



Memorandum

To: Town Council
From: Thomas Dansie, Director of Community Development
Date: September 8, 2023
Re: Ordinance Revision: Ordinance 2023-08 -Transient Lodging Overlay Zone

Executive Summary

No new transient lodging development is allowed in the Town unless the property where the development is proposed is located in the Transient Lodging Overlay zone (TLO). Based on the Town’s experience reviewing the first five TLO zone change applications last year, the Town Council and Planning Commission identified issues that should be altered or clarified in the TLO regulations. The attached ordinance revision addresses these issues. The Planning Commission recommended approval of the proposed changes on a 3 to 2 vote. The Council should review the proposed changes and determine whether or not to make the revisions.

Background Details

The Town adopted the [Transient Lodging Overlay zone \(TLO\)](#) in May of 2022. No new transient lodging is allowed to be developed in the Town, except through the TLO.¹ The TLO limits the Town to accepting no more than five TLO zone change applications each year.

The Town Council adopted the TLO to address the following issues:

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, and
5. Revise ordinance language to prevent unintended consequences of the current regulations.

Based on the Council’s experience reviewing the first five TLO applications it became apparent that the TLO was effective in most regards, and could be revised to more fully address the purposes listed above.

In late 2022 the Council revised the TLO to limit the Town to accepting TLO zone change applications only in even numbered years. Thus, the Town has not and will not accept any applications for TLO zone changes until January 2024.

¹ Prior to the adoption of the TLO transient lodging was allowed as a permitted use in the CC zone and a conditional use in the VC zone.

Also in late 2022, the Planning Commission and Town Council directed staff to investigate revisions to the TLO to address some of the problems realized with the first five TLO applications. The Town formed a committee to research potential revisions and updates to the TLO. The committee prepared recommendations for revisions to the TLO and presented those to the Planning Commission. The Commission reviewed the proposed revisions on three occasions, each time giving the TLO committee feedback and direction for refinement on the changes.

Most of the refinements individual Commissioners suggested received consensus support at the Commission and have been incorporated into the proposed TLO revision. Some suggestions did not receive majority Commissioner support and were not included. Suggestions that did not receive majority support are:

- Transient Lodging Marketplace: This idea would cap the total number of transient lodging units allowed in the Town at the number currently developed, plus those that have been approved but not yet developed (a total of approximately 1,576). In order to develop transient lodging on a new property, the property owner would need to negotiate with the owner of approved transient lodging on another property to transfer the entitlement for transient lodging from one property to the other. The Commission did not adopt this idea due to concerns about its administrative complexity.
- Complete Ban on New Transient Lodging: This idea would not allow any new transient lodging in the Town, except that which is already developed and that which is already approved through settlement or development agreements (a total of approximately 1,576 transient lodging units). The Commission did not adopt this idea because they felt that transient lodging, if developed appropriately and in accordance with the direction of General Plan Land Use Sub-Goal G, can be complementary to the Town's village character and therefore should not be prohibited outright.
- Transient Lodging must be Located on a Public Street: This idea would require all new transient lodging facilities to be located on and gain access from a dedicated public street. The Commission modified this suggestion to require access from a dedicated public street, or a private street constructed to the minimum standards of the Town's Construction Design Standards and Details Manual.

The Planning Commission held a public hearing in their August meeting to gather public feedback. After hearing and responding to public input the Commission recommended approval of the proposed revisions on a 3 to 2 vote (Commissioners Benson and Campbell dissenting).

The Council should now review the proposed revisions and determine whether or not to adopt the changes.

If no revisions are made to the TLO, the Town will begin accepting applications on January 1, 2024 under the current TLO standards.

Summary of Proposed Changes to the TLO

The proposed revisions to the TLO will do the following:

- **Eliminate the distinction between Type 1 and Type 2 lodging.** Currently, hotels and motels are classified as Type 1 lodging while short term rentals, B&B's, hostels, and all other similar lodging are classified as Type 2 lodging. There are separate requirements for each type of lodging. The proposed TLO revisions treat all types of lodging the same.
- **Require long-term residential housing and restaurants as the only mixed uses able to fulfill the mixed-use requirement associated with lodging.** The current TLO requires all lodging to include another mixed-use on the property. The intent of this regulation is to ensure a balance between lodging uses, other commercial uses, and residential uses. Based on the Town's experience with the first round of TLO applications in 2022, the way the mixed-use requirement is currently structured in the TLO does not produce the kind of diversity of land uses initially envisioned. Lodging approved through the TLO in 2022 either used existing mixed uses or developed a token commercial use to satisfy this requirement. This does not help promote the Town's village character.

