



**MINUTES OF THE SPRINGDALE TOWN COUNCIL
WEDNESDAY, MAY 12, 2021
AT THE CANYON COMMUNITY CENTER, 126 LION BLVD., SPRINGDALE, UTAH**

In addition to the anchor location, the meeting was available to the public for live viewing/listening. If a member of the public did not have access to the internet, they could join the meeting audio via telephone.

The Regular Meeting convened at 5:00pm

MEMBERS PRESENT: Mayor Stanley J. Smith, Council members Randy Aton, Lisa Zumpft, Adrian Player, and Suzanne Elger

ALSO PRESENT: Town Manager Rick Wixom, Director of Community Development Tom Dansie, Town Treasurer Dawn Brecke, Chief of Police Garen Brecke, Parks & Recreation Director Ryan Gubler, Public Works Superintendent Rob Totten, Streets Supervisor Robert George, Deputy Clerk Katy Brown, and Town Clerk Darci Carlson recording.

Pledge of Allegiance led by Mayor Stanley J. Smith.

Motion made by Lisa Zumpft to approve the agenda for May 12, 2021. Seconded by Adrian Player.

Aton: Aye
Zumpft: Aye
Smith: Aye
Player: Aye
Elger: Aye

Motion passed unanimously.

A. Discussion and Information

1. General announcements: Mr. Gubler announced a variety of upcoming Town events including a virtual dark sky lecture, genealogy presentation, and an outdoor movie.

2. Zion National Park update: Superintendent Bradybaugh was excused.

- April 2021 visitation topped 469,775. Year-to-date visitation reached 1,239,000. The seven-month streak of record visitation, which persisted from September 2020 through March 2021, ended this April.

3. Council department reports:

Ms. Elger reported:

- A kickoff event to commemorate the start of the History Center renovation project was held last week. The brick fundraiser was still in progress.
- Conversations with Shane Parashonts from the Paiute Tribe continued regarding trail improvements. Stan Plaiser was also working on the trail plan. The Moenave Trail was in process and should be completed within a few weeks.

- Washington County was looking for a replacement to run the senior lunch program. Ms. Elger invited the community to provide input on what they wanted for this program.
- The Community Bike Event held on May 3rd was well attended.
- Ms. Elger was working with Mr. Dansie and the Bike Committee to educate the public on safety and e-bikes.

Mr. Player reported:

- Commended the Public Works staff, specifically Rob Totten, Robert George and Rick Wixom, for providing important and relevant feedback on the Stormwater Master Plan.
- Dedging of the irrigation settling pond would begin to remove cattails.
- Twin D finished their annual sewer scoping project.
- The Mosquito Abatement Board would meet tomorrow evening.

Ms. Zumpft reported:

- Attended the Utah League of Cities and Towns Conference and the Rural Resort Communities Caucus. She noted there were a number of new state laws that would affect our community.
- Watched a webinar on mountain lions and it was important to be aware since the Town had a number of deer in the community.
- Ninety-one Moderna shots were given today at the Town's second COVID vaccination clinic.

Mr. Aton reported:

- The Streets Department cleaned streets and inlet culverts, pressure washed crosswalks and bike symbols, and reviewed the Tiley Hill sidewalk bid. The bid was higher than engineers' estimate so options were being considered to reduce costs.
- Monthly fire and EMS numbers were provided (Attachment #1). The Fire Department was getting ready to set up their seasonal wildland crews.
- The official report on the cause of the Pioneer Lodging fire would be released soon.

Mayor Smith reported:

- The Southern Parkway grand opening was May 19th. With funds from the state and federal government a lot of new projects were anticipated on I15 in the next few years.
- Exit 16 in Hurricane would be affected by upcoming commercial development. Developers were asking for a new intersection in this area to help relieve demand.
- The Solid Waste District hired a new manager. The District was discussing the addition of another scale house.
- Governor Cox intended to cease federal unemployment as of June 26th. This would hopefully help employment and supply chain issues.

