



**NOTICE OF MEETING
AND AGENDA FOR THE
PLANNING COMMISSION
OF SPRINGVILLE, UTAH**

..... JUNE 13, 2017

Notice is hereby given that the Planning Commission will hold a public meeting in the Council Chambers of the Springville City Civic Center (110 South Main) on Tuesday, June 13, 2017. The meeting will commence at **7:00 PM**.

The Commissioners will meet for a briefing of the agenda items at **6:45 PM**. This will be a public meeting; however, no testimony will be heard and no action will be taken on the agenda items.

The agenda will be as follows:

1. Call to order

- Approval of the Agenda

2. Consent Agenda

The Consent Agenda includes items that are administrative actions where no additional discussion is needed. When approved, the recommendations in the staff reports become the action of the Commission. A call for objection or comment will be made on the consent agenda items. If there is any opposition or comment, the item will be taken off the consent agenda and put on the regular administrative session meeting agenda for discussion. If there are no objections or comments, the item(s) will pass without further consideration

- a. CWA COMPANY SEEKING SITE PLAN APPROVAL FOR CV5 BUSINESS PARK, A MULTI-UNIT OFFICE/WAREHOUSE PROJECT LOCATED AT 2498 WEST 700 SOUTH IN THE HC-HIGHWAY COMMERCIAL ZONE.

3. Legislative Session – Public Hearing(s)

- a. BRIAN TRAPNELL SEEKING AN AMENDMENT TO SPRINGVILLE CITY CODE REGARDING ELECTRONIC MESSAGE SIGNS IN SIGN DISTRICT C, SPECIFICALLY SECTION 11-6-113(5).
- b. SPRINGVILLE CITY SEEKING PROPOSED AMENDMENTS TO THE SPRINGVILLE CITY CODE REGARDING RESIDENTIAL TREATMENT FACILITIES, SPECIFICALLY SECTIONS: 11-3-402, DEFINITIONS; 11-4-301, LAND USE MATRIX; AND ADOPTING SECTION 11-6-131, RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY AND RESIDENTIAL FACILITIES FOR ELDERLY PERSONS.

4. Administrative Session

PUBLIC COMMENT MAY BE ACCEPTED AT THE DISCRETION OF THE CHAIRMAN

This meeting was noticed in compliance with Utah Code 52-4-202 on June 9, 2017. Agendas and minutes are accessible through the Springville City website at www.springville.org/agendasminutes. Council Meeting agendas are available through the Utah Public Meeting Notice website at <http://www.utah.gov/pmnl/index.html>. Email subscriptions to Utah Public Meeting Notices are available through their website. In compliance with the Americans with Disabilities Act, the City will make reasonable accommodations to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the Community Development department at (801) 491-7861 at least three business days prior to the meeting.

THIS AGENDA SUBJECT TO CHANGE WITH A MINIMUM OF 24 HOURS NOTICE

(Last modified June 8, 2017)



COMMUNITY DEVELOPMENT
PLANNING & ZONING DIVISION

STAFF REPORT

June 8, 2017

Agenda Item #2a
Planning Commission
June 13, 2017

TO: Planning Commission Members

FROM: Laura Thompson, City Planner

RE: **Site plan approval for CV5 Business Park, a multi-unit office/warehouse project located at 2498 West 700 South in the HC-Highway Commercial Zone.**

Petitioner: CWA Company/Cory Anderson
270 East 930 South
Orem, UT 84058

Summary of Issues

Does the proposed site plan meet the requirements of Springville City Code and is it in keeping with the General Plan?

Background

The proposed site plan is for an office/warehouse project consisting of twenty-two flex space units. The average unit size is approximately 1200 square feet, with a total building area of 29,634 square feet. Site plans that exceed 15,000 square feet in building area are required to be approved by the Planning Commission.



Analysis

The proposed office/warehouse project is a permitted use in the HC-Highway Commercial zone. The units are considered flex space and will be improved on the interiors by individual tenants.

The minimum parking requirements are 1 stall per 300 square feet of office area and 1 stall per employee on the largest shift for the warehouse area. The plan meets the minimum requirements.

The plan meets the minimum landscaping requirements with no transitional landscaping buffers required.

There will be no outdoor storage.

Staff Recommendation

Staff finds the proposed site plan meets the requirements of Springville City Code and is in keeping with the General Plan. Staff recommends approval.

