



Memorandum

To: Planning Commission
From: Thomas Dansie, Director of Community Development
Date: September 15, 2023
Re: Land Use Ordinance Revisions Related to E-Bikes

Background

Open air displays at local businesses can provide interest and diversity to the Town’s downtown area. The recently completed streetscape plan encourages more active use of the front of commercial properties, such as through open air displays, to promote activity on the street. The Town’s open air display standards are intended to facilitate outside display of merchandise at retail businesses, and to ensure such displays are compatible and consistent with the Town’s village character and scale.

Open air display of bicycles (including e-bikes) can detract from the Town’s village character. Bicycles displayed near the front of properties can create a cluttered appearance on the streetscape. Further, such displays have the potential to create conflicts with pedestrians on the sidewalk. If a rental bicycle is located very near the sidewalk there is potential for conflicts with passerby as the bike is moved from its display location and onto the sidewalk for rental use.

Summary of Proposed Ordinance

The Planning Commission has prepared an ordinance revision which seeks to mitigate the potential for conflicts and problems associated with open air display of bicycles. The proposed ordinance:

- Requires open air display areas to be clearly marked on the property so that the display is contained in the approved area and does not grow over time.
- Requires a physical buffer or barrier between the display of bicycles and the public sidewalk.
- Requires bicycle rental establishments to provide a 100-foot long training course for their customers.

General Plan Direction

The Commission may wish to refer to the following sections of the General Plan when deliberating on this topic:

- Land Use and Town Appearance Sub-Goal A: Maintain Springdale's identity as a unique Village within a spectacular scenic setting and preserve the Town’s distinctive small community feel and atmosphere.
- Land Use and Town Appearance Sub-Goal D: Promote the Town’s unique character and enhance the aesthetics of the community by improving the look and appearance of the public street right-of-way and other public properties.

Planning Commission Action

The Planning Commission should make a recommendation to the Town Council whether or not to adopt the proposed ordinance revision. This recommendation should be based on findings whether or not the land use ordinance satisfies the criteria in section 10-3-2(A) of the Town Code. The Commission may wish to use the following sample ordinance language in making such a recommendation:

*The Planning Commission recommends **approval / denial** of the proposed ordinance amendment regarding rental of non-motorized recreational equipment and open air displays. This motion is based on the following findings:*

[LIST FINDINGS]

ORDINANCE 2023-_____

**AN ORDINANCE OF THE SPRINGDALE TOWN COUNCIL REVISING THE
STANDARDS FOR OPEN AIR DISPLAYS AND RENTAL OF NON-MOTORIZED
RECREATIONAL EQUIPMENT.**

Whereas, the Town allows the display of merchandise outside a business establishment through an open air display permit process; and

Whereas, open air displays can add interest and variety to the streetscape; and

Whereas, open air displays containing bicycles or other vehicles can also lead to conflicts with pedestrians on the sidewalk; and

Whereas, the Town desires to revise the standards for open air displays to reduce the potential for pedestrian conflict and other associated issues; and

Whereas, the necessary processes to revise the Town’s Land Use Ordinance have been satisfied;

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

Section One: That 10-7A-4 of the Town Code is amended as follow:

10-7A-4: PERMITTED USE STANDARDS:

A. *Automotive service stations:*

1. The property where the automotive service station is located must be adjacent to State Route 9 and must have an access directly onto State Route 9 approved by the Utah Department of Transportation.
2. No overnight, outdoor storage of vehicles that are in process of repair is allowed.
3. Storage of hazardous and flammable materials must be approved by the Fire Marshal and all applicable state regulatory agencies.
4. No major automobile repair (e.g., engine repair or transmission repair, body work, and other similar types of repair) is allowed.
5. The service station must be designed such that there is adequate space on the property for vehicles (including service and delivery vehicles) to enter the property, maneuver, and exit the property without having to back out onto SR-9 or adjacent property or otherwise cause any traffic impact on SR-9 or adjacent property.
6. No outdoor storage of used tires, spare parts, or other similar items is allowed.
7. The operation shall not create noise that is perceptible beyond the property line between the hours of 8:00 p.m. and 8:00 a.m. the following day.

