

City Council Staff Report



Date:

12/16/20

Applicant:

Mapleton City

Location:

N/A

Prepared By:

Sean Conroy, Community Development Director

Public Hearing:

Yes

Attachments:

1. Proposed ordinance.
2. CC minutes 10/7/20.

REQUEST

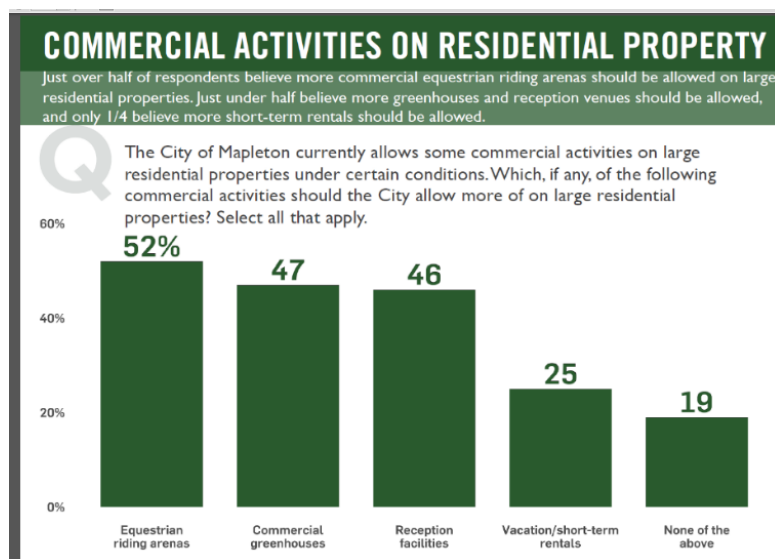
Consideration of an ordinance amending Mapleton City Code (MCC) section 18.28.040 to modify requirements for certain conditional uses allowed in the A-2 zone.

BACKGROUND/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 in 2019 to look at whether changes should be made to some or all of the uses. 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.



On July 9, 2020 the Planning Commission reviewed a draft ordinance that proposed to remove reception facilities and short-term rentals from the list of conditional uses in the A-2 zone. The Commission was supportive of removing short-term rentals but wanted to keep reception facilities with some modifications to the requirements.

On October 7, 2020 the City Council reviewed the Planning Commission's recommendations. The Council generally thought that most of the proposed revisions were too restrictive and that short-term rentals should not be eliminated. The Council continued review of the ordinance with a request that individual members submit additional comments to staff. Based on the Council's input, staff has made the following changes (full ordinance attached as exhibit "A"):

- Staff has rewritten the entire A-2 conditional use ordinance to simplify the text and to remove inconsistencies and redundancies.
- Section "B" establishes requirements that apply to all conditional uses in the A-2 zone that include:
 - Property must include a legal single-family dwelling;
 - Business must be conducted by the residing family and have a business license;
 - Uses must follow disturbing the peace ordinance;
 - Applicants agree to indemnify the City;
 - Parking must not generate dust or mud and must be located behind front setback;
 - Commission may adopt stricter standards if more than one conditional use is being proposed; and
 - Restroom facilities are required.
- The following conditions also apply to equestrian riding arenas:
 - 2 acre minimum lot size with 200' of frontage;
 - Number of horses shall not exceed number allowed in the zone;
 - Hours of operation limited to 7 a.m. to 10 p.m.
 - Must limit dust and odors;
 - Riding areas must be 100' from an adjacent dwelling;
 - Riding limited to the site;
 - Planning Commission shall determine on-site parking based on scope.
- The following conditions shall also apply to commercial greenhouses (those marked with an * are new or amended conditions not in the existing code):
 - *5 acre minimum lot size with 200' of frontage on a major local road or greater;
 - *Hours of operation from 10 a.m. to 6 p.m. six days a week; and
 - *Minimum of 20 parking spaces.
- The following conditions shall also apply to reception facilities (those marked with an * are new or amended conditions not in the existing code):
 - *Five acre minimum lot size with 200' of frontage on a major residential road or greater;
 - No more than eight events per calendar month;
 - *All structures or reception areas shall be at least 200 feet from any adjacent dwelling;

- *Off street parking required at a rate of one space per 100 square feet of floor area;
 - Receptions must conclude by 10:00 p.m.; and
 - Facilities shall be classified as an A-2 occupancy for building code compliance.
- The following conditions shall apply to short-term rentals (those marked with an * are new or amended conditions not in the existing code):
 - *Five acre minimum lot size with 200' of frontage;
 - Off street parking required at rate of 2 spaces per dwelling plus one space for each guestroom;
 - *Maximum occupancy based on two persons per bedroom but not to exceed 20 total;
 - Must pay Transient Room Tax;
 - Must be rented as a single unit, not individual rooms;
 - All contracts are for two days or more;
 - Must have a local property manager;
 - No on-site camping; and
 - Requires a building and fire inspection.