The proposed revisions require all new lodging to include new long-term rental residential units (one long-term residential unit for every eight lodging units). Lodging establishments with more than ten lodging units are additionally required to include a restaurant on the site. These two uses (lodging and restaurants) were identified as the two uses which are most needed and most likely to "promote Springdale's unique village atmosphere and enhance the quality of life." (*General Plan, Land Use Sub-Goal G*)

There are currently approximately four transient lodging units for each long-term residential unit in the Town. The General Plan makes it clear the Town should retain a mix of residential and commercial uses, should not be dominated by commercial uses, and should retain its residential character (see General Plan Vision Statement "Amenities and Services", Land Use and Town Appearance Sub-Goal A4, Land Use and Town Appearance Sub-Goal C3 and C4, and Housing Sub-Goal B). In order to preserve the mix of commercial uses to residential units, and to avoid becoming a community dominated by transient lodging, the TLO requires new lodging developments to include long-term rental residential units.

The Town has a rich mix of restaurants. The selection of restaurants greatly adds to the Town's character and provides an amenity for both residents and visitors. However, as more transient lodging units are developed the Town's existing restaurants are becoming increasingly crowded. Transient lodging guests are more likely to patronize restaurants than other types of visitors, given that they stay in Town overnight. It is now routine to find long waits and limited availability at the Town's restaurants, particularly during dinner time. As more lodging is developed the impact on existing restaurants will only increase. General Plan Economic development Sub-Goal B2 directs the Town to develop policies that will further diversify the selection of restaurants in

the Town. In order to maintain the current level of service of restaurants in the Town the TLO requires new lodging facilities of 10 units or more to also develop a restaurant.

- **Change the application process for TLO zone change applications.** As mentioned above, the Town currently accepts five applications for the TLO zone in even number years. Applications are accepted on a first come, first served basis. This limits the number of applications (and thus the total number of new lodging developments). However, it does little to encourage quality applications. Rather, it encourages expedited applications which may sacrifice quality for efficiency in order to be one of the first five applications received. The proposed revisions create a new application process as described below:
 - The Town will accept an unlimited number of applications for TLO zone changes between March 1 and March 31 of each even numbered year. There is no “first come, first served” component of the application process. All applications received between March 1 and March 31 will be considered. The Planning Commission, and then subsequently the Town Council, will review all TLO zone change applications together in a single meeting. This will allow the Commission and Council to evaluate applications relative to the standards in the code, as well as to each other. This will hopefully encourage higher quality applications. The Town may (but is not required to) approve up to three TLO zone change applications each application cycle. The Town may decide to approve no applications, and the most the Town can approve is three.
 - Prior to making an application for a TLO zone change, an applicant will be required to send notice to all owners of property within 300 feet of the subject property explaining the proposed project and requesting feedback from the nearby property owners. This does not mean that the nearby property owners must consent to the TLO zone change. It does mean that the applicant has a responsibility to notify the neighbors prior to making an application so they are aware of the project and have an opportunity to provide feedback.
 - The proposed application submittal requirements for TLO zone change applications are much more detailed and require significantly more information than the current application requirements. Applicants will be required to submit detailed plans of the proposed development, as well as details on how the lodging will be operated. With more detailed plans and information the Commission and Council will be able to make more informed decisions on each application.
 - The proposed revisions include application review criteria that are much more closely and clearly linked to the General Plan than the current review criteria. Applicants will be required to clearly indicate how the proposed lodging facility will promote the goals and objectives of the General Plan related to transient lodging, village character, and non-consumptive economic development, as well as all other applicable General Plan goals.
 - The proposed application process makes it abundantly clear that TLO zone change applications are legislative decisions. Thus, a TLO zone change application may be denied, even if it meets the standards in the ordinance, if the Council determines new

lodging is not needed or desired in the community. The Town is not obligated to approve any TLO zone change application.

- If a TLO zone change application is approved, the applicant will be under timelines to complete the project. The applicant will have eighteen months from TLO zone change approval to commence construction on the project, and then two additional years to have the project completed.