5. Community questions and comments: None were asked.

B. Legislative Action Items

1. Continued from March 10, 2021 – Final Subdivision Plat: Final subdivision plat approval for the Canyon Cottonwoods Cottages subdivision (nine cottage units) at approximately 1775 Zion Park Boulevard – Luke Wilson: The purpose of the review was to ensure the final plat conformed to the preliminary plat and that all the required infrastructure was complete. In the previous meeting, the Council had issues with roof overhang setback, and the use of inconsistent colors and materials originally approved in the Design/Development Review. Since that meeting the overhangs had been modified and the applicant submitted an application for the Planning Commission to consider revisions to the colors and materials.

Mr. Aton asked if colors and materials were part of the final plat approval.

- While important, they were not a criterion for final plat approval.

Ms. Elger noted the Development Agreement stated the design would be substantially similar to those presented in the conceptual site plan. Given the rooflines, roof and siding material changes, she felt the construction was not similar.

- Should the Council make a finding the project was out of compliance with the Development Agreement, then they were justified in not approving the final plat.
- The final plat allowed individual cottages be conveyed to individual buyers.

The Council discussed the issue of substantially different. They reviewed the original concept plans from the zone change and the elevation plans as presented in the Design/Development Review.

- Since this development represented the first Cottage Housing Overlay Zone, Mr. Aton said the decisions made would set a precedence.

Luke Wilson addressed the Council and explained the reasons for the changes. He agreed the request for alteration should have been brought to the Town earlier.

- Mr. Player said there was no reason to have rules and regulations unless they were followed. If there were modifications from the Development Agreement they should have been approved first.

Mayor Smith was frustrated with the number of changes made compared to what was approved. It was important to follow the process and have the issues reviewed by the Planning Commission before proceeding.

Motion made by Suzanne Elger to postpone the final subdivision plat approval for the Canyon Cottonwoods Cottages subdivision at 1775 Zion Park Boulevard until the Planning Commission has had an opportunity to review the DDR. Seconded by Adrian Player.

Aton: Aye

Player: Aye

Zumpft: Aye

Elger: Aye

Smith: Aye

Motion passed unanimously.

2. Continued from April 14, 2021 – Ordinance 2021-05 Geologic Hazard Ordinance: This ordinance would add an additional review process for properties mapped as high hazard for landslide, rockfall, and liquefaction by the Utah Geologic Survey. Previously the Council was supportive however they asked suggestions from comment letters be incorporated into the language.

Motion made by Lisa Zumpft to approve Ordinance 2021-05 Geologic Hazard Ordinance as reviewed and recommended by the Planning Commission based on findings from the Utah Geologic Survey and the Utah Department of Natural Resources in an attempt to protect human life. This ordinance will apply to help protect buildings that are designed for human occupancy in the areas that are above normal risk. Seconded by Adrian Player.

Aton: Aye

Zumpft: Aye

Elger: Aye

Player: Aye

Smith: Aye

Motion passed unanimously.

C. Administrative Action Items

1. Schedule work meeting to discuss policies and practices regarding GRAMA requests, and business owner concerns regarding noise and delivery ordinances: Both topics were important and the Council wanted to encourage discussion with the community via a work meeting.

Motion made by Lisa Zumpft for the Town Council to set a work meeting on Tuesday, June 1st starting at 1:00pm to discuss the noise and delivery issues with businesses and GRAMA requests. Seconded by Adrian Player.

Aton: Aye

Zumpft: Aye

Elger: Aye

Player: Aye

Smith: Aye

Motion passed unanimously.

2. Proclamation 2021-02 – Proclaiming May as Bike Month in Springdale: Mayor Smith and the Council expressed appreciation for Tom Dansie and all the work he did in the community.

Motion made by Randy Aton to adopt Proclamation 2021-02, a proclamation of the Springdale Town Council establishing May 2021 as Bike Month in Springdale and direct the Mayor to sign. Seconded by Suzanne Elger.

Aton: Aye

Zumpft: Aye

Player: Aye

Elger: Aye

Smith: Aye

Motion passed unanimously.