Recommended Motion

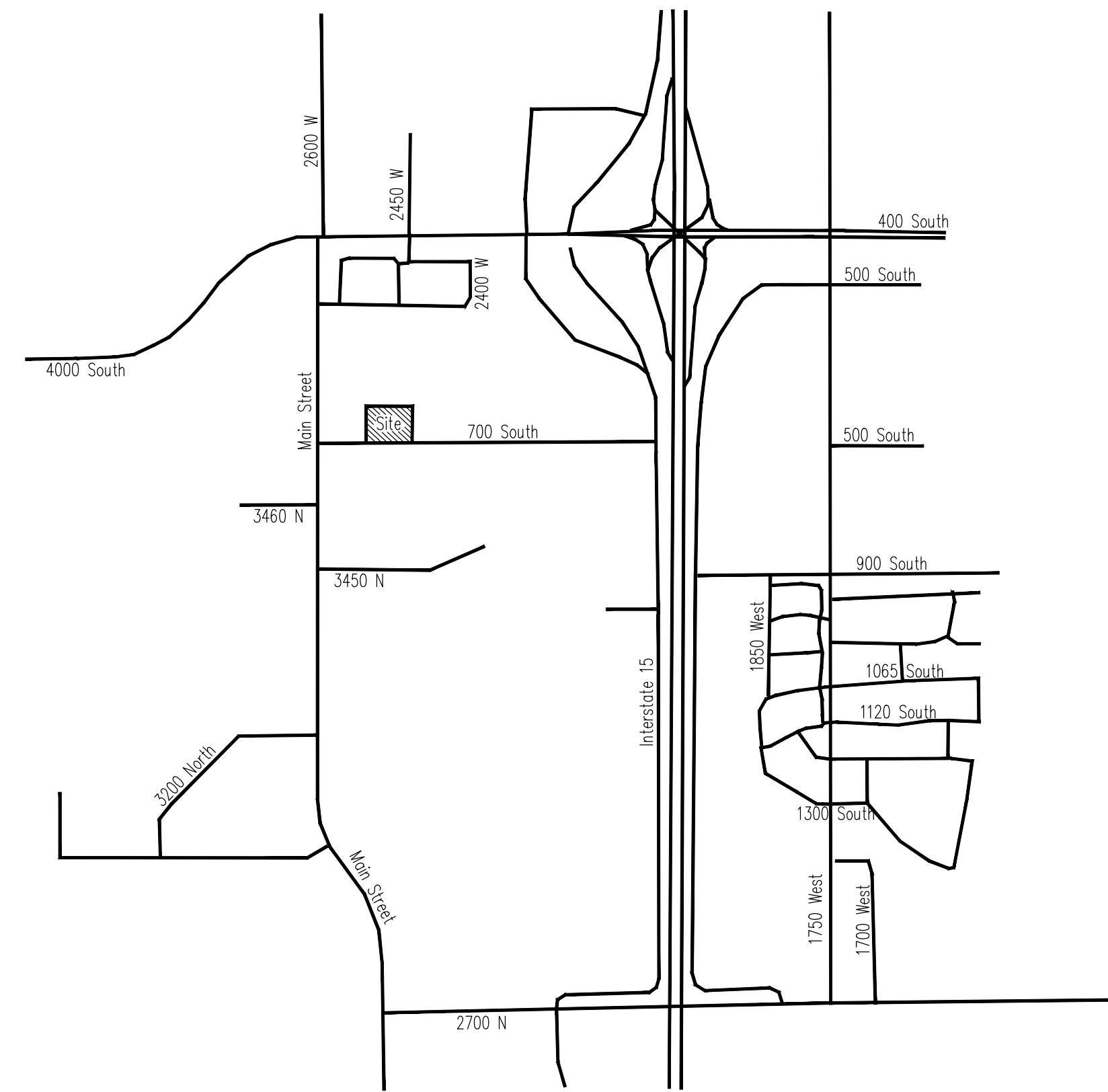
Move to grant site plan approval for the CV5 Business Park located at 2498 West 700 South in the HC-Highway Commercial zone contingent upon final review by the City Engineer prior to building permit submittal.

CV5 Business Park

Springville

Utah

Symbol	Description
	Proposed 8" Sanitary Sewer Main
	Existing Sanitary Sewer Main (size noted on plan)
	Proposed Culinary Water Main (size noted on plan)
	Existing Culinary Water Main (size noted on plan)
	Existing Storm Drain pipe (size noted on plan)
	Proposed Storm Drain pipe (size noted on plan)
	Cable TV utility lines
	Existing Power lines
	New underground Power lines
	Outside Boundary line
	Existing surface improvements
	Existing Sidewalk
	Existing Sidewalk
	Existing Contour Elevation
	Finish Contour Elevation
	Finish Spot Elevation
	Drainage Flow Direction
	Water Meter (size noted on plan)
	Culinary Water Valve
	Fire Hydrant
	Sanitary Sewer Manhole
	Storm Drain Manhole
	Storm Drain Box
ta	top of asphalt
tw	top of sidewalk
bac	back of top of curb
bow	back of top of sidewalk
SSMH	Sanitary Sewer Manhole
SDMH	Storm Drain Manhole
WV	Water Valve
CV	Gas valve
WM	Water Meter
eo	edge of existing asphalt
PUE	Public Utility Easement