Other existing components of the existing TLO zone are retained:

- If a project is approved for a TLO zone the owner of the property must record a restrictive covenant against the property detailing the requirements of the TLO approval.
- The Town will require an annual compliance review to ensure the standards of the TLO zone approval are being met in conjunction with the business license renewal.
- Only properties currently in the VC or CC zone are eligible for the TLO zone.
- Transient lodging facilities are required to have a property manager who can respond to complaints and emergencies on call for 24 hours every day.
- Transient lodging facilities must adopt good neighbor and guest education policies to help educate guests on appropriate ways to experience Springdale and Zion National Park.

A copy of the proposed ordinance revision is attached. Although many components of the existing TLO are retained, this ordinance is a complete rewrite of the TLO. So there is no strikethrough language. The attached language is intended to replace the existing TLO zone language in its entirety. The Council may wish to review the [current TLO zone language](#) in conjunction with reviewing the recommended revisions.

General Plan Direction

According to section 10-3-2(A) of the Town Code, amendments to the land use ordinance should only be made if they clearly promote the goals and objectives of the General Plan. The Council may wish to review the following sections of the General Plan in determining whether or not the proposed changes will promote the Plan's goals and objectives.

- Vision Statement "Amenities and Services"
- Land Use and Town Appearance Sub-Goal A4
- Land Use and Town Appearance Sub-Goal C3 and C4
- Land Use and Town Appearance Sub-Goal F
- Land Use and Town Appearance Sub-Goal G
- Housing Sub-Goal B
- Economic Development Sub-Goal B2
- Economic Development Sub-Goal I

Planning Commission Recommendation

The Planning Commission held a public hearing on the proposed revisions in the August Commission meeting. Two members of the community addressed the Commission at the hearing. Both community

members indicated the proposed revisions were a step in the right direction, and both suggested further refinements for the ordinance. These are summarized below:

- Existing residential and commercial uses should be allowed to satisfy the mixed-use requirement, particularly for proposed transient lodging on small lots. An existing business which has been contributing to the community character should not be prohibited from adding transient lodging because of an inability to provide new mixed-use in addition to the existing mixed-use.
- The application fee for the TLO zone should be refundable, or creditable towards a future application, if the application is denied.
- The required amount of parking for each transient lodging unit should be reduced.
- Applications for the TLO zone should be accepted every year, not every other year.
- The requirement of one new long term lodging unit for every eight transient lodging units is punitive to property owners who only wish to develop one or two transient lodging units, and may lead to an unintended consequence of property owners constructing more transient lodging than they really want in order to offset the expense of the long term residential unit.
- Various technical suggestions regarding application timelines and project completion deadlines. *(The Commission revised the proposed ordinance language based on some of these recommendations.)*

After the public hearing the Commission deliberated on the proposed revisions and made a motion to recommend approval, as recorded below:

Motion made by Kyla Topham that the Planning Commission recommends approval with changes to the Transient Lodging Overlay Zone Ordinance section 10-13F of the Town Code altering the application process, review procedures, and land use requirements for new transient lodging facilities. This motion is based on the following findings:

1. **The overlay zone will help Transient lodging more fully accomplish the goals of the general plan while mitigating negative effects and adding to the community character of the Town. See General Plan Goal Land Use and Town Appearance, Subgoal G.**

These changes to the Transient Lodging Overlay Zone clarify, revise, and enhance to better accomplish the goals of the General Plan. In addition, long-term residential housing and restaurants are the most threatened by the transient lodging development and therefore are the most important to require with new transient lodging as it is developed.

This motion has the following condition of approval:

1. **Increase the amount of time to start development from one year to eighteen months.**
2. **Restaurants must be open for at least dinner service.**
3. **The Application window shall open in March and close at the end of the month.**
4. **Section 10-13-F7E fix the numbering sequence from 1 to 4.**
5. **Section 10-13-F7 change to requires development of long-term housing.**
6. **Section 10-13-F9A-4 remove the word used.**

The motion was seconded by Pam Inghram.

Discussion of the motion: There was no additional discussion.

Campbell: No

Inghram: Aye

Kenaston: Aye

Benson: No Mr. Benson expressed that without provisions for those affected by the moratorium and the proximity requirement that hindered some individuals, there was no way he could vote for more new TLUs.

