

ORDINANCE 2018- ____

AN ORDINANCE OF THE SPRINGDALE TOWN COUNCIL CLARIFYING THE TOWN'S REGULATION OF PROHIBITED LAND USES

Whereas, pursuant to section 10-9a-102 of the Utah State Code, the Town of Springdale regulates land use to accomplish the purposes outlined in the Town's general plan and in section 10-1-2 of the Town Code, and

Whereas, the Springdale Town Council finds certain land uses, by their very nature, are incompatible with the Town's village character, the goals and objectives of the general plan, and the purposes of section 10-1-2 of the Town Code, and

Whereas, the Springdale Town Council finds it necessary to prohibit land uses that will reasonably detract from the Town's village character in order to promote the health, safety, welfare, prosperity, morals, peace and good order, comfort, convenience, and aesthetics of the community, and

Whereas, the Springdale Planning Commission and Town Council have analyzed which land uses will have such a detrimental impact on the community and have determined that these uses should be prohibited, and

Whereas, the processes required by Utah State Code and Springdale Town Code for amending the land use ordinance have been duly followed,

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

Section 1: *That the definitions listed below are amended or added to section 10-2-2. Existing definitions in section 10-2-2 not listed below are all retained as currently adopted.*

10-2-2: DEFINITIONS:

AMUSEMENT PARK: A commercial establishment that features rides, mechanical attractions, roller coasters or other similar forms of entertainment.

BOWLING ALLEY: A facility which offers more than two lanes of bowling.

CAMPGROUND: An ~~public~~ area ~~improved and used for~~ ~~designated by a public agency for~~ camping ~~on an ongoing basis.~~ ~~or a private area licensed by the town for camping.~~

CAMPING: A temporary establishment of living facilities such as tents, ~~yurts~~ or recreational coaches as regulated by this title. ~~This definition includes any overnight occupancy of any structure or facility of any kind with the exception of an approved dwelling unit or transient lodging unit which has been issued a certificate of occupancy.~~

CIRCUS OR CARNIVAL: A traveling amusement show which typically includes mechanized rides.

DRIVING RANGE WITH FLOODLIGHTS: An illuminated area for practicing golf shots.

LANDFILL AND GARBAGE DUMP: A discrete area of land or excavation that is used for disposing of refuse and other solid waste material by burying it or covering over with other material.

MINI-GOLF COURSE: An informal golf game played with a putter on a miniature course which includes obstacles and artificial features, usually centered on a novelty theme.

RETAIL TOBACCO SPECIALTY BUSINESS: As used herein, this term will have the same definition as set forth in section 10-8-41.6(1)(b) of the Utah Code Annotated, as amended.

SHOPPING MALL: 1) A large building or complex of buildings under common ownership containing various shops, businesses, and/or restaurants usually accessible by common interior passageways. 2) A series of shops, businesses, and /or restaurants arranged in a general linear manner with front entrances opening on to a common sidewalk immediately adjacent to parking areas. The term "shopping mall" shall not be construed to include a group of businesses arranged around a common open-air courtyard or other similar space fully open to the outdoors and designed to encourage pedestrian movement from business to business. ~~shady public walk or a street lined with shops which may or may not be closed to vehicles.~~

SHOOTING RANGE: An indoor or outdoor facility to practice archery or the discharge of firearms.

STORAGE ESTABLISHMENTS: Commercial establishments that accept rent or payment for the long-term storage of items.

SKATING RINKS: A large flat facility designed to allow ice or roller skating, usually in an oval or round shape. This definition does not include public community multi-use paths which accommodate roller skating, or public community skate parks which contain obstacles, sloping surfaces, and other features.

SWAP MEET / FLEAFLEA MARKET: A gathering at which enthusiasts or collectors trade or exchange miscellaneous items that are not of great value. This definition does not include vendors at festivals or events authorized by a temporary use permit.

