criteria.
 - 2. Except in cases of a life changing event as defined in this ordinance, if at any point during the lease an occupant of a workforce housing unit no longer meets the criteria to be a Qualified Household, the lessee must vacate the Workforce Housing Unit within 90 days. If the 90 day period extends beyond the end of the lease period, the property owner may allow the lessee to continue to occupy the Workforce Housing Unit on a month to month lease basis until the 90 day grace period has expired.
 - 3. The property owner must submit a report to the Town on July 1 of each year certifying that at least 75% of the units on the property are occupied by qualified households. The report will be on a form provided by the Town which shall contain the following information for each workforce housing unit on the property:
 - a. Name of the actively employed person(s) who are part of the qualified household occupying the unit.

- b. Name of the business and business manager employing the actively employed person.
 - c. Number of hours the actively employed person worked for the employer in the previous six months.
 - d. Number of hours the actively employed person is anticipated to work for the employer in the next six months.
 - e. The notarized signatures of the actively employed person and the manager of the business or organization for which the person works, stating that by penalty of perjury the information on the form is true and correct.
- C. For both rental and ownership units: The restrictive covenant shall be binding on the property in perpetuity. However, after a minimum of 25 years from the date a certificate of occupancy is issued for the development allowed by the Workforce Housing Overlay zone approval, the Town Council may elect to modify or remove certain provisions of the restrictive covenant, with the approval and consent of the property owner. Any such modifications or removals shall:
- 1. Be based on the findings of a housing needs assessment performed by a credible third party approved by the Town Council with expertise in workforce housing, and
 - 2. Be designed to more effectively accommodate the housing needs of Springdale's workforce, and
 - 3. Promote the Town's housing goals as stated in the then current General Plan.

10-13G-8: Enforcement:

- A. The Town may contract with an independent third party reviewer who will conduct an annual audit of all workforce housing units to document ongoing compliance with the restrictions of the Workforce Housing Overlay zone. If the audit reveals non-compliance with any of the requirements of the Workforce Housing Overlay zone, or the restrictive covenant, the Town will issue the property owner a written notice of non-compliance and give the property owner a reasonable amount of time not to exceed 30 days to comply.
- B. Failure of the property owner to comply with any requirement of the workforce housing overlay zone, or any provision of the restrictive covenant, after being given written notice and time to correct the violation may result in penalties which could include:
 - 1. Monetary fines up to \$750 per day the violation exists.
 - 2. Forfeit of any rental revenue received from renting units in violation of the standards of this ordinance.
 - 3. Liens placed on the property.
 - 4. Revocation of the certificate of occupancy for any workforce housing unit in violation.
- C. This list of penalties is not inclusive and the Town reserves the right to use whatever enforcement tools are available to bring properties into compliance. Further, the Town may use a combination of penalties to bring properties into compliance.
- D. The enforcement terms of this section shall be included in the restrictive covenant recorded on any workforce housing overlay zone property.

10-13G-9: Zone Change Criteria: In addition to the Town’s general policy regarding zone changes in section 10-3-2, the Planning Commission and Town Council shall evaluate all requests for the Workforce Housing Overlay Zone according to the following criteria. The Town Council is not obligated to approve a zone change to the Workforce Housing Overlay zone, even if all of the following criteria are met, zone changes being a legislative action. The Town Council may elect to deny a Workforce Housing Overlay zone request based on factors such as location, timing, level of current demand for workforce housing, saturation of workforce housing in a particular location of the Town, failure to meet the zone change requirements of section 10-3-2, or any other legitimate reason.

- A. The property where the workforce housing zone is proposed is large enough to accommodate the proposed workforce housing development, associated parking and other development, and comply with all land use and development standards in a manner that is consistent with the Town’s village character, as defined in the General Plan.
- B. Proposed development on the property will not be located on a hilltop, ridgeline, or the edge of a mesa.
- C. The property where the workforce housing zone is proposed has sufficient vehicular access to accommodate the increased vehicular traffic the proposed development is projected to generate.
- D. Recognizing that the intent of the workforce housing overlay zone is to allow residential development at greater density than what is otherwise allowed in the residential zones, if the proposed project is located in or adjacent to a residential zone the applicant must propose strategies that will be included in the development of the property that will mitigate impacts on surrounding properties in terms of loss of viewshed, loss of privacy, or other similar impacts.
- E. The workforce housing units in a proposed development must be indistinguishable from market rate housing units in the same development in terms of exterior design and finishes.
- F. There must be consistency in the unit size and number of bedrooms per unit between workforce housing units and market rate housing units in the same development.