Topham: Aye

The motion passed 3:2.

(Note: the six items contained in the conditions of the Planning Commission's motion have been addressed in the attached draft version of the TLO.)

Town Council Action

The Council should determine if the proposed changes to the Transient Lodging Overlay zone will better promote the goals and objectives of the General Plan, as compared to the current TLO regulations. The Council should make specific findings on how the proposed revisions do or do not promote the General Plan. The Council may wish to reference the following General Plan sections when making this determination:

- Vision Statement "Amenities and Services"
- Land Use and Town Appearance Sub-Goal A4
- Land Use and Town Appearance Sub-Goal C3 and C4
- Land Use and Town Appearance Sub-Goal F
- Land Use and Town Appearance Sub-Goal G
- Housing Sub-Goal B
- Economic Development Sub-Goal B2
- Economic Development Sub-Goal I



ORDINANCE 2023-08

CHANGES TO CHAPTER 10-13F OF THE TOWN CODE, THE TRANSIENT LODGING OVERLAY ZONE, ALTERING THE APPLICATION PROCESS, REVIEW PROCEDURES, AND LAND USE REQUIREMENTS FOR NEW TRANSIENT LODGING FACILITIES.

Whereas, the Town of Springdale adopted the Transient Lodging Overlay zone on June 8, 2022; and

Whereas, the purpose of the Transient Lodging Overlay zone is to mitigate the negative impacts associated with transient lodging and help new transient lodging facilities more fully promote the goals of the General Plan and add to the Town's community character; and

Whereas, the Town's Planning Commission and Town Council reviewed five applications for transient lodging in 2022 under the regulation of the Transient Lodging Overlay zone; and

Whereas, the Town's experience reviewing the first five applications revealed aspects of the Transient Lodging Overlay zone that could be clarified, revised, and enhanced to better accomplish the goals of the General Plan, particularly the goal to help new transient lodging facilities add to the character of the community (General Plan Land Use and Town Appearance Sub-Goal G); and

Whereas, one of the significant negative impacts of new transient lodging facilities is the loss of variety in land uses in the Town as more and more properties are developed as transient lodging; and

Whereas, a critical component of the Transient Lodging Overlay zone is the requirement for new transient lodging facilities to provide a mix of uses, in addition to lodging, to combat the loss of land use variety; and

Whereas, the Town has determined that long-term residential rental housing and restaurants are the two uses most threatened by additional transient lodging development, and therefore the most important to require as new lodging is developed; and

Whereas, the Town now desires to revise the Transient Lodging Overlay zone to ensure applications for transient lodging development better promote the goals and objectives of the General Plan; and

Whereas, the processes outlined in State law and Town code necessary to amend the Town's land use ordinance have been fulfilled;

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

Section One: The following definitions are removed from Section 10-2-2:

~~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 Two: Section 10-11A-7 of the Code is amended to read 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 land area.

Section Three: Section 10-11B-5 of the Code is amended to read as follows:

10-11B-5: - AREA REQUIREMENTS:

- A. Building size: The gross area of each individual building or structure on a lot or parcel within the VC zone shall not exceed 5,000 square feet. Gross area shall include all attached structures and exclude basements. Buildings or structures not exceeding 8,000 square feet may be allowed if said structure is located a minimum of 100 linear feet from SR-9 (Zion Park Boulevard) and/or a residential zone (VR or FR zone). The linear distance requirements may contain other buildings or structures and should not be substituted for the unobstructed setback requirements of section 10-11B-6 of this article.

- 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~~ similar unit per 4,000 square feet of net developable land area.

Section Four: That the current text of Chapter 10-13, Article F - Transient Lodging Overlay Zone be replaced in its entirety by the following text:

10-13F Transient Lodging

10-13F-1: Purpose:

The Transient Lodging Overlay zone is established to allow the development of transient lodging facilities in the Town that will promote the goals and objectives of the General Plan. Working with the predecessor transient lodging ordinance, which previously provided several options for mixed uses, two options have emerged as being the most needful in the Transient Lodging Overlay zone: long-term residential housing and restaurants. The General Plan emphasizes the need to maintain a variety of long-term housing options in the community in order to preserve the Town’s sense of community and avoid becoming a community of predominantly transient population. As more transient lodging units are developed, the ratio between long-term residential units and transient lodging units is skewed, impacting the Town’s character as a rural residential community. The Town therefore finds that long-term residential housing must be developed in conjunction with any new transient lodging to maintain the residential character of the community. New transient lodging generates increased demand for restaurant services because the transient population requires meal services during their stay in the Town. As more transient lodging is developed the demand on existing restaurants is increased, creating impacts in terms of long waits and congestion for residents and visitors who wish to eat at restaurants. The Town has determined new transient lodging facilities must provide new restaurant service to maintain the existing level of service for restaurants in the community. Therefore, long-term residential housing and restaurants are the two uses most impacted by additional transient lodging. The Transient Lodging Overlay zone is intended to ensure any new transient lodging developments promote the Town’s village character, protect the Town’s unique community feel, and enhance the quality of life for all community members by ensuring long-term residential housing and restaurants are included as additional uses in new transient lodging development.

10-13F-2: Applicability:

Only properties that are already in the Central Commercial (“CC”) or Village Commercial (“VC”) zone are eligible for the Transient Lodging Overlay zone. The Town will not accept an application for Transient Lodging Overlay zone on a property unless that property is zoned either CC or VC at the time the

application for the Transient Lodging Overlay zone is submitted. An application for the Transient Lodging Overlay zone and an application to rezone the property to the VC or CC zone may not be made concurrently.

10-13F-3: Transient Lodging Overlay Zone Required for Transient Lodging:

- A. As of June 22, 2022, a new transient lodging facility may not be established in the Town of Springdale without the approval of the Town Council to apply the transient lodging overlay zone to the property where the transient lodging facility is located.
- B. As of June 22, 2022, the number of transient lodging units on a property with a transient lodging facility approved and developed prior to June 22, 2022 may not be increased without the approval of the Town Council to apply the transient lodging overlay zone to the property where the transient lodging facility is located.
 - 1. This provision applies to any increase of transient lodging units on a property, whether through new construction, conversion of existing non-lodging uses to transient lodging, reconfiguration of existing transient lodging units that results in additional transient lodging units on the property, or any or action that increases the number of transient lodging units on a property.
- C. The number of transient lodging units on a property that has been approved for the Transient Lodging Overlay (“TLO”) zone may not be increased from what the TLO zone approval allows, unless a new application for the TLO zone is made. In such a case a new approval of the TLO zone reflecting the increased number of transient lodging units is required prior to developing any additional transient lodging units on the property.
- D. 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 has previously been approved for the transient lodging overlay zone, or the property has pre-existing entitlements for transient lodging.
- E. The Town Clerk will not accept applications for a business license for new transient lodging unless the property has previously been approved for the transient lodging overlay zone, or the property has pre-existing entitlements for transient lodging.

10-13F-4: Application Process:

- A. The Town will accept applications for the Transient Lodging Overlay zone from March 1 to March 31 of each even numbered calendar year (e.g., 2024, 2026, etc.) (the “Application Period”). Applications shall be submitted on a form prepared by the Town.
- B. At least two weeks prior to making an application for the Transient Lodging Overlay zone, an applicant must send a printed summary of the proposed transient lodging development by mail to all owners of property, according to the property records of the Washington County Recorder, within 300 feet of the property where the proposed transient lodging facility will be located as measured from all lot lines. The printed summary must contain:
 - 1. The address and parcel number of the property where the TLO zone is proposed;