3. Review and approval of the FY 2021-22 tentative budget: There were no changes from the Council's work meeting on April 29th.

Motion made by Lisa Zumpft to approve the FY 2021-22 tentative budget and set the hearing and adoption of the budget for June 23, 2021. Seconded by Adrian Player.

Aton: Aye

Zumpft: Aye

Elger: Aye

Player: Aye

Smith: Aye

Motion passed unanimously.

4. Interpretation of Town Code section 10-22-9(E)(11) related to standards for operating home occupations in residential zones – Kurt Wilson: Due to a miscommunication, Mr. Wilson did not understand this item would be on the agenda tonight. With that, he requested the Council postpone discussion.

If discussion moved to their next meeting, the Council also wanted to address concerns outlined in recent comment letters (Attachment #2).

Motion made by Randy Aton to postpone until next month the interpretation of Town Code section 10-22-9(E)(11) related to standards for operating home occupations in residential zones and also add a second action item to discuss other issues about this home occupation. Seconded by Adrian Player.

Aton: Aye

Zumpft: Aye

Elger: Aye

Player: Aye

Smith: Aye

Motion passed unanimously.

5. Resolution 2021-09, adoption of a Geologic Hazard Investigation and Report Manual establishing standards for geologic hazard investigations and reports: This item supported Ordinance 2021-05 Geologic Hazard Ordinance approved earlier in the agenda.

Motion made by Adrian Player to approve Resolution 2021-09, adoption of a Geologic Hazard Investigation and Report Manual establishing standards for geologic hazard investigations and reports and authorize and request the Mayor to sign. Seconded by Suzanne Elger.

Aton: Aye

Zumpft: Aye

Elger: Aye

Player: Aye

Smith: Aye

Motion passed unanimously.

6. Resolution 2021-10, approval of the Utah Community Renewable Energy Interlocal Agreement:

This was the agreement determining governance of participating communities in the Utah Community Renewable Energy Program. The agreement outlined participation percentages, voting protocols, and costs moving forward. The Town would appoint a Council member to the Board via a resolution in their next regular meeting.

Ms. Elger was pleased to note there were eight anchor cities under this agreement, Springdale being one of them. This program would make renewable energy more accessible.

Mr. Aton recognized the Town's General Plan was supportive of this initiative. Customers would be able to opt-out of this program after its final approval in 2022. In terms of energy, renewable energy was costing less and this could possibly lower bills in the future.

Motion made by Randy Aton to approve Resolution 2021-10 a resolution of the Springdale Town Council approving an interlocal cooperation agreement among public entities regarding the Utah Community Renewable Energy Program and direct the Mayor to sign. Seconded by Lisa Zumpft.

Aton: Aye

Zumpft: Aye

Player: Aye

Elger: Aye

Smith: Aye

Motion passed unanimously.

7. Review and approval of an Interlocal Agreement between Washington County and the Town of Springdale for support of public transit service from St. George to Zion National Park: Ms. Zumpft thanked Mayor Smith for his commitment and effort to this issue. Mayor Smith said his involvement began seven years ago. This transit service would be a good alternative for many commuting to and from Springdale to St. George. Transit tax money would ensure funding for this program.

Motion made by Stan Smith to approve the Interlocal Agreement between Washington County and the Town of Springdale for support of public transit service from St. George to Springdale and authorize the Mayor to sign. Seconded by Lisa Zumpft.

Aton: Aye

Zumpft: Aye

Elger: Aye

Player: Aye

Smith: Aye

Motion passed unanimously.

8. Review and consideration of recent RAP tax applications: This spring the Town opened up the RAP tax application process. One was received from Zion Canyon Mesa. Additionally, the Council considered funding for a bike hub at gazebo park and money for the History Center rehabilitation.

If the Mesa request was approved, the final budget for FY21/22 would be modified.

Mr. Aton appreciated the Mesa's commitment and support of the Town's vision. He wanted to help them be successful.