Vicinity Map

PROPERTY DESCRIPTION

All of Lot 2, Plat "E", Spring Haven Farms Subdivision, Springville, Utah, according to the official plat thereof on file in the Office of the Recorder, Utah County, Utah.

Planning Department

110 South Main Street
Springville, Utah 84663
Phone (801) 491-7861
Fax (801) 489-2716
Community Development Director - Glen Goins

Public Works Department

Director - Brad Stapley
Phone (801) 491-2780

Public Safety

110 South Main Street
Springville, Utah 84663

Emergency 911
Utah County Animal Shelter 801-785-3442

Engineering

Engineer: Jeff Anderson
110 South Main Street
Springville, Utah 84663
Phone (801) 491-2719
Fax (801) 489-2709

Building Inspection

110 South Main Street
Springville, Utah 84663
Phone (801) 489-2704
Fax (801) 489-2716
Jason Van Ausdal

Gas

Questar
1640 North Mountain Springs Parkway
Springville, Utah 84663
Phone (801) 853-6585
Brad Mattinson

Electricity

Rocky Mountain Power
70 North 200 East
American Fork, Utah 84003
Phone (801) 756-1220
Fax (801) 756-1274
Mark Steele

Telephone

Qwest
75 East 100 North
Provo, Utah 84606
Phone (801) 356-7050
Cell (801) 473-3385
Kasey Lunt

Cable T.V.

Comcast Cable Communications, Inc.
1350 East Miller Avenue
Salt Lake City, Utah 84106
Phone (801) 485-0500
Fax (801) 487-1887

Developer:

Cory Andersen
270 East 930 South
Orem Utah 84058
801-787-3073

Address of Site:

2498 West 700 South
Springville Utah 84663

Engineer:

Dudley and Associates, Inc.
353 East 1200 South
Orem, Utah 84058
801-224-1252

Site Data:

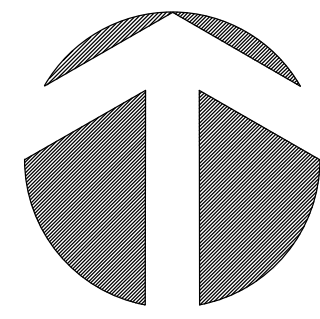
Zone = HC Highway Commercial
Total Area = 1.64 Acres
Parking Requirements =
Spaces required = 52 Spaces
Spaces provided = 52 Spaces
Occupancy = BS1
Construction Type =5A

Sheet Index

1.0	Cover Sheet
2.0	Site Plan
3.0	Utility Plan
4.0	Grading and Drainage Plan
5.0	Landscaping Plan
6.0, 6.1,	Detail Sheets
7.0	Land Drain Profile

	Square Footage	Acreage	Percent of total
Total Area	71,344	1.64	100
Total Building / Pad Area	29,634	0.68	41
Total Hard Surface Area	31,405	0.72	44
Total Impervious Area	61,039	1.40	85
Total Landscaped Area	10,305	0.24	15