B. Daycare and nursery schools must be licensed by the state and abide by all state requirements.

C. *Guiding and tour services to areas inside Town limits:*

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1. No motorized vehicles may be used in conjunction with the guiding and touring service.
 2. Guiding and tour routes and operations must not create conflicts with vehicular and pedestrian circulation patterns.
 3. All touring and guiding activities in the UDOT right-of-way require the written approval of the Utah Department of Transportation.
- D. *Kennels, non-commercial:* Fencing used to secure dogs in an area dedicated to housing the dogs (e.g., a dog run) must be set back at least ten feet from the nearest property line. This setback standard does not apply to fencing used to secure dogs in yards and other areas used for short periods for exercise, play, and other similar uses.
- E. *Manufacturing small scale assembly and production:*
1. Outdoor storage of raw materials used in the operation is limited to an area of 200 square feet. This area must be completely screened from view from adjacent properties and the street with a minimum six-foot high opaque fence or wall.
 2. Hazardous and flammable materials storage must be approved by the Fire Marshal.
 3. The operation shall not create noise that is perceptible beyond the property line between the hours of 8:00 p.m. and 8:00 a.m. the following day.
- F. *Recreational facilities, commercial:* If located outdoors all portions of commercial recreational facilities must meet the following requirements:
1. Be located at least 100 feet from any residential zoned property.
 2. Be screened on all sides facing a residentially zoned property within 100 feet of the subject property with solid fencing at least eight feet in height and vegetation which will exceed 12 feet in height at maturity.
 3. Where a building is placed between the recreational facility and an adjacent residentially zoned property the setback and screening requirements in subparagraphs 1. and 2. above do not apply, if:
 - a. The building is at least 16 feet in height,
 - b. The building completely blocks the view of the recreational facility from all adjacent residentially zoned properties.
- G. *Rental of nonmotorized recreational equipment:* If renting bicycles, an establishment must have a marked path at least 100 feet in continuous length located entirely on private property. The path shall be clearly marked. The path shall allow the establishment to train and orient renters on the proper use of the bicycle.
- GH. *Theaters:*
1. Outdoor performances must not use amplified sound equipment or speakers after 10:00 p.m. or before 8:00 a.m.
 2. Outdoor theaters must be located at least 100 feet from any residentially zoned property.
- H.I. *Transportation services:* If the vehicles associated with the transportation service are stored in Springdale, the property where the transportation service is located must have sufficient space to park and store all vehicles associated with the transportation service while meeting all other requirements of this title (e.g., setbacks, landscaping).
- H.J. *Any business with outdoor performances or outdoor sound:*
1. Amplified sound equipment or speakers must not be used outside after 10:00 p.m. or before 8:00 a.m.
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2. All sound sources (including sound equipment, speakers, live performers, and other similar sources of sound) must be set back at least 15 feet from the nearest property line.

K. *Vehicle holding area:*

1. Vehicle holding for towed vehicles is allowed only in conjunction with and in the same location as a permitted and licensed public parking area.
2. Parking areas and spaces required by the parking standards in chapter 23 of this title may not be used as a vehicle holding area.
3. Stand-alone vehicle holding areas are not allowed.
4. No more than 20 percent of a parking area may be used as a vehicle holding area.
5. Fencing, lighting, and signage associated with the vehicle holding area must conform to all Town standards.
6. Vehicles that have been towed due to criminal action or violation of the law other than parking infractions, as well as vehicles that have been towed due to involvement in a crash, may not be stored in a vehicle holding area.
7. Each vehicle stored in the vehicle holding area must be removed from the vehicle holding area within 72 hours from when it was placed in the vehicle holding area.
8. Inoperable, junk, abandoned, or unregistered vehicles may not be stored in a vehicle holding area. All vehicles stored in a vehicle holding area must be capable of driving off the site under their own power.