Ms. Zumpft helped push out Mesa podcasts to the community and had received favorable comments. She too wanted to support their application.

Motion made by Randy Aton to approve RAP tax funding for the Zion Canyon Mesa in the amount of \$15,000. Seconded by Lisa Zumpft.

Aton: Aye
Zumpft: Aye
Elger: Aye
Player: Aye
Smith: Aye
Motion passed unanimously.

D. Consent Agenda

Motion made by Lisa Zumpft to approve the Consent Agenda. Seconded by Adrian Player.

Aton: Aye
Zumpft: Aye
Elger: Aye
Player: Aye
Smith: Aye
Motion passed unanimously.

E. Administrative Non-Action Items

1. General Council Discussion – Mayor Smith said the County Commission intended to draft a resolution regarding recommended watering times in an effort to decrease evaporation and promote conservation.

Mr. Player questioned if the Bit & Spur luncheon event on May 25th needed a permit.

- An outdoor event, on public or private property, with more than 100 attendees needed a private event permit. The business would be reminded.

Chief Brecke commended the Parking Department for doing an excellent job enforcing the delivery ordinance. They worked hard communicating with people to emphasize compliance and ensure everyone was treated the same.

Additionally, Chief Brecke commended Robert George for the work he did during the Pioneer Lodge fire. He was a tremendous asset during a difficult situation.

- The Council discussed the importance of accurately communicating with the public during a fire or other emergency to minimize misinformation and diminish rumors.
- Mayor Smith appreciated the Fire Department, Town staff and Council. He cautioned people to learn the facts before speaking out.

Adjourn

Motion to adjourn at 6:49pm made by Lisa Zumpft. Seconded by Randy Aton.

Aton: Aye
Zumpft: Aye
Elger: Aye
Player: Aye
Smith: Aye
Motion passed unanimously.

Darci Carlson, Town Clerk

APPROVAL: _____ DATE: _____

A recording of the public meeting is available by contacting the Town Clerk's Office.
Please call 435-772-3434 or email springdale@springdale.utah.gov for more information.

PENDING APPROVAL



PO Box 187 118 Lion Blvd Springdale UT 84767

ATTENDANCE RECORD
Please print your name below

Meeting Town Council Date 5/12/21

IN PERSON ATTENDEES:

REMOTE ATTENDEES:
(Clerk will complete)

Sharon McKee
Name (please print)

Tom Kenaston
Name (please print)

Ryan Gubler
Name (please print)

Passek
Name (please print)

Ryattch
Name (please print)

Claudia Mitchell
Name (please print)

Tyler Spung
Name (please print)

Eric Rioux
Name (please print)

Holly H
Name (please print)

Janet Mika
Name (please print)

Name (please print)

Joe Pitti
Name (please print)

Name (please print)

Joy Stein
Name (please print)

Name (please print)

Kyla Topham
Name (please print)

Name (please print)

Max
Name (please print)

Name (please print)

Kurt Wilson
Name (please print)

Name (please print)

Name (please print)

Name (please print)

Name (please print)

APRIL 2021 TOTALS
ROCKVILLE

Medical Transports	
Medical Refusals	1
CPTA	
Total	1
Fire Responses	1

APRIL 2021 TOTALS
SPRINGDALE

Medical Transports	6
Medical Refusals	11
CPTA	<u>4</u>
Total	21
Fire Responses	2

APRIL 2021 TOTALS
ZION

Medical Transports	2
Medical Refusals	3
CPTA	<u>4</u>
Total	9
Fire Responses	0

5/6/2021

Dear Town Council,

Thank you for allowing me to address you today regarding the ordinance as it pertains to Loading and Delivery Policies 6-2-4-5.

We can all agree that visitation has grown by leaps and bounds in the past few years and we continue to be called upon to meet unprecedented requests for services including our hotels, restaurants and retail establishments. Parking continues to cause conflicts in both our lack of it and increased accidents and safety concerns.

I am present for these conflicts in ways that most of us are not. I am at the center of one of our busiest areas. I am one of the lucky establishments that has met with great success and I have received accolades nationally for my business. In short, I draw a lot of traffic, as does Deep Creek Coffee Company and Oscars on our same street.