10-13G-10: Use Limitations: The following use limitation standards apply to property in the workforce housing zone:

- A. Transient lodging is not allowed. A dwelling unit in the workforce housing overlay zone must be occupied by the same household for periods of at least 90 consecutive days or more.
- B. A workforce housing unit must be occupied as the occupant household’s primary residence, and not as a part-time residence.
- C. No portion of a workforce housing unit may be subleased. Only members of the qualified household whose primary residence the workforce housing unit is may occupy the workforce housing unit.
- D. Units in the workforce housing zone must be available for rent or purchase to any member of the general public meeting the qualified household standard. Housing provided by an employer to an employee and that is contingent in any way on the employee’s continued employment at the

employer's business is not allowed in the workforce housing zone. An owner of rental workforce housing units who employs workers in the Town of Springdale or Zion National Park may give preference to its own employees to occupy those rental units. However, in no case shall continuing occupancy of the Workforce Housing Units be contingent in any way on continued employment with the owner's business or organization.

- E. Ownership workforce housing units must be in a subdivision specifically approved through the workforce housing overlay zone process. The subdivision plat must contain a note that the subdivision is part of the workforce housing overlay zone and is subject to the requirements of the workforce housing overlay zone. The subdivision plat must specifically identify which of the units in the subdivision (a minimum of 75%) are workforce housing units. The subdivision CC&Rs must also indicate the subdivision is part of the workforce housing overlay zone.
- F. No certificate of occupancy for any of the market units in a development in the Workforce Housing Overlay zone will be issued until all of the workforce housing units are constructed and the restrictive covenant described above has been recorded on the units.
- G. The maximum number of people that may occupy a workforce housing unit is:
 - 1. Two if the household occupies a one-bedroom unit or a studio.
 - 2. Two per bedroom if the unit contains multiple bedrooms.

10-13G-11: Development Criteria: All projects in the workforce housing zone must conform to the following standards:

- A. Setbacks:
 - 1. Front: 30 feet.
 - 2. Side: 15 feet.
 - 3. Rear: 15 feet.
- B. Building height:
 - 1. No portion of any building or structure may be taller than 18 feet if within 50 feet of the SR9 right-of-way, or within 50 feet of an adjacent residentially zoned property.
 - 2. For all portions of buildings greater than 50 feet away from both the SR9 right-of-way and an adjacent residentially zoned property the maximum height is 26 feet.
- C. Building size:
 - 1. Duplex structures in the WFOZ must have a gross area of no more than 3,000 square feet.
 - 2. Multi-family structures in the WFOZ must have a gross area of no more than 6,000 square feet.
 - 3. Accessory structures in the WFOZ must have a gross area of no more than 1,500 square feet.
- D. Landscape: a minimum of 50% of a property in the WFOZ is required to be landscape or natural open space.
- E. Parking: All parking must be located to the side or rear of buildings. No parking allowed between a building and SR9. A minimum of one and a half parking spaces per unit are required in the WFOZ.

- F. Buffering: When adjacent to a residential zone, the project must include screening and buffering to protect the privacy and enjoyment of existing development on the adjacent residential property. Such buffering may include solid fencing, berms, vegetative screening, and increased setbacks as determined necessary by the Planning Commission and Town Council.

10-13G-12: Development Agreement: When the Town Council grants approval of the Workforce Housing Overlay Zone on a property, the Town and the Property Owner shall enter into a Development Agreement that documents all of the terms and conditions of the WFOZ approval applied specifically to that project. The Development Agreement shall be recorded in the Washington County Recorder's Office. The Town shall not issue any land use approvals or building permits for the WFOZ project until the Development Agreement has been signed by the Property Owner and recorded.