Section Two: That 10-22-7 of the Town Code is amended as follows:

10-22-7: OPEN AIR DISPLAY:

An "open air display" is defined as the display of retail merchandise outside of a permanent business structure. An open air display is distinct from and not subject to the provisions governing temporary uses in that the duration is of a more permanent nature. Open air displays must be accessory to the retail display inside a permanent building. The following standards and requirements shall apply to any open air display:

- A. *Permit required:* Prior to the establishment of an open air display, a permit shall be secured for such use. A single open air display permit shall identify all open air display areas on the property. The permit may include multiple display areas for one or more businesses. After initial approval, the permit may be amended to include additional open air display area upon the request of the property owner or tenant. Applications for an open air display permit must include:
 1. A site plan showing the entire property, all areas proposed to be used for outdoor display, and all existing and proposed structures on the property;
 2. A brief description of the items to be displayed outdoors, with enough detail to demonstrate compliance with the intent and purpose of chapter 16, "Architectural Standards and Design Guidelines" of this title; and
 3. Details on the vehicular and pedestrian circulation into and out of the property to demonstrate that the proposed outdoor display will not cause a traffic hazard or obstruct the free flow of pedestrians on the property or adjacent sidewalks.
- B. *General requirements:* The following requirements apply to a person's use of an open air display:

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1. The open air display will be conducted wholly on the same lot or parcel as the primary building with which such activities are associated.
 2. The merchandise displayed shall be an extension of and of the same type and nature as either the merchandise of: a) the principal use or b) an accessory use.
 3. Prior to the establishment of an outdoor display area, all existing uses on said lot are in compliance with the provisions of this title.
 4. No display will be located in the public right-of-way, obstruct any exit or entrance, or impede the free flow of pedestrian or vehicular traffic.
 5. The open air display must be set back at least three feet from any public sidewalk or ten feet from the edge of pavement of any street where there is no public sidewalk.
 6. The open air display area must be clearly marked on the property and all display items must be completely contained within the approved and marked display area.
 7. If the open air display contains bicycles or other vehicles, the area must be separated from public sidewalks and other public rights-of-way by a physical barrier such as a low fence, dense landscape hedge, or similar. The barrier must be sufficiently high and robust to prevent bicycles or vehicles from being transported directly from the open air display area into the public right-of-way. The barrier used to meet this requirement must be compatible with the Town's design standards outlined in Chapter 16 of this title.
 68. All open air displays shall adhere to the intent and spirit and fulfill the purpose of chapter 16, "Architectural Standards And Design Guidelines", of this title.
 79. No sales may take place at the open air display. All sales must be conducted inside a building.
 810. Open air displays must be unstaffed. Employees may assist customers at the outdoor display at the customer's request and for a short period of time, but employees may not be permanently stationed at the open air display.
 911. Open air displays are limited to 1,000 square feet in area.
 1012. Open air displays must meet a standard of aesthetics that clearly distinguish them from signage. For example, if a business sells artwork, actual examples of artwork for sale may be considered for open air display. However, displays that artistically or symbolically represent the goods or services offered for sale in a business will not be allowed (for example, a toothbrush in front of a dentist office).
 1113. Open air displays must display merchandise associated with and be operated by the business occupying the interior space on the property. An open air display may not be operated as a standalone business separate from the business operating from within the buildings on the property. A property owner or business operator may not sublease open air display space on a property for a separate business to use.
- C. *Review process:* Except as provided in Subsection D., staff will review any application for an open air display permit. Staff shall grant the permit if staff determines that the application is complete and that the open air display will conform to the general requirements above.
 - D. *Planning Commission review:* Staff may refer any open air permit application to the Planning Commission for its sole review and approval of the permit. In that event, the Planning Commission shall grant the permit if it determines that the application is complete and that the open air display will conform to the general requirements above.
 - E. *Permit revocation:* The town may revoke, modify, or reconsider an open air display permit, after providing notice to the property owner notice and holding a public hearing at the Planning Commission (if requested by the property owner after receiving notice), for any of the following reasons:
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1. Failure to comply with the requirements of this Code,
 2. Failure to renew or maintain a current business license,
 3. Failure to comply with the conditions of the permit,
 4. The operation of the open air display causes traffic or pedestrian congestion on a public right-of-way, or
 5. The permit was obtained by misrepresentation or fraud.