I've taken an informal survey from other business owners in Springdale and have heard from some delivery and service providers about their experience with the LOADING AND DELIVERIES ordinance.

I've been trying to understand the scope of the problem, the reason for the ordinance (the spirit of it) and find solutions to the problem. The people keep coming. The problem isn't diminishing, but growing. I believe I understand why we need a loading and delivery policy and I believe the intent of any policy is to try to make it safe for our pedestrians and keep traffic flowing. I would like to continue to monitor whether this policy addresses those issues as well as consider whether it merits refinement. I hope you humor me if I occasionally make reports to you about my discoveries.

We are not alone in that deliveries nationwide have increased due to COVID and as a result many urban areas have been similarly challenged to meet these new unprecedented delivery demands. We are lucky in that we can use their resources to help address the needs of our community.

Sincerely,
Joy Stein
Joy Craft & Design

Sources:

<https://depts.washington.edu/sctlctr/news-events/in-the-news/top-six-ways-cities-are-dealing-delivery-boom>

<https://leighdavid.com/urban-suburban-and-rural-final-mile-delivery/>

[https://www.researchgate.net/publication/220413270 Delivering Goods in Urban Areas How to Deal with Urban Policy Restrictions and the Environment](https://www.researchgate.net/publication/220413270_Delivering_Goods_in_Urban_Areas_How_to_Deal_with_Urban_Policy_Restrictions_and_the_Environment)

<https://www.bloomberg.com/news/articles/2017-04-20/how-cities-are-coping-with-the-delivery-truck-boom>



Darci Carlson <dcarlson@springdale.utah.gov>

Email Directed to Town Council for Upcoming Email

1 message

Trisha <trisha@bumbleberry.com>
To: dcarlson@springdale.utah.gov
Cc: hollyzposcars@gmail.com

Fri, May 7, 2021 at 12:22 PM

Hello Darci,

Will you please make sure the below email makes it to the members of the town council? Thank you!

Trisha Clark

Bumbleberry Gifts

To Those It May Concern,

I am writing to voice my support for a review of the noise ordinance and its unintentional impact on the necessary operations of businesses, particularly Oscar's Cafe. It seems unreasonable to impose noise ordinances on a business in the Central Commercial Zone, that fall under the normal required safety maintenance activities. A hood or grease trap cleaning that occurs less than once per month, and for under an hour is very reasonable. This is a commercial zone that has long been established, resulting in nearby residents knowing the possible nature of what would be going on around them before they purchased their homes. I support the essence of a noise ordinance, and appreciate the time that it took to implement one. However, I believe after seeing some of the unintended impacts it has imposed, requires a further review to allow for reasonable business operations of this nature and duration.

Additionally, I would encourage the council to review their policies as it relates to delivery trucks. The policy to restrict deliveries to a two hour morning window has good intentions for those larger semi-trucks that take up a lot of space and require special maneuvering. Deliveries as it relates to standard FedEx and UPS trucks should not be grouped into this category, and should not be subject to the same restrictions. These vehicles are often quick, much smaller, and are unable to adjust their routes to accommodate the nuanced requirements of each area. To allow a 5 minute window where a FedEx or UPS truck partially blocks a non-main road or bike lane seems a reasonable accommodation, both for businesses, and residents that require it.

I kindly support a review of both these ordinances be undertaken, given the unintentional impacts they have that may have not been taken into consideration at the time of their original writing.

Sincerely,

Trisha Clark

Bumbleberry Gifts



Darci Carlson <dcarlson@springdale.utah.gov>

Request for Interpretation: Home Occupation Regulations

Trish Rioux [REDACTED]

Tue, May 11, 2021 at 7:12 PM

To: Thomas Dansie <tdansie@springdale.utah.gov>, ssmith@springdale.utah.gov, raton@springdale.utah.gov, selger@springdale.utah.gov, aplayer@springdale.utah.gov, lzumpft@springdale.utah.gov, Darci Carlson <dcarlson@springdale.utah.gov>, Rioux Eric [REDACTED], Trish Rioux [REDACTED]

To All -- thank you for your time and consideration.

