



Memorandum

To: Town Council
From: Thomas Dansie, Director of Community Development
Date: August 3, 2018
Re: **August 8, 2018 Town Council Meeting**
Prohibited Uses

The Planning Commission has prepared an ordinance clarifying the Town's list of prohibited uses. This ordinance is intended to more clearly identify uses which are out of character with the Town and should thus be prohibited. It is also intended to clarify which categories of uses are prohibited on a zone by zone basis. For example, the ordinance clarifies that commercial uses are not allowed in residential zones.

The proposed ordinance adds the following uses to the Town's list of prohibited uses:

- Automobile wrecking yards
- Jails and prisons
- Landfills and garbage dumps
- Off-road vehicle, motorcycle, and ATV tracks and parks
- Pawn shops
- Retail tobacco specialty businesses
- Skating rinks
- Swap meets and flea markets.

The Planning Commission deliberated on the proposed ordinance for several months, determining which uses should be prohibited and which should not. There was no public comment on the ordinance at the Commission's public hearing. After the hearing the Commission recommended approval of the ordinance.

PLANNING COMMISSION MEETING MINUTES – JULY 18, 2018

Public Hearing: Ordinance Revisions - Changes to multiple sections of Title 10 of the Town Code pertaining to prohibited land uses: Goal was to clarify which uses were prohibited in Town, strengthen the Town’s regulation, and guard against unwanted land uses. Mr. Dansie said the Town Attorney provided some recommendations.

Commission questions for staff: None were asked.

Public questions for staff: None were asked.

Commission questions for applicant: None were asked.

Public questions for applicant: None were asked.

Motion made by Suzanne Elger to open public comment: seconded by Mike Marriott.

Staker: Aye

Elger: Aye

Pitti: Aye

Giardina: Aye

Marriott: Aye

Motion passed unanimously.

Public comments: There was no public comment.

Motion made by Suzanne Elger to close public hearing; seconded by Allan Staker.

Staker: Aye

Elger: Aye

Pitti: Aye

Giardina: Aye

Marriott: Aye

Motion passed unanimously.

Commission deliberation: Mr. Burns recalled discussion about uses with potential benefit for residents and asked about the inclusion of car washes.

- Mr. Dansie agreed and said it should be removed from prohibited uses.
- Ms. Purcell recommended conditions concerning water use and recycling be considered for car washes. The Commission discussed sustainability and use of water in the future.
- If car washes were permitted, Mr. Dansie suggested the Commission research standards for future recommendation.

Mr. Pitti noted animals should be included under circuses.

Mr. Pitti questioned the definition of shopping malls.

- Mr. Dansie recalled the Commission preferred the idea of an open air, courtyard type of mall, but not the interior corridor, strip mall type. Therefore, the words “or complex of buildings’ would be removed from the definition.

Under ‘Water Parks’ the Commission decided to exempt hotel pools from the definition.

Motion made by Joe Pitti to forward a recommendation for an ordinance revision for changes to multiple sections of Title 10 of the Town Code pertaining to prohibited land uses with the intent of revisiting some standards for car washes and the changes made this evening including: removal of car washes, add ‘animals’ to

the definition of circus, remove 'or complex of buildings' from the definition of shopping mall, and clarify that hotel pools are exempt from the definition of water parks, seconded by Suzanne Elger.

Staker: Aye

Elger: Aye

Pitti: Aye

Giardina: Aye

Marriott: Aye

Motion passed unanimously.

ORDINANCE 2018-11

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 and/or performing animals.

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

LANDFILL / GARABAGE 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: A man made miniature golf course which includes obstacles and artificial features, usually centered on a novelty theme, designed to allow an informal golf game played with a putter.

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 / FLEA 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. 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. 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.

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.

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.

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 use that is prohibited in any commercial zone.
2. Agricultural zone: Commercial uses (specifically including transient lodging) except those allowed in the agricultural zone 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 in commercial zones under section 10-7A-2, distribution and wholesaling uses, energy and power generating facilities except for wind and solar facilities 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