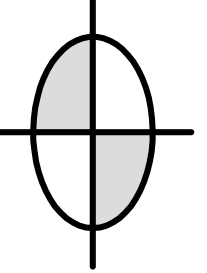
Tabulation Table



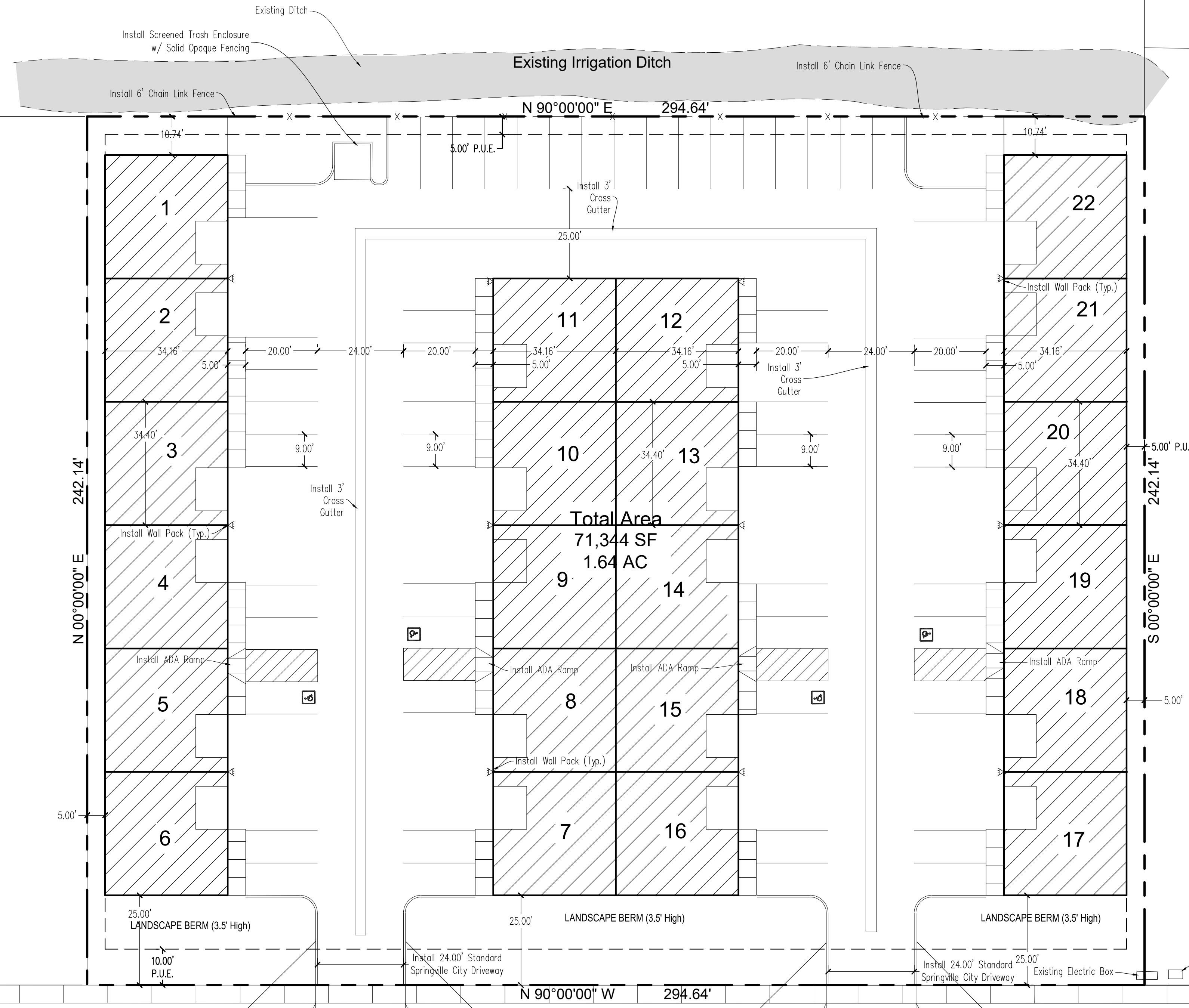
NORTH
1" = 20'

Spring Haven Farms LC
26 045 0099
Highway Commercial

Newville Warehouse LLC
26 045 0100
Highway Commercial



DUDLEY AND ASSOCIATES
ENGINEERS PLANNERS SURVEYORS
353 EAST 1200 SOUTH, OREM, UTAH
801-224-1252



Springville City
66 432 0001
Highway Commercial

Blue Chrome
Investments LLC
66 273 0008
Highway Commercial

Developer shall protect all existing electrical facilities and operating clearance requirements.

Developer shall coordinate all power design and installation with the Electrical Department, Brandon Graham (801) 489-2733, bgraham@springville.org

All existing Public Utility Easements and existing electrical facilities shall be preserved by the developer

Developer shall install electrical system as per Springville City Power Dept. Specification Manual.