WATER PARK: 1) A commercial enterprise which accepts payment for entrance to outdoor recreational water features such as pools, waterslides, or splash pads. This definition does not include water features developed as an accessory to hotels or spas and are open only to the guests of the hotel or spa. 2) Any recreational water feature or combination of recreational water features on the same property such as pools, water slides or splash pads, which measure greater than 2,500 square feet in total area regardless of whether a fee is charged for entrance.

Section 2: *That section 10-7A-5 is added to the Town Code as follows.*

10-7A-5: PROHIBITED USES:

- A. Subject to the provisions of section 10-21-1 of this title, the following uses are recognized to be incompatible with the general plan and are prohibited, because of the limited amount of private

land available within the town's boundaries; the large size or scale required of such uses; excessive noise, odor or light emissions; their excessive use of limited resources and the undue burden they place on public utilities and services, or because they are of a character hereby found to be in conflict with the town's general plan:

Arcades.

Amusement parks.

Automobile repair (major) and automobile dealerships.

Automobile wrecking yards.

Bowling alleys.

Car washes.

Circuses or carnivals.

Drive-in theaters.

Driving ranges with floodlights.

Helipads, helistops, and heliports.

Jails and prisons.

Junkyards.

Landing strips, airports, or other facilities designed for the take off or landing of any type of aircraft.

Landfills and garbage dumps.

Mini-golf courses.

Mining, quarries or gravel pits.

Off-road vehicle, motorcycle, and ATV tracks and parks.

Pawn shops.

Recreational vehicle parks and/or campgrounds.

Retail tobacco specialty businesses.

Skating rinks.

Shooting ranges.

Shopping malls.

Storage establishments.

Swap meets and flea markets.

Tattoo parlors.

Water parks.

B. Additional zone specific prohibited uses: In addition to the uses listed above, the uses listed by zone below are prohibited in the zone under which they are listed.

1. Residential zones: Commercial uses (specifically including but not limited to transient lodging) except those allowed under a home occupation permit or residential facilities allowed under section 10-22-7, and any uses that is prohibited in the any commercial zones.
2. Agricultural zone: Commercial uses (specifically including transient lodging) except those allowed in the agricultural zone by under section 10-7A-2 or other specific allowances under this title, and all uses prohibited in the commercial zones.
3. Commercial zones: Industrial uses, manufacturing uses other than those allowed by in commercial zones under section 10-7A-2, distribution and wholesaling uses, energy and power generating facilities except for wind and solar facilities designed to that serve only the needs of the property on which they are located.

Section 3: *That section 10-22-3 of the Town Code is amended to read as follows:*

10-22-3: USES PROHIBITED:

Those uses listed in section 10-7A-5 of this title are prohibited.

Subject to the provisions of section 10-21-1 of this title, the following uses are recognized to be incompatible with the general plan, because of the limited amount of private land available within the town's boundaries; the large size or scale required of such uses; excessive noise, odor or light emissions; their excessive use of limited resources and the undue burden they place on public utilities and services, or because they are of a character hereby found to be in conflict with the town's general plan:

~~Amusement arcades, theme parks or water parks.~~

~~Automobile repair (major) and automobile dealerships.~~

~~Bowling alleys or skating rinks.~~

~~Circuses or carnivals.~~

~~Drive-in theaters.~~

~~Heavy industrial and manufacturing uses.~~

~~Helipads, helistops, and heliports.~~

~~Junkyards.~~

~~Landing strips or airports for aircraft.~~

~~Mini-golf courses and driving ranges with floodlights.~~

~~Mining, quarries or gravel pits.~~

~~Recreational vehicle parks and/or campgrounds.~~

~~Shooting clubs or ranges.~~

~~Shopping malls.~~

~~Storage establishments.~~

~~Wholesale stores.~~

PASSED AND ADOPTED by the Springdale Town Council the _____ day of _____, 2018. This ordinance shall be effective upon passage and posting.

Mayor Stanley J. Smith

Attest: Town Clerk Darci Carlson