As I will not be able to attend tomorrow's meeting, due to a prior work commitment, I wanted to pass along my thoughts.

1. Is a rental business run from an individual's home considered home occupation or a commercial business. I believe other rental operations in town require a commercial business license as well as a corresponding commercial location. If you permit a commercial business to be run from a residential property, you will take away the quiet enjoyment the residents not only expect but have worked long and hard to have earned,

I believe that a residential community should extend to its homeowners quiet enjoyment. Quiet enjoyment will be null and void if commercial activity is allowed.

2. Is it fair to existing commercial businesses to allow homeowners to run private commercial businesses from their home? I would consider this an unfair advantage.

3. If residents are allowed to run commercial businesses from their home what is the point of having residential communities? Once one is allowed, how many will follow?

4. If you disagree on the above, the rental business in question was submitted as having two ebikes. The two ebikes expanded to 12 without submitting to the Town for approval and, I believe, was then reduced to 5 ebikes when a neighbor complained. It is hard to know how many ebikes are actually being rented.

5. The commercial rental business in question obtains business through a website. I believe a home occupation requirement is that they cannot solicit or accept visits from or provide services to members of the general public.

6. If based on visits, of no more than 5 per day, by specific prior appointment, the maximum amount of allowable ebikes would be 2 as each appointment made (pick up and drop off) would be considered two visits.

7. Visits are not to not to be defined as vehicles but individuals.

In summary, I am adamantly opposed to a commercial rental businesses being operated from a residential property. It goes against logic and an individual's right to quiet enjoyment.

Please do not hesitate to contact me if you have any questions.

Trish Rioux
[REDACTED]



Darci Carlson <dcarlson@springdale.utah.gov>

Request for Interpretation: Home Occupation Regulations

Trish Rioux [REDACTED]

Wed, May 12, 2021 at 6:23 AM

To: Thomas Dansie <tdansie@springdale.utah.gov>, ssmith@springdale.utah.gov, raton@springdale.utah.gov, selger@springdale.utah.gov, aplayer@springdale.utah.gov, lzumpft@springdale.utah.gov, Darci Carlson <dcarlson@springdale.utah.gov>, Rioux Eric [REDACTED], Trish Rioux [REDACTED]

Good morning

One last comment. The business in question is run seven (7) days a week. Is this the intent of Home Occupation?

The decision you make impacts every residential community in Springdale. Are we residential communities or commercial communities?

Best regards

Trish

[Quoted text hidden]



Darci Carlson <dcarlson@springdale.utah.gov>

Home Occupation Action Item #4 Response Letter

JOSEPH PITTI [REDACTED]

Wed, May 12, 2021 at 10:05 AM

To: "ssmith@springdale.utah.gov" <ssmith@springdale.utah.gov>, Darci Carlson <dcarlson@springdale.utah.gov>

Agenda Item/Administrative Action items #4 - Interpretation of Town Code section 10-22-9(E)(11) related standards for operating home occupations in residential zones – Kurt Wilson

Dear Town Council -

It is my understanding that Mr. Wilson is asking the Town Council to clarify the standard for operating a home occupation as it relates to the amount of visits allowed for his business.

It is my feeling that staff made an incorrect decision in granting the use in the first place based on the following criteria not being met.

Town Code 10-22-9 Home Occupations

E. Criteria

1. A home occupation shall be conducted wholly within the dwelling or an accessory building on the premises

The rental of E-Bikes is solely an external use and not conducted wholly within the dwelling. On his current website it states, "We'll meet you with your eBikes and give you a brief, but thorough in-person orientation." That orientation occurs outside the dwelling as people ride up and down the cul de sac to get familiar with the bikes before departure.