Developer shall provide PUE on all sides of property

Signage will be placed on face of building under separate permit

700 South Street

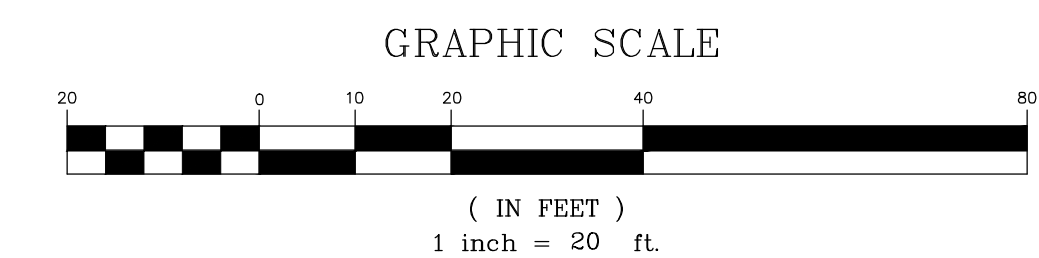
CAUTION!!! Notice to contractors

The Contractor is specifically cautioned that the location and/or elevation of existing utilities as shown on these plans is based on records of the various utility companies and where possible from measurements taken in the field. The information is not to be considered exact or complete. The Contractor must notify the utility location center at least 48 hours prior to any excavation to request the exact location of the utilities in the field. It shall be the responsibility of the Contractor to relocate all existing utilities which conflict with the proposed improvements shown on the plan.

Know what's below. **811**
Call 811 before you dig.
BLUE STAKES OF UTAH
UTILITY NOTIFICATION CENTER, INC.
www.bluestakes.org
1-800-662-4111

Spring Haven LLC
66 126 0001
Highway Commercial

Shake & Shingle
Sales Inc.
66 273 0006
Highway Commercial



Revisions
3-30-2017

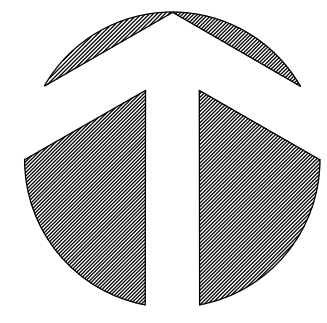
Date
1-12-2017
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1"=20'
By
BHT
Tracing No.
L - 14253

Sheet No.
C - 2

CV5 Business Park
Site Plan

Utah

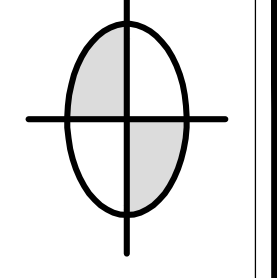
Springville City



NORTH
1" = 20'