Short-term Rentals: Comments from some Council members indicated an interest in allowing short-term rentals throughout the City under strict requirements and not just in the A-2 zone. If the Council is intested in pursuing short-term rentals on a larger scale than just five acre lots in the A-2 zone, staff would recommend that Council provide direction and staff can return with another proposed ordinance addressing just short-term rentals. If the Council is interested in pursuing this option, staff would recommend adopting the proposed ordinance as presented with the exception of the short-term rental amendments.

RECOMMENDATION

Adopt the attached ordinance.

ORDINANCE NO. 2020-

AN ORDINANCE AMENDING MAPLETON CITY CODE (MCC) SECTION 18.28.040 TO
MODIFY REQUIREMENTS FOR CERTAIN CONDITIONAL USES ALLOWED IN THE A-
2 ZONE

WHEREAS, the Land Use Element of the General Plan outlines goals and policies regarding land use in Mapleton City; and

WHEREAS, the primary implementation tool for the General Plan is the zoning ordinance; and

WHEREAS, Mapleton City Code (MCC) Section 18.28.040 outlines the zoning standards for properties in the A-2 zone including what uses are permitted and conditionally permitted; and

WHEREAS, the proposed ordinance is intended to more fully implement the General Plan and to limit impacts from commercial uses in the A-2 zone; and

WHEREAS, the Planning Commission reviewed this topic on July 9, 2020.

NOW THEREFORE, BE IT RESOLVED by the City Council of Mapleton, Utah, to amend MCC Section 18.28.040 as described in Exhibit "A".

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF MAPLETON, UTAH,

This 16th Day of December, 2020.

Dallas Hakes
Mayor

ATTEST:

Camille Brown
City Recorder
Publication Date:
Effective Date:

Exhibit "A"

Proposed A-2 Conditional Use Permit Ordinance

18.28.040: Conditional Uses

A. The uses listed in this section 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.

B. The following conditions apply to all conditional use permits in the A-2 zone.

1. The property must contain a legal single-family dwelling that has received proper building permit approvals.
2. Members of the family that resides in the single-family dwelling shall conduct the activities of the business and maintain a current business license with Mapleton City. Requests for additional employees that do not reside in the dwelling shall require approval by the Planning Commission.
3. Failure to comply with the standards of the use and/or conducting the use 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.
4. 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.
5. Any proposed signage associated with the proposed use shall comply with section 18.86.030 of this title.
6. All parking required for the proposed use shall be provided on a surface that will not generate dust or allow mud to be tracked onto City streets. All on-site parking shall be provided behind the required front and side yard corner lot setbacks.
7. 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 in this section if it is determined that the

combination of uses has reasonably anticipated determinantal neighborhood effects.

8. 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. For uses in accessory buildings, restrooms in the home shall not count toward this requirement.

9. An application shall be submitted to the Community Development Department and shall include all submittal information as required on the official application form.

C. The following uses are considered conditional uses in the A-2 zone subject to the requirements specified for each use:

1. Commercial equestrian riding arenas and stables subject to the following conditions:

a. The facility shall be located on a legal lot of record of two (2) acres in size or larger with two hundred feet (200') of frontage on a City street.

b. 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.

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

d. To avoid nuisance conditions, manure shall not be allowed to accumulate. Dust shall also be controlled by watering or sprinkling.

e. Outdoor lighting of any riding arena shall be designed with minimum light trespass off-site by using cut off luminaires that are fully shielded with no light distributed above the luminaire's horizontal plane.

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

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

h. The Planning Commission shall determine the on-site parking requirement based on the scope of the proposed use.

2. Commercial greenhouses subject to the following requirements:

- 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 road that is designated as a "major residential" road or larger on the City's official Master Street Plan Map.
- b. Hours of operation shall be limited to 10:00 a.m. to 6:00 p.m. six days a week.
- c. A minimum of 20 parking spaces shall be provide. The planning commission may require additional parking spaces based on the scope of the proposed use.

3. Reception facilities subject to the following requirements:

- 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 road that is designated as a "major residential" road or larger on the City's official Master Street Plan Map.
- b. No more than eight receptions shall be permitted per calendar month. The Planning Commission may limit the number of receptions to fewer than eight if necessary to limit reasonably anticipated detrimental effects on the neighborhood.
- c. All structures and outdoor mass gathering areas used for receptions shall be a minimum of two hundred feet (200') from any residential dwelling on an adjacent parcel.
- d. Off street parking shall be provided at a minimum rate of one space per one hundred (100) 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.
- e. Reception events shall conclude by no later than ten o'clock (10:00) P.M
- 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.

4. Short-term residential rental property subject to the following conditions:

- 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 road.

- b. Off street parking shall be provided to include two (2) parking spaces for the residence and one additional space for each guest room within the short-term rental.
 - c. The maximum occupancy shall be two persons per bedroom. However, in no case shall occupancy exceed twenty (20) people.
 - d. All short term residential rental properties shall be subject to the Municipality Transient Room Tax as allowed under Utah Code.
 - e. The property shall be rented as a single unit. Individual rooms or accessory buildings may not be rented separately.
 - f. All rental contracts shall require a minimum stay of two (2) consecutive nights.
 - g. 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 visible sign within the unit containing the name and phone number of the local property manager.
 - h. No on-site camping shall be permitted (i.e., tents, RVs, campers, etc.). All tenants shall utilize the indoor sleeping accommodations provided within the rental.
 - i. 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.
4. Exotic pets. Sufficient evidence shall be provided that such pets will be prevented from causing damage to others' property, endangering other persons' health, safety and welfare or otherwise creating a public nuisance.
5. Places of worship, public schools, public parks and playgrounds, subject to section [18.84.320](#), "Site Plan Review Process And Bonding", of this title.

Attachment "2"

MAPLETON CITY CITY COUNCIL MINUTES OCTOBER 7, 2020

PRESIDING AND CONDUCTING:	Mayor Dallas Hakes
Members in Attendance:	Reid Carlson Jessica Egbert Therin Garrett Jim Lundberg Leslie Jones
Staff in Attendance:	Cory Branch, City Administrator Camille Brown, City Recorder Sean Conroy, Community Development Director John Jackson, Public Safety Director/Police Chief Logan Miner, Parks Director
Minutes Taken by:	Camille Brown, City Recorder

The items may not have been heard in the order below.

Mayor Hakes called the meeting to order at 6:00 p.m. Cl. Jones gave the invocation and Cl. Garrett led the Pledge of Allegiance.

CEREMONIAL ITEM: Chief Jackson recognized Brent Seamons for his 25 years of service with the Mapleton Fire Department. Brent and his wife Rickie were presented with a frame full of the different patches he wore during his tenure. Brent thanked his wife Rickie and his children for their support over the years.

Brian Atkinson presented the proposal for the new I-15 Interchange at 1600 South in Springville/2700 North in Spanish that will service Mapleton for better access off the freeway and to help with congestion on 400 South in Springville.

OPEN FORUM: Lori Sheranian stated that she received a letter from Sean Conroy stating that there have been complaints from residents that she has had more than 8 events per month at her reception venue. She stated that she has had to have more than the 8 allowed per month due to Covid-19 restrictions. She has 20 events that need to be filled by the end of the year. In order to fit these in, she will have to have more than 10. Other businesses have had to shut down and she would like to be able to stay in business. Sean Conroy stated this could be discussed with Item 11.

CONSENT AGENDA

- Item 1.** **Approval of City Council meeting minutes-** September 2, 2020
- Item 2.** Consideration of a Resolution approving a change order for the 700 East Waterline Contract with Silver Spur construction in the amount of \$94,477. **Resolution No. 2020-41**
- Item 3.** Consideration of a Resolution awarding the design contract for the Ira Allen Park Futsal and Pickle Ball Court project to Sunrise Engineering. **Resolution No. 2020-42**
- Item 4.** Consideration of a Resolution authorizing the Parks Director to purchase a new John Deere wide area gang mower. **Resolution No. 2020-43**
- Item 5.** Consideration of a Resolution authorizing the Parks Director to purchase a new Ford F-250. **Resolution No. 2020-44**
- Item 6.** Consideration of the 2020 Utah County Municipal Recreation Grant Agreement. **Resolution No. 2020-45**

Cl. Egbert Aye
Cl. Garrett Aye
Cl. Jones Aye
Cl. Lundberg Aye
Vote: Passed 5:0

Ordinance No. 2020-09

Item 9. Consideration of an Ordinance to rezone .40 acres located at approximately 2069 W 325 S from RA-1-C and A-2 to RA-2 and approve the two lot South Hollow Plat "B" subdivision.

Sean Conroy, Community Development Director, reviewed the staff report. He stated that this is a cleanup item.

The public hearing was opened at 7:52 pm no comments were made.

Motion: Cl. Jones moved to approve Ordinance to rezone .40 acres located at approximately 2069 W 325 S from RA-1-C and A-2 to RA-2 and approve the two lot South Hollow Plat "B" subdivision.