2. The name of the TLO zone applicant;
 3. The current zone and use of the property;
 4. The size of the property;
 5. The number of transient lodging units requested under the TLO zone application;
 6. A description of the general nature of the proposed transient lodging development; and
 7. And an invitation for the adjacent property owners' comments and feedback to help inform the final design of the project.
- C. The Director of Community Development or designee will review the application for completeness. If an application is found incomplete the DCD or designee shall, within five business days of the date of the application, return the application to the applicant with specific instruction regarding what is lacking to make the applications complete. The applicant shall return the application with the requested additional information to the DCD prior to March 31, or a maximum of five business days from the date of the DCD's correction letter if the correction letter is sent less than five business days prior to March 31. If the applicant fails to make the corrections within the specific timeline the application will be deemed incomplete and will not be reviewed further.
- D. The Planning Commission will hold a public hearing to review all complete applications submitted during the Application Period. The Planning Commission will make a recommendation to the Town Council to approve up to three of the applications received. However, the Commission is not obligated to recommend approval of any application and may elect to recommend denial of all applications. The Planning Commission will randomize the order of applications heard during the public hearing. The Commission will not make a decision on any application until all applications have been heard in public hearing.
- E. Upon receiving a recommendation from the Planning Commission the Town Council will hold a public hearing to review all applications submitted during the Application Period (inclusive of those with a recommendation for approval from the Planning Commission, as well as those with a recommendation for denial). The Town Council may approve up to three applications for the Transient Lodging Overlay zone during each biennial application cycle. However, the Council is not obligated to approve any of the Transient Lodging Overlay zone applications and may elect to deny all applications. The Town Council will randomize the order of applications being presented during the public hearing. The Town Council will not make a decision on any application until all applications have been presented in public hearing.
- F. If the Town Council approves the Transient Lodging Overlay zone on a property, the property owner/applicant shall have eighteen months from the date of the Town Council's approval in which to begin development of the proposed transient lodging facility. The property owner / applicant shall have two years after development begins to complete the project and have a Certificate of Occupancy issued. If development of the transient lodging facility is not initiated and pursued to completion in accordance with these timelines the Transient Lodging Overlay zone approval will be rescinded and the property will revert back to the underlying zone with no Transient Lodging Overlay zone.
1. To begin development of the transient lodging facility means to have all necessary permits issued and to have started the actual process of construction.

2. The Town Council may grant one extension of up to one year to complete development of the transient lodging facility if:
 - i. The development of transient lodging facility is in at least the framing stage;
 - ii. The developer demonstrates that factors beyond the developer’s control have prevented timely completion of the project; and
 - iii. The developer presents a feasible plan and schedule demonstrating how the project will be able to be completed within the one-year extension period.

10-13F-5: Application Review Criteria:

- A. In reviewing Transient Lodging Overlay zone change applications the Planning Commission and Town Council will use the following criteria. These criteria are provided to help the Planning Commission and Town Council in their review of Transient Lodging Overlay zone applications. Due to the legislative nature of zone changes, the Town Council is not obligated to approve a Transient Lodging Overlay zone change application even if the application meets these criteria.
 1. Will the proposed development clearly maintain Springdale’s unique identity and community atmosphere as detailed in Land Use and Town Appearance Subgoal A of the General Plan?
 2. Does the proposed development clearly support the vision for Transient Lodging established in Land Use and Town Appearance Subgoal G of the General Plan?
 - a. Will the proposed transient lodging promote the Town’s “in the Park feel”, small village scale, and unique village atmosphere?
 - b. Will the proposed transient lodging be attractive, memorable, and unique in such a way that complements the visitor’s experience in Zion Canyon and Zion National Park?
 3. Does the proposed development clearly support the vision for tourism related economic development established in Economic Development Subgoal I of the General Plan?
 - a. Will the proposed transient lodging add to the quality of life for residents?
 - b. Will the proposed transient lodging development protect the community’s character?
 - c. Will the proposed transient lodging development “give back” to the community (with more than just tax revenue)?
 4. Does the proposed development support the vision statement and other applicable goals of the General Plan?
 5. Will the proposed development negatively impact the privacy, peace, quiet, and enjoyment of surrounding properties, particularly those that are residentially zoned?
 6. Will the proposed development help maintain a desirable balance between transient lodging and other commercial uses in the Town’s commercial zones?
 7. Is the facility projected to create a need for essential municipal services (including water and other utility services) that the Town cannot reasonably meet?
- B. The Planning Commission and Town Council shall develop a review framework utilizing the application review criteria above to assist in reviewing all the applications received during the

Application Period. The review framework shall be a tool the Planning Commission and Town Council use to evaluate the applications received against each other, relative to the application review criteria. The Planning Commission and Town Council shall use the same review framework to evaluate all applications received during an Application Period. The review framework shall be one of several factors the Commission and Council consider in determining which, if any, of the applications to approve. The review framework shall not guarantee approval or denial of any application or be the only tool the Commission and Council use to evaluate applications. The results of the review framework shall be informative only, and in no way shall they be binding.