2. The home occupation shall in no way alter the residential character of the structure

A commercial operation of E-Bike rentals within a dwelling and residential property is completely incongruent with residential character. Mr. Wilson also advertises parking for the day on his website. That's every day, 7days a week altering the residential character of the neighborhood.

5. No motorized, mechanical or electrical equipment, apparatus or tools shall be permitted except those items which are commonly associated with a residential use

E-Bikes are electric, that's what the "E" stands for. Common associated uses are for personal use, not a full scale commercial operation.

11. The home occupation may not solicit or accept visits from or provide services to members of the general public.

Mr. Wilson has a website that specifically solicits members of the general public to rent E-Bikes from him, park their cars and receive an orientation/training.

While serving on the planning commission in 2017, we discussed at length the intent of what home occupations should look like and were sensitive to creating a lane for people to work from home while not disturbing the residential character of a

neighborhood. That meant telecommunicating, creating art, Psychotherapy sessions, hairdresser, etc., all conducted within the home on a small scale basis. I can assure you that a full scale 7 day a week commercial operation of rental equipment was not our intent when drafting the language for home occupations.

I also want to add, that commercial operations like this one are unfair to those bike rental shops or commercial operations in town that pay a premium for commercial space, provide parking, provide restrooms and other amenities required to operate a commercial business in Springdale.

Mr. Wilson has opened up his original application for scrutiny by asking for a review relating to his business practices. Mr. Wilson has shown bad faith when at one point increased his bike fleet to 12 bikes and is now asking for clarification so that he can increase his commercial operation. This is an opportunity for the Town to admit that a mistake was made or that Mr. Wilson is no longer in compliance and fix a problem that has the potential to spur more applications of this nature in residential settings. What's next? Home occupations where people rent gear for the Narrows?

It is my opinion that the Town Council not address the request for review and find that Mr. Wilson should not have been granted permission for a home occupation in the first place based on the criteria/findings I have outlined above in 10-22-9. In short, revoke his business license because it does not meet the criteria for a home occupation business.

Regards -

Joe Pitti



Darci Carlson <dcarlson@springdale.utah.gov>

Fwd: Comment for Agenda Item C4 - Revoke License

mark@undertheeaves.com <mark@undertheeaves.com>
To: dcarlson@springdale.utah.gov

Wed, May 12, 2021 at 10:07 AM

----- Original Message -----

Subject: Comment for Agenda Item C4 - Revoke License
Date: 2021-05-12 09:05
From: mark@undertheeaves.com
To: ssmith@springdale.utah.gov, dcarlson@springdale.utah.gov

Agenda Item C4 "Interpretation of Town Code section 10-22-9(E)(11) related standards for operating home occupations in residential zones.

The Town of Springdale differentiates a business between goods, services, and rentals in the Town Code and in licensing businesses. Therefore, "Rentals" are not "Goods" nor "Services" and must be licensed separately. The interpretation is very clear that "rentals" are not allowed as a "Home Occupation", therefore the business license must be revoked, or the Town of Springdale is not in compliance with its ordinances and laws.

There are eleven categories that a business can apply for in the Town of Springdale: "[Lodging](#), [Restaurant](#), [Retail](#), [Service](#), [Professional Service](#), [Grocery](#), [Guide/Tour Company](#), [Rentals](#), [Spa](#), [Paid Parking](#), [Other](#)"

In the definition of a bike shop in the Town Code there is specific delineation between rentals, sales, and service. **10-2-2: DEFINITIONS: BICYCLE SHOP: A business specializing in the rental, sales, and service of bicycles and bicycle related equipment and goods.**

When applying for a "Home Occupation License" the wording states as does the Town Code that the "[Public comes to home to receive goods or services](#)." Not "Rentals". Operating a rental business out of a home is not allowed in the Town Code.

10-22-9: HOME OCCUPATIONS: E 11. *The home occupation may not solicit or accept visits from or provide services to members of the general public. However, customers of the home occupation may visit the home occupation property to receive goods or services, but only by specific prior appointment. No more than five (5) customer visits per day are allowed at any home occupation property.*

Submitted by Mark Chambers