Spring Haven Farms LC
26 045 0099
Highway Commercial

Newville Warehouse LLC
26 045 0100
Highway Commercial



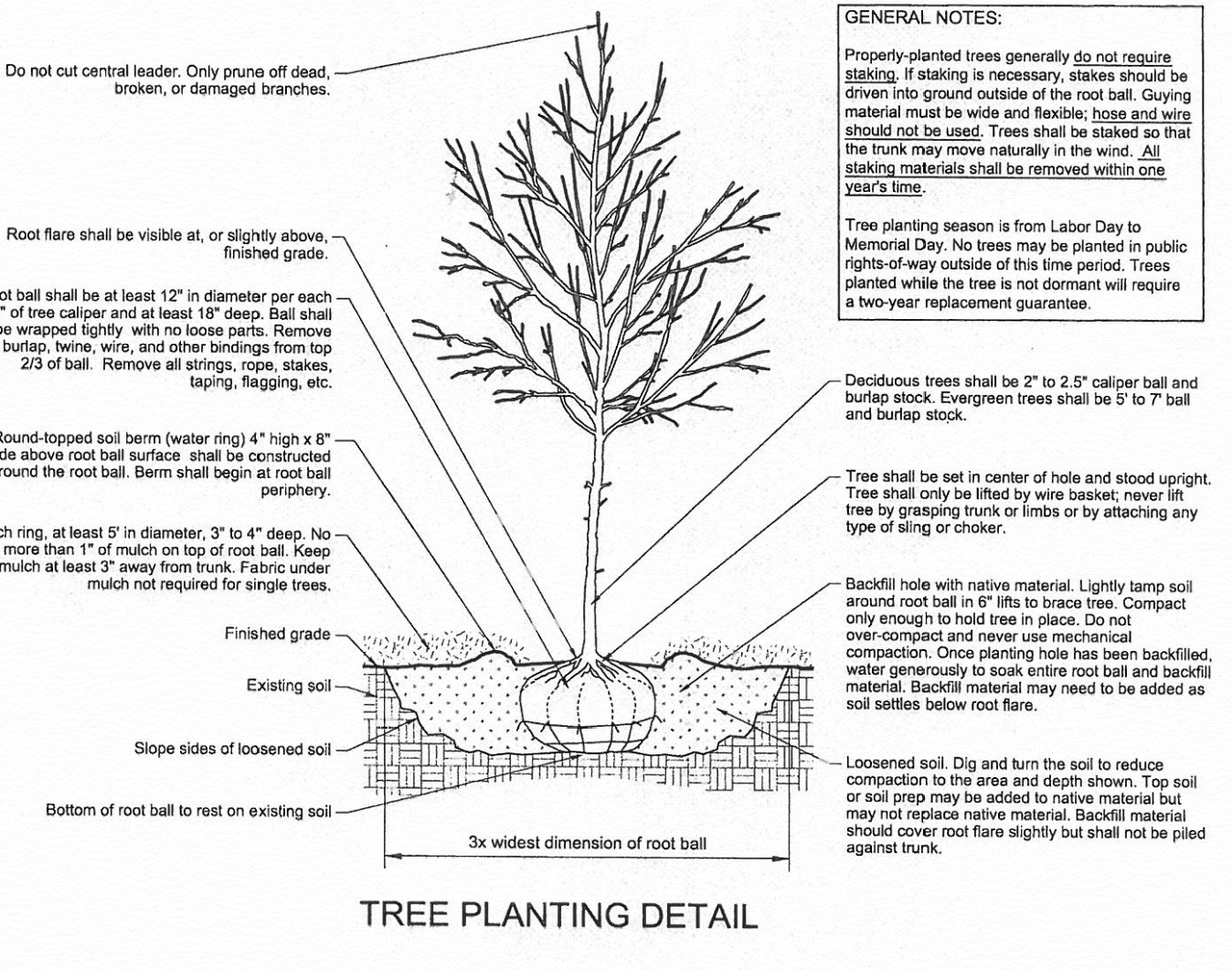
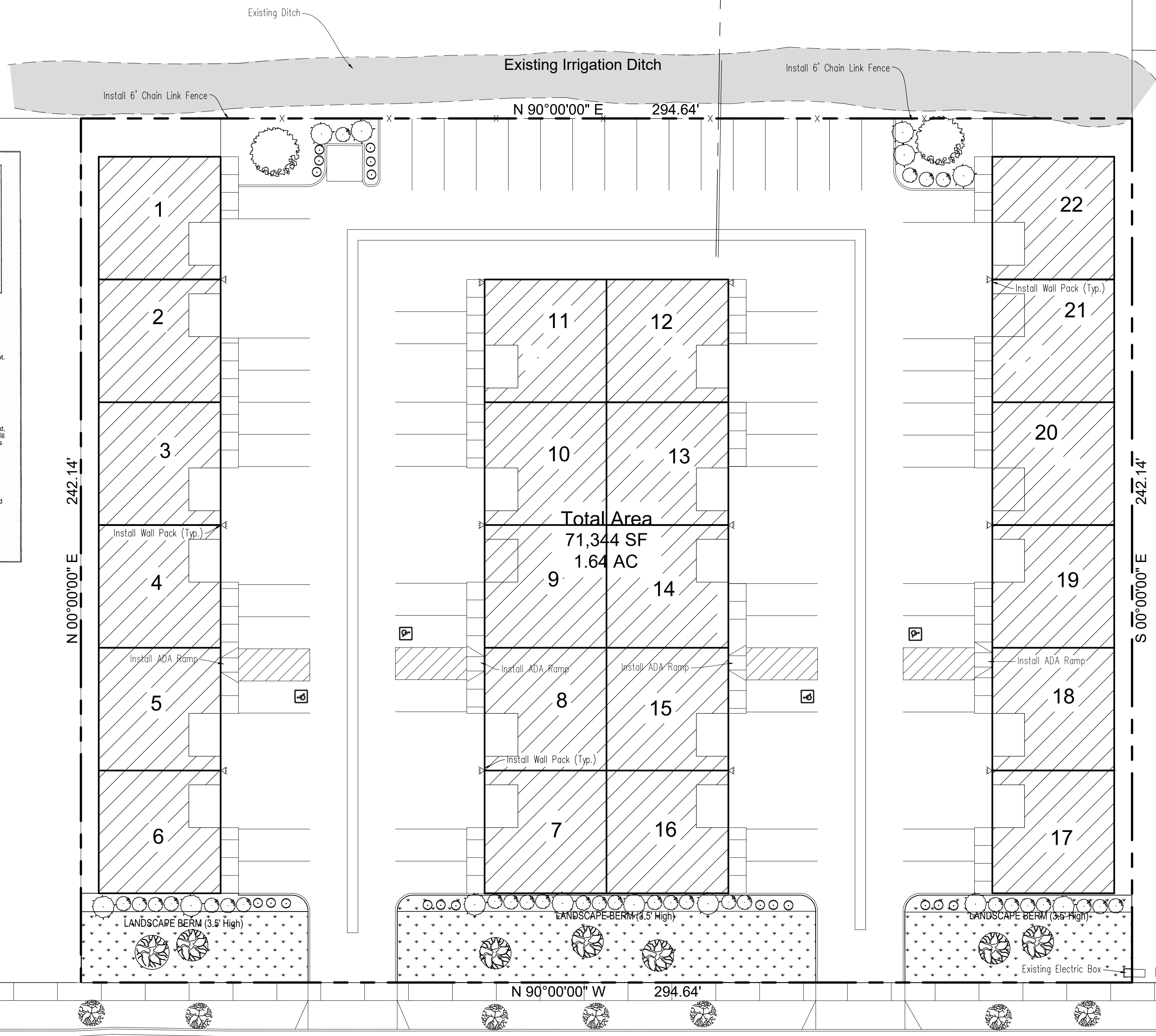
DUDLEY AND ASSOCIATES
ENGINEERS PLANNERS SURVEYORS
353 EAST 1200 SOUTH, OREM, UTAH
801-224-1252

Utah

CV5 Business Park

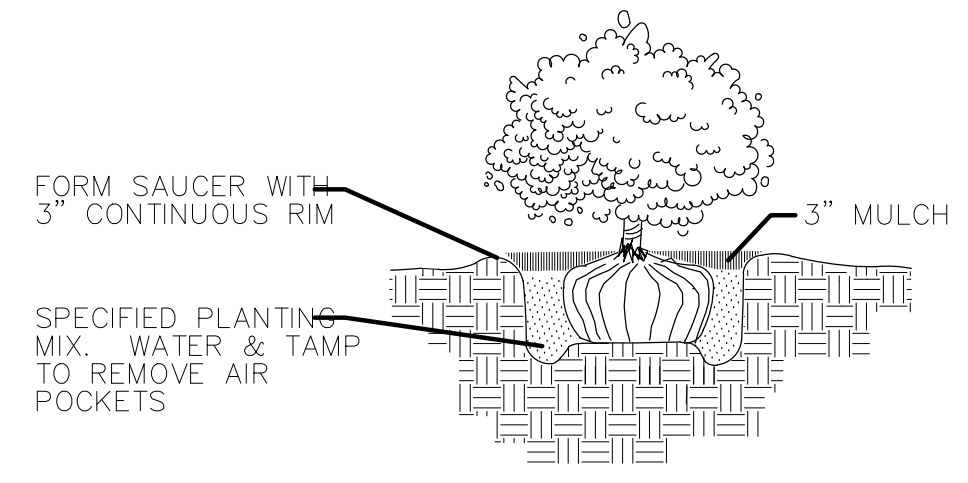
Landscaping Plan

Springville City



1 TREE PLANTING SCALE: NOT TO SCALE

Springville City
66 432 0001
Highway Commercial



2 SHRUB PLANTING SCALE: NOT TO SCALE

Landscaping Notes:

All common area shall be permanently landscaped with trees, shrubs, or ground cover and maintained in accordance with good landscaping practice.

All area not covered by buildings or driveways shall be landscaped and watered with an automatic sprinkling system.

All Evergreen trees provided = 2" Caliper in size.
All Deciduous trees provided = 2" Caliper in size.
All shrubs provided = 5 gallon in size.

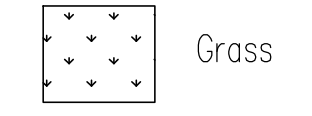
Trees to consist of the following:

- Sunset Maple
- Rocky Mountain Juniper
- Pinyon Pine
- Green Hawthorn

Shrubs to consist of the following:

- Western Sand Cherry
- Mugho Pine
- Java Red Weigela
- Kelsey Dwarf Dogwood

All trees and shrubs placed near any entrance shall be of the nature not to obstruct the sight onto the street.

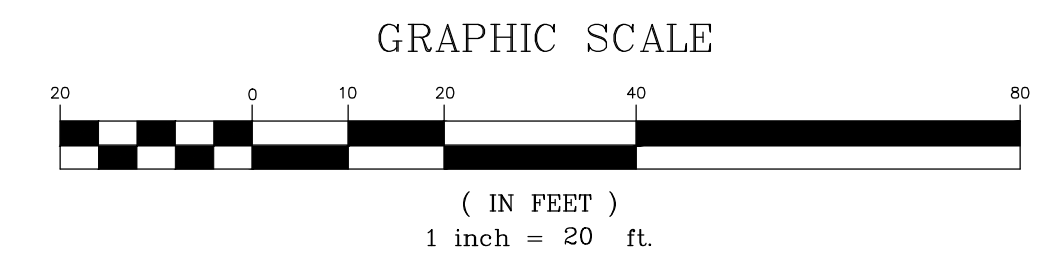


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Revisions	Date
3-30-2017	

Date	1-12-2017
Scale	1"=20'
By	BHT
Tracing No.	L - 14253

Sheet No.
C - 5



Springville

COMMUNITY DEVELOPMENT
PLANNING & ZONING DIVISION

STAFF REPORT

June 8, 2017

Agenda Item #3a
Planning Commission
June 13, 2017

TO: Planning Commission Members

FROM: Glen Goins, Community Development Director

RE: **Brian Trapnell seeking an amendment to the Springville City Code regarding electronic message signs in Sign District C, specifically section 11-6-113(5).**

Petitioner: Trapnell Orthodontics
187 East 400 South
Springville, Utah 84663

Summary of Issues

- Does the proposed request meet the requirements of the Springville City Code, particularly 11-7-1, Amendments to Title and Zone Map?
- Does the proposed amendment maintain the intent of the General Plan?
- Does the proposed amendment maintain the purpose and intent of the Springville City Code?

Background

Trapnell Orthodontics currently has a non-operating EMS sign on the property. A permit for their original sign was issued in January 2014. A cover was placed over the EMS sign face, and remains today. The proposed amendment would allow the existing diagonally-located sign to operate.

Analysis

Issues:

Does the proposed request meet the requirements of the Springville City Code, particularly 11-7-1, Amendments to Title and Zone Map?

The proposal meets the requirements of the Springville City Code, particularly Section 11-7-1, Amendments to Title and Zone Map

Does it maintain the intent of the General Plan?

With regard to signs, the General Plan states that the purpose of the ordinance is “to encourage signs that create and maintain safe and aesthetically pleasing building elevations and streetscapes while allowing for adequate identification, communication, and advertising for land uses in the City.”

Where the issue of LED signs are concerned, lighting becomes a factor of consideration. The plan considers the effect of lighting on surrounding properties and seeks to minimize light pollution. The plan asks that development proposals address the impacts of light sources including “lights, signs,.....and glare...”

Does the proposed amendment maintain the purpose and intent of the Springville City Code?

The Springville City Code declares that the purpose of the code regarding signs is to “create and maintain safe and aesthetically pleasing elevations and streetscapes while allowing for adequate identification, communication and advertising for land uses in the City,” (11-6-301(1)).

The city further “aims to protect and enhance economic viability by assuring that Springville will be a visually pleasant place to visit or live,” (11-6-301(2)).

When considering sign approvals, the application must achieve the following:

- The sign is “compatible with (its) surroundings and effectively index(es) the environment while preserving and promoting the aesthetics, and sense of order in the community” (11-6-301(3)(a)).
- The sign is “conducive to promoting traffic safety and add(s) to the convenience and enjoyment of public travel by preventing visual distraction for motorists and protection of pedestrians” (11-6-301(3)(b)).
- The sign preserves and enhances “property values, increase(s) the standard of living within the community, and serve(s) to attract visitors to the city by establishing first-class business and commercial districts” (11-6-301(3)(c)).

Sign Districts

The Springville City Code regulates signs through the use of seven Sign Districts, District A through District G. The districts exist to regulate signage in a manner compatible with the variety of commercial and industrial areas within the city, as they transition from “older, traditional commercial areas with a mix of pedestrian traffic to automobile-oriented, regional commercial centers adjacent to the interstate system” (11-6-312(1)).

The code states the purpose of Sign District C as:

“Sign District C (East 400 South/Museum Corridor) includes those commercially zoned areas located east of 100 East Street. This area includes a mix of smaller-scale professional offices and commercial retail uses surrounded by residential neighborhoods. The area includes a mix of pedestrian and vehicular traffic. Signage in this area is low-profile and the intent of this Article is to retain this signage characteristic for this area. Wall signage is also allowed in this corridor area.” (11-6-312(1)(c))

EMS Sign Code

Changeable Copy/Electronic Message Sign (EMS) (11-6-313(5))

The current code allowing EMS signs states:

“Sign Districts Where Allowed – Manual changeable copy signs are permitted in all nonresidential zones as up to fifty percent (50%) of the sign area of a pole sign, low-profile sign or wall sign. All types of changeable copy signs are also permitted on community uses, churches and schools in residential and nonresidential zones up to sixty percent (60%) of the sign area of a pole sign, low-profile sign or a wall sign. All types of changeable copy signs are permitted up to fifty percent (50%) of a pole sign in Sign District E and of a low-profile and wall sign in Sign Districts B, D and E, along with properties in District C with frontages of at least two hundred feet (200') facing 400 South.”

EMS Requirements:

EMS requirements:

(a) Residential Zones. In all residential zones where allