

Planning Commission Staff Report

July 9, 2020

Item 3

Applicant: Mapleton City

Location: N/A

Prepared by: Sean Conroy,
Community Development
Director

Public Hearing: Y

Zone: A-2

Attachments:

- Proposed amendments.

REQUEST

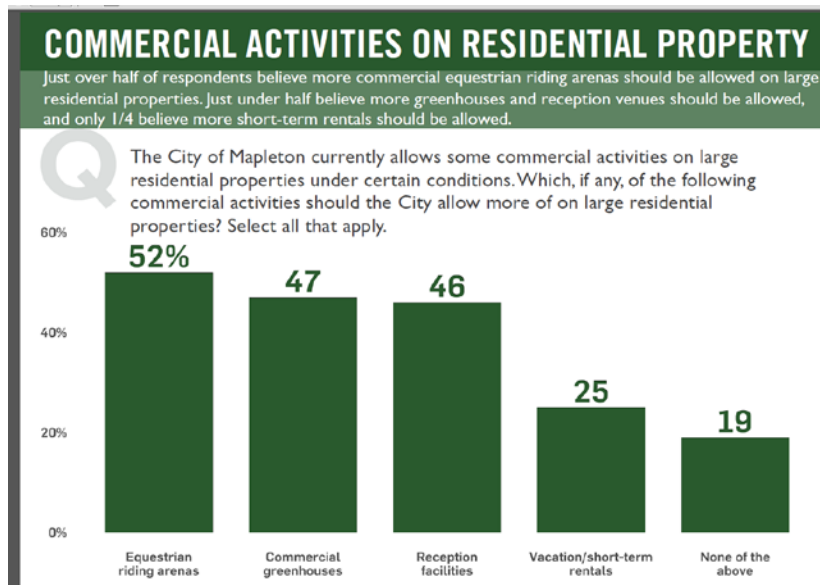
Consideration of an ordinance amending Mapleton City Code (MCC) section 18.28.040 to modify and or eliminate certain Conditional Uses allowed in the A-2 zone.

BACKGROUND AND PROJECT DESCRIPTION

MCC section 18.28 outlines the zoning standards for properties in the A-2 zone including what uses are permitted and conditionally permitted. The allowed conditional uses identified in this section include:

- Agribusiness;
- Commercial equestrian riding arenas;
- Commercial greenhouses;
- Exotic pets;
- Places of worship, public schools, parks and playgrounds;
- Reception facilities;
- Residential healthcare facilities; and
- Short-term rentals

Due to the public controversy that often surrounds conditional use permits in the A-2 zone, the Planning Commission appointed a sub-committee to look at this issue in 2019. Since the City was just beginning the general plan update project, the committee determined to include a question in the public survey regarding this issue. The exhibit below is an excerpt from the survey results.



Staff is now recommending that reception facilities and short-term rentals be removed from the list of conditional uses in the A-2 zone (see attachment “1”).

EVALUATION

General Plan and Zoning: The Land Use Element of the General Plan was adopted on June 3, 2020 and is meant to provide a long-term land use vision for the City and to provide a framework for making development related decisions. The General Plan, however, is not binding. The primary implementation tool for the goals and policies of the General Plan is the Zoning Ordinance, which is binding. As the Commission reviews this item, it should evaluate the proposal based on the updated guidance from the General Plan and determine whether the A-2 zoning standards adequately implement its goals and policies.

Staff has included some of the goals and policies of the General Plan applicable to the discussion of uses in the A-2 zone, followed by a brief staff response:

Goal 1: Preserve and enhance Mapleton’s rural atmosphere and agricultural history through careful planning and preservation of open space.

Response: Conditional uses such as equestrian arenas, greenhouses and agribusinesses are compatible with what could be reasonably expected in rural, agricultural areas. However, it is more difficult to argue that reception centers and short-term rentals are aligned with the goal of preserving and enhancing the rural atmosphere and agricultural history of the City.

Policy 2.1: Preserve and protect established residential districts and neighborhoods.

Response: Each application that the City has processed for reception centers and short-term rentals has come with opposition regarding potential impacts to neighboring properties. Common concerns include traffic, noise, trespass and the transient nature of the proposed uses. There are legitimate concerns regarding the potential of reception centers and short-term rentals to impact the established character of existing neighborhoods.

Goal 3: Ensure land uses are compatible and/or utilize adequate buffers to enhance compatibility.

Policy 3.1c: Ensure commercial uses that are allowed in residential zones are incidental to the main residential or agricultural use and do not negatively impact the quiet, rural atmosphere of the area.

