



Memorandum

To: Town Council
From: Thomas Dansie, Director of Community Development
Date: August 3, 2018
Re: **Ordinance 2018-12: Codifier's Recommended Changes**

The Town has adopted a number of ordinance revisions recently. The Town uses a codifier service to codify these ordinances into the Town Code. As part of this service the codifier reviews ordinances for consistency and clarity.

Based on review of several recently adopted ordinances the codifier has suggested some minor revisions to the ordinance to improve consistency and clarity. These revisions do not create new policy, they simply clarify existing policy and regulation.

The Planning Commission has prepared and recommends approval of an ordinance to incorporate the codifier's suggestions.

Note: There was no public comment or Commission deliberation at the Planning Commission's public hearing on this item. Therefore, minutes of the Planning Commission meeting are not included in this report.

ORDINANCE 2018-12

AN ORDINANCE OF THE SPRINGDALE TOWN COUNCIL CLARIFYING RECENTLY ADOPTED ORDINANCE AMENDMENTS

Whereas, the Springdale Town Council has recently adopted various amendments to the land use ordinance, and

Whereas, the Town’s codifier has identified several additional clarifications that should be made to the ordinance based on the recent amendments, and

Whereas, the Town Council desires to make the suggested clarifications, and

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

Now therefore be it ordained by the Springdale Town Council that the Title 10 of the Town Code is amended as described below.

Section 1: Remove the definition of “family daycare home” from section 10-2-2:

~~FAMILY DAYCARE HOME: A residence that the principal resident also uses for the care of four (4) or more children who are not related within the second degree to the principal resident.~~

Section 2: Revise section 10-3-4 as follows:

10-3-4: LAND USE AUTHORITY DESIGNATED:

Pursuant to Utah code sections 10-9a-103 and 10-9a-302 et seq., the town hereby designates the following land use and appeals authorities to act on the following types of land use applications and appeals:

- A. The town council shall be the designated land use authority to act on preliminary and final subdivision plats, subdivision plat amendments and vacations, conditional use permits, and determinations of accessory use, appeals of takings and all other land use decisions for which the land use authority is not specified in town ordinances.
- B. The planning commission shall be the designated land use authority to act on design/development review applications, sign permit applications, grading permit applications, and open air display permit applications, except when the DCD is authorized by ordinance to review and approve such applications.

C. The DCD shall be the designated land use authority to act on temporary use permit applications, banner permit applications, and ~~class 2~~ home occupation permit applications, in addition to design/development review applications and sign permit applications when authorized by ordinance.

Section 3: Revise section 10-13C-9 to read as follows:

10-13C-9: MIXED USE DEVELOPMENTS:

The PD zone may be used to develop projects with both residential and commercial uses if the project is in a commercial zone. Such developments must be approved as mixed use projects during the PD zone approval process. Planned developments that are not approved as mixed use projects are limited to residential uses only. Approved mixed use developments shall be subject to the requirements of this section.

- A. Commercial uses must be developed in conjunction with and be contained within a residential unit. The commercial use must be owned, operated, or managed by the resident of the residential unit. Commercial uses in dedicated commercial spaces without an integrated residential use and commercial uses not owned, operated, or managed by the resident of the integrated residential unit are prohibited.
- B. All structures in mixed use developments must complement the town's architectural heritage and village atmosphere, as identified in chapter 2, "town appearance", of the Springdale general plan.
- C. Commercial uses in mixed use developments on commercially zoned land in the PD zone are limited to the following:

1. Permitted Uses:

Administrative, professional, or medical offices.

Art galleries.

Artist studios.

Bakeries, retail.

Barber and beauty shops.

Bicycle shops.

Blueprint and photocopy services.

Delicatessens.

Florist shops.

General retail stores.

Restaurants.

Other uses allowed in the underlying VC or CC zone that are similar in nature and impact to those listed above if specifically allowed by the town council.

~~2. Conditional Uses: The following uses are allowed, subject to the general standards for conditional uses in section 10-3A-4 of this title and the applicable specific standards in the underlying zone found in section 10-3A-5 of this title:~~

~~Artist studios.~~

~~Restaurants.~~

- D. Transient lodging as defined in this title is prohibited in the PD zone.
- E. Commercial uses in a mixed use PD project are subject to parking, signage, landscape, access and all other applicable standards in this title. A conceptual plan showing provisions for commercial parking, signage, access, loading zones, and other applicable elements of commercial development must be submitted as part of the PD zone application.
- F. There must be a clear visual separation between the residential and commercial portions of the mixed use unit. Further, the arrangement of commercial and residential uses in the development must provide the maximum amount of privacy, peace and quiet to the residential portions of each mixed use unit as possible.
- G. Each mixed use development is allowed one 40-square foot freestanding sign, shared amongst all the commercial uses in the development. Each individual mixed use unit in the development is allowed one 10-square foot building mounted sign. Aside from the size limitations proscribed by this subsection, signage at mixed use developments must meet all the standards of chapter 24 of this title.

Section 4: Revise section 10-13F-11, paragraph N as follows:

10-13F-11: REQUIREMENTS: - Paragraph N.

N. Occupancy: Cottages must be owner-occupied, or rented to long-term tenants for periods of not less than ninety (90) consecutive days.

Section 4: Revise section 10-22-15, paragraph C as follows:

10-22-15: ACCESSORY DWELLING UNITS: - Paragraph C.

C. Standards: ADUs must conform to the following standards:

1. The ADU must contain complete cooking and bathroom facilities that are separate from the facilities located in the main residence.
 - a. The cooking facility in the ADU must contain:
 - (1) A sink and water faucet,
 - (2) Capacity for food refrigeration, and
 - (3) A permanent, built-in stove top, range, or other similar device for cooking food.
 - b. The bathroom facility in the ADU must contain:
 - (1) A sink and water faucet,
 - (2) A toilet, and
 - (3) A shower or bathtub.
2. The ADU must have a separate entrance from the main residence.
3. The owner of the property must occupy either the main residence or the ADU.
4. Two (2) additional off-street parking spaces must be provided for the ADU.
5. ADUs must meet all applicable Fire and Building Codes.
6. The lot where the ADU is located must maintain the single-family appearance and character of the neighborhood, as outlined in section 10-9B-1 of this title. ADUs should be compatible in design and appearance with the main residence on the property.
7. ADUs are limited in size to one thousand (1,000) square feet.
8. Only one ADU per property is permitted.
9. The lot where the ADU is located must be at least one-half (1/2) acre in size.
10. ADUs may not be used for transient lodging. The minimum rental period for an ADU is ninety (90) consecutive days.
11. Only one family is allowed to occupy an individual ADU.

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