Second: Cl. Egbert seconded the motion.

Cl. Lundberg Aye
Cl. Carlson Aye
Cl. Egbert Aye
Cl. Garrett Aye
Cl. Jones Aye

Vote: Passed 5:0

Ordinance No. 2020-10

Item 10. Consideration of an Ordinance rezoning 1.34 acres located at approximately 100 North 1750 West from General Commercial (GC-1) to Residential-Minor Agricultural (RA-2) and approving a 4-lot subdivision.

Sean Conroy, Community Development Director, reviewed the staff report.

The public hearing was opened at 7:56pm no comments were made, and the hearing was closed.

Motion: Cl. Jones moved to approve Ordinance rezoning 1.34 acres located at approximately 100 North 1750 West from General Commercial (GC-1) to Residential-Minor Agricultural (RA-2) and approving a 4-lot subdivision

Second: Cl. Garrett seconded the motion.

Cl. Jones Aye
Cl. Lundberg Aye
Cl. Carlson Aye
Cl. Egbert Aye
Cl. Garrett Aye

Vote: Passed 5:0

Ordinance No. 2020-11

Item 11. Consideration of an ordinance amending Mapleton City Code (MCC) section 18.28.040 to modify requirements for certain conditional uses allowed in the A-2 zone and to eliminate short term rentals as a conditional use.

Sean Conroy, Community Development Director, reviewed the staff report. He reviewed the proposed ordinance. The modifications would be to reduce the number from 8 to 4 events per month, an event center must be located on a major residential road or greater, no receptions could be held on back to back days, setbacks would be 200 feet from adjacent

dwelling and increased on-site parking requirements. The ordinance also lists modifications to greenhouses as well.

The public hearing was opened at 8:02 pm.

Karen Thueson stated that they have held 900 events since they built their barn in 2004. Her daughters have followed the hearings for the proposed ordinance, and she would urge the council to make the right modifications.

Rick Silva stated that he applauds the work that has been done on this ordinance. He suggests the wording of contiguous buildable area and add preserving the right type of open space. He is concerned that there is not enough parking at existing reception centers and more parking needs to be added. If there is going to be any removal of trees, then whatever is removed should be replaced with new trees. As far as a noise restriction, he believes a decibel level should be added. Although this is hard to enforce, having a level could make it easier. Sean Conroy stated that with the noise restrictions, the noise ordinance would need to be looked at.

Rick Maingot inquired if the new ordinance would apply to existing applicants or just new applicants. Sean stated that the old applicants would be grandfathered in.

Angela Silva stated that she would encourage the city to limit the number of receptions down to 4 receptions per month. She would also recommend the council consider different ways of notifying the residents of items that will come before the planning commission and city council.

Jake Lake stated that he and his wife will be opening Northridge Reception Center. Many centers are having to play catch up due to COVID 19. Many events have had to be cancelled or postponed which has been a financial strain on many businesses. He is a supporter of short-term rentals. He and his family have used them while traveling. He knows of 6-8 that are operating illegally in Mapleton. He thinks that if they are allowed and the city charges a hospitality tax that it could generate money for the city.

The public hearing was closed at 8:28 pm

Mayor Hakes and Cl. Jones are in favor of allowing more than 8 events per month. Cl. Garrett stated that the provisions that are in place are to protect our residents. He doesn't recommend allowing more than 8 events per month. Cl. Egbert stated that if this is allowed that there needs to be an end date.

Cl. Lundberg thinks that the proposed ordinance with the new restrictions for parking seem very drastic. He suggested continuing the item and each council member could go through the proposed ordinance and submit the modifications they would like to see. Cory Branch stated that this would be a good idea and each member should send their modifications to Sean.

Motion: Cl. Egbert moved to continue this item for additional discovery to be gathered and have staff come back with a draft ordinance with suggested modifications for reception centers as well as short term property provisions.

Second: Cl. Garrett seconded the motion.

Cl. Garrett Aye

Cl. Jones Aye

Cl. Lundberg Aye

Cl. Carlson Aye

Cl. Egbert Aye

Vote: Passed 5:0

Item 12. Consideration of an Ordinance amending Mapleton City Code Section 17.16 to require new subdivision to install conduit for fiber conduit for fiber

Sean Conroy, Community Development Director, reviewed the staff report for those in attendance.

The public hearing was opened at 9:07 pm, no comments made and the hearing was closed.

Motion: Cl. Jones made a motion approving an Ordinance amending Mapleton City Code Section 17.16 to require new subdivision to install conduit for fiber.

Second: Cl. Egbert seconded the motion.

Cl. Egbert Aye

Cl. Garrett Aye

Cl. Jones Aye