10-13F-6: Application Standards:

All applications for the Transient Lodging Overlay zone shall include sufficient information and detail to allow the Planning Commission and Town Council to make informed findings regarding the review criteria listed above. Applications must include preliminary development plans and details for the proposed development on the property. At a minimum, applications must include the following information:

- A. Site plan showing:
 - 1. Property boundaries;
 - 2. Topography in one foot contour intervals;
 - 3. Existing and proposed access into the property;
 - 4. All existing development (if any) on the property;
 - 5. All proposed transient lodging development;
 - 6. All other proposed new development on the property; and
 - 7. Parking, landscape areas, and other site details.
- B. Conceptual architectural floor plans of the proposed transient lodging development, required long-term residential housing units, and restaurant (if required).
- C. Conceptual elevations of the proposed transient lodging development, required long-term residential housing units, and restaurant (if required) showing proposed exterior color and materials of the new structures.
- D. Number of transient lodging units being requested, nature of the transient lodging units, and expected occupant load of each transient lodging unit.
- E. Narrative with details on how the proposed development will satisfy the requirements for:
 - 1. Front desk / concierge service;
 - 2. On-site restaurant; and
 - 3. Long-term residential uses.
- F. Narrative detailing how the proposed transient lodging will be operated in compliance with the requirements of this chapter.
- G. Specific details describing how the proposed transient lodging will promote the goals and objectives of the General Plan. The applicant must include a specific response to each of the following General Plan Goals:
 - 1. Land Use and Town Appearance Subgoal A;

2. Land Use and Town Appearance Subgoal G; and
 3. Economic Development Subgoal I.
- H. Provide evidence of written notices being mailed to owners of all property within 300 feet of the subject property, which written notices must describe in general detail the proposed transient lodging facility and contain a summary of the comments and feedback received from these property owners.
 - I. Description of strategies used in the design of the project that are intended to protect adjacent properties from the impacts of the proposed transient lodging facility, including a copy of the proposed good neighbor and guest education policies.
 - J. Any other information the applicant wishes to include that demonstrates how the proposed development will enhance the Town's community character, as outlined in the General Plan.

10-13F-7: Standards for Transient Lodging:

All transient lodging facilities shall comply with all of the following standards:

- A. Transient lodging facilities must be located on a dedicated public road, or a private street that is constructed to the standards for pavement, curb, gutter, and other improvements shown in the Town's Construction Details and Design Standards manual for public roads.
 1. If the transient lodging facility is located on a private street that is not entirely owned by the TLO zone applicant or transient lodging facility developer:
 - i. All other owners of the private street must consent in writing to the use of the private street to access and serve the transient lodging facility; and
 - ii. There must be a road maintenance agreement detailing the maintenance responsibilities associated with the private street signed by all owners of the private street that is recorded in the Washington County Recorder's office.
- B. Transient lodging facilities must have a 24-hour on-call property manager available who is able to be on the property to respond to emergencies and complaints of nuisance issues within 30 minutes of being notified.
- C. Transient lodging facilities shall adopt good neighbor and guest education policies. These policies shall be displayed prominently in each transient lodging unit and given to each guest upon arrival. These policies shall:
 1. Educate guests about Town ordinances regarding noise, nuisance, and other similar issues;
 2. Orient guests to the Town with information regarding transportation, entrance to Zion National Park, location of medical facilities and other essential services;
 3. Encourage guests to respect the Town's community character, to be sensitive of the impact they have on the community and full-time residents, and to be cognizant of their impact on natural resources such as the Virgin River and the dark night sky; and

4. Encourage guests to use pedestrian, bicycle, and transit transportation whenever possible instead of private automobile travel in Springdale and Zion National Park.
- D. Transient lodging facilities on property with 10 or more transient lodging units shall have a front desk or concierge desk 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 ten hours each day between October 15 and March 15, and for at least 14 hours each date at all other times.
- E. Transient lodging facilities on property with 10 or more transient lodging units shall have a restaurant.
1. The building area devoted solely to restaurant use (inclusive of dining area, kitchen area, and prep area) must be a minimum of 800 square feet and must be equal to or greater than 20% of the building area devoted to transient lodging (including guestrooms, lobby, etc.), except that in no case shall more than 2,000 square feet of restaurant space be required.
 2. The restaurant must be open to guests of the transient lodging facility as well as the general public.
 3. The restaurant must be a separate licensed business from the transient lodging business.
 4. The restaurant must be open and operational during the seasons and times the transient lodging facility is open. The restaurant must be open during dinner hours for a minimum of 25 hours per week and for at least nine months of each calendar year.
 - i. When there is a transition in restaurant operators in the required restaurant space the restaurant may be closed for a maximum period of twelve weeks to allow renovations to facilitate the transition from one operator to another.
 5. The restaurant associated with the transient lodging facility must be fully operational prior to a business license for the transient lodging facility being issued. To be operational means the restaurant space has been issued a certificate of occupancy, the restaurant has been issued a business license, and the restaurant has opened for business.
- F. Long-term rental residential units shall be developed with all new transient lodging facilities, pursuant to the standards below:
1. One long-term rental residential unit is required for every eight lodging units. In determining the number of long-term rental residential units required, all fractions will be rounded up to the next highest whole number. For example, a transient lodging facility with three transient lodging units would be required to provide 0.375 long-term rental residential units, which would be rounded up to one long-term rental residential unit. A transient lodging facility with 10 lodging units would be required to provide 1.25

- long-term rental residential units, which would be rounded up to a minimum of two long-term rental residential units.
2. The long-term rental residential units used to meet this requirement must be newly developed units. A property owner may not use long-term rental residential units that are either physically constructed or that have received any land use approval from the Town at the time the application for transient lodging is approved to satisfy the long-term rental residential requirement for the development.
 3. The long-term rental residential units may not be used to satisfy both the TLO zone requirement and any other requirement in the Town code (including requirements associated with the Workforce Housing Overlay Zone), development agreement, or any other similar requirement for a property owner to construct housing.
 4. The long-term rental residential units must be rental housing, and not owner-occupied housing.
 5. Each long-term rental residential unit used to fulfill this requirement must measure a minimum of 600 square feet in area.
 6. Each long-term rental residential unit used to fulfill this requirement must be constructed and maintained to a standard of quality that meets or exceeds the HUD Housing Quality Standards applicable to the Housing Choice Voucher Program.
 7. Long-term rental residential units must be occupied by the same household for periods of not less than 90 consecutive days.
 8. Long-term rental residential units must be occupied as the occupant's primary residence.
 9. Long-term rental residential units must be occupied for at least nine months in any twelve-month period.
 10. Each long-term rental residential unit must have its own dedicated water meter, according to the Town's Construction Standards and Design Details.
 11. 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 this requirement.
 12. Long-term rental residential units required by this section can be located on a property other than the transient lodging facility property, as long as the property is within the Town of Springdale.
 13. The owner of the property where the long-term rental housing units are located must record a restrictive covenant on the property that identifies the long-term rental residential units and requires the units to be used for long-term residential uses in compliance with this section for at least 50 years. The covenant must identify to which transient lodging facility the long-term residential units are linked. The covenant must specifically list and require the property owner to adhere to all the requirements for long-term rental residential units contained in this section.
 14. The long-term rental residential units associated with a transient lodging facility must be fully constructed with a certificate of occupancy issued prior to the business license for the transient lodging facility being issued.

10-13F-8: Density Standard for Transient Lodging Units:

- A. A property in the CC zone may not be developed with more than one transient lodging unit for every 2,500 square of lot area.
- B. A property in the VC zone may not be developed with more than one transient lodging unit for every 4,000 square feet of net developable land area.

10-13F-9: Annual Review of Transient Lodging Overlay Zone Compliance:

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 until all of the standards of this chapter have been met.

- A. The transient lodging facility manager shall provide the following information to the Town Clerk as part of the annual business license review:
 - 1. Name and contact information for the on-call property manager;
 - 2. Documentation that the required restaurant is in operation and open for business in compliance with the standards for restaurants associated with transient lodging facilities established in this chapter;
 - 3. Current copy of the good neighbor / guest education policies;
 - 4. Identification of the required long-term residential units associated with the transient lodging, and documentation that the units have been occupied as long-term residential units for at least nine of the previous twelve months; and
- B. The Town Clerk will not issue a business license renewal for the transient lodging business until all of the above identified information is provided to the Town.

10-13F-10: 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 an instrument in a form approved by the Town that provides notice and a restrictive covenant against the property in the Washington County Recorder's Office, which 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.