Response: One of the reasons the City Council decided to allow both short-term rentals and reception centers was to provide land owners with larger properties an alternative to subdividing these properties for residential development. The thought was that with appropriate conditions that these uses could be compatible with their neighborhoods. While the conditions that were adopted in the ordinance do help to reduce potential impacts (min. lot size of 5 acres, limit on number of events, hours of operation, parking requirements, etc.), they may not have gone far enough. Contrary to policy 3.1c, these uses also tend to become the primary use rather than an incidental use.

It is staff's position that it would be more appropriate to eliminate these uses rather than to try to add conditions to further limit potential impacts.

Approved and Proposed Applications: The City has issued three conditional use permits for reception centers and one conditional use permit for a short-term rental that is no longer in operation. There is also one pending application for a short-term rental. The permits for the reception centers and the pending short-term rental (if approved) will not be impacted by any of the proposed ordinance changes. These would become legal-nonconforming uses that could continue to operate under the conditions of their permits.

RECOMMENDATION

Recommend that the City Council adopt the attached ordinance.

Attachment “1”
Proposed Amendments Shown with Strikeout and Highlighted

18.28.040: CONDITIONAL USES:

The uses listed below may be approved by issuance of a conditional use permit from the Planning Commission. Uses not specified herein as "permitted" or "conditional" shall be considered prohibited.

If an applicant is proposing to combine more than one conditional use identified in this section, the Planning Commission may adopt stricter standards than those identified below if it is determined that the combination of uses has reasonably anticipated determinantal neighborhood effects.

The following is a list of possible conditional uses within the A-2 Zone:

Agribusiness including commercial fruit and vegetable packing plants located on parcels of land with ten (10) acres or more, and agriculture/commercial structures that comply with City regulations and are in harmony with the objective and characteristics of the zone only located on parcels of ten (10) acres or greater.

Commercial equestrian riding arenas and stables, subject to the following minimum standards:

A. A minimum lot size of two (2) acres, with two hundred feet (200') of frontage is required. The lot shall be a legally created lot as determined by Mapleton City.

B. The use shall be allowed only if a single-family home is present on the lot. The activities of the business shall be conducted by members of the residing family. The Planning Commission may limit the number of employees and/or occupancy if necessary to limit neighborhood impacts.

C. The number of horses and other animals on the lot shall not exceed the number of animal units allowed for the lot as permitted in the A-2 Zone.

D. The number of persons allowed within any building shall comply with the current edition of the International Building Code.

E. The business shall not operate between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M.

F. In addition to any required parking spaces for the single-family home, gravel or hard surface off street parking shall be provided for the commercial use. The parking requirement shall be determined by the Planning Commission based on the scope of the proposed use. No parking shall be permitted along City streets. The driveway for the commercial use shall be a minimum of sixteen feet (16') in width. The first thirty feet (30') of the driveway from the street shall be constructed of a hard surface material to avoid the tracking of gravel or mud onto City streets.

G. The property owner shall obtain a building permit for each structure associated with the commercial use, which shall comply with all applicable zoning requirements for the A-2 Zone, and shall also conform to the commercial building standards in the current version of the International Building Code. Existing buildings proposed for the commercial use must also conform to the commercial building standards in the current version of the International Building Code.

H. Permanent restroom facilities shall be provided for the commercial use, which shall conform to the commercial requirements in the current version of the International Building Code. Restrooms in

the home shall not count toward this requirement.

I. To avoid nuisance conditions, manure shall not be allowed to accumulate. Dust shall be controlled by watering or sprinkling. Outdoor lighting of any riding arena shall be designed with minimum light trespass off site by using cut off luminaries that are fully shielded with no light distributed above the horizontal plane of the luminaire.

J. No arena, stable, barn, structure or corral for the housing of the livestock and fowl or no corral for the close confinement of livestock shall be located closer than one hundred feet (100') to an existing dwelling on an adjacent lot or fifty feet (50') from an existing dwelling on the same lot.

K. Signs shall be limited to one nonilluminated sign not larger in area than four (4) square feet. Electric or electronic signs shall not be permitted. The sign must be attached to the home or building where the home business is to take place.

L. All commercial equestrian activity shall be confined to the lot.

M. The business owner shall maintain a current business license with Mapleton City.

N. The Planning Commission may attach additional conditions related to health, safety, and welfare to mitigate any possible disturbances to surrounding properties or any hazardous conditions.

Conditional use agriculture such as commercial greenhouses.

Exotic pets. Sufficient evidence shall be provided that such pets will be prevented from causing damage to property of others; endangering the health, safety and welfare of other persons; or otherwise creating a public nuisance.

Places of worship, public schools, public parks and playgrounds, subject to section [18.84.320](#), "Site Plan Review Process And Bonding", of this title.

~~Reception facilities that comply with the following:~~

~~A. The facility shall be located on a legal lot of record of five (5) acres in size or larger with at least two hundred feet (200') of frontage on an approved public or private road.~~

~~B. The facility shall be accessory to a legally established single family dwelling on the same parcel.~~

~~C. No more than eight (8) receptions shall be permitted per calendar month. The Planning Commission may limit the number of receptions to fewer than eight (8) if necessary to limit neighborhood impacts.~~

~~D. Reception events shall conclude by no later than ten o'clock (10:00) P.M.~~

~~E. Off street parking shall be provided at a rate of one space per two hundred (200) square feet of floor area for the facility. If receptions are not held indoors, the Planning Commission shall determine the amount of parking to be required. A site plan shall be submitted with a proposed parking and circulation plan.~~

~~F. An enclosed reception facility shall be classified as an assembly group (A-2) occupancy type for the purposes of the International Building Code. All requirements of an A-2 occupancy shall apply.~~

~~G. A business license shall be required.~~

~~H. A building and fire inspection shall be required prior to issuance of a business license.~~

~~I. Failure to comply with the standards of this use and/or conducting the reception facility in a manner constituting a disturbance of the peace or creating a menace to the public health, safety, morals or welfare may result in a revocation of the conditional use permit by the Planning Commission. For the purposes of this section, the disturbing the peace ordinance in subsection [9.12.040A](#) of this Code shall include any disturbances between the hours of ten o'clock (10:00) P.M. to seven o'clock (7:00) A.M.~~

~~J. The applicant shall agree, at its sole expense, to defend, indemnify, and hold harmless the City, its public officials, officers, employees, and assigns, from any liability; and shall reimburse the City for any expense incurred, resulting from, or in connection with any appeal, claim, suit or other legal proceeding related to the operation of the conditional use.~~

Residential healthcare facilities (nursing homes, including skilled nursing and intermediate healthcare facilities, and residential care housing facilities as defined in section [18.84.370](#) of this title), subject to compliance with the standards for such uses as set forth in this Code and the approval of site plan.

~~Short term residential rental property that complies with the following:~~

~~A. The rental shall be located on a legal lot of record of five (5) acres in size or larger.~~

~~B. The property is developed or will be developed with a single family residence that has received proper building permit approvals.~~

~~C. Off street parking shall be provided to include two (2) parking spaces for the residence and one additional space for each guestroom. A site plan shall be submitted with the proposed parking plan.~~

~~D. A business license shall be required.~~

~~E. A building and fire inspection shall be required prior to issuance of a business license. Additional safety requirements may be imposed above those typically required for a single family dwelling. A checklist of inspection items shall be provided to the applicant prior to the inspection.~~

~~F. All short term residential rental properties shall be subject to the Municipality Transient Room Tax as allowed under Utah Code.~~

~~G. Failure to comply with the standards of this section and/or conducting the short term rental property in a manner constituting or conducive to a breach of the public peace or a menace to the public health, safety, morals or welfare may result in a revocation of the conditional use permit by the Planning Commission.~~

~~H. The property shall be rented as a single unit. Individual rooms may not be rented separately.~~

I. All rental contracts shall require a minimum stay of two (2) consecutive nights.

J. All short term residential rental properties shall designate a local property manager. The local property manager shall be available twenty four (24) hours per day to respond to tenant and neighborhood questions or concerns. Each short term residential rental property shall have a clearly visible sign within the unit containing the name and phone number of the local property manager.

K. No on-site camping shall be permitted (i.e., tents, RVs, campers, etc.). All tenants shall utilize the indoor sleeping accommodations provided with the rental.

L. The owner and property manager shall be jointly and severally liable for any violations of this use. Any rental dwelling unit which is found in violation of this use or any other provision of this Code may be subject to revocation of the short term residential rental property's business license and the conditional use permit. For the purpose of subsection G of this use and this subsection the disturbing the peace ordinance in subsection [9-12-040A](#) of this Code shall include any disturbances between the hours of ten o'clock (10:00) P.M. to seven o'clock (7:00) A.M.

M. The applicant shall agree, at its sole expense, to defend, indemnify, and hold harmless the City, its public officials, officers, employees, and assigns, from any liability; and shall reimburse the City for any expense incurred, resulting from, or in connection with any appeal, claim, suit or other legal proceeding related to the short term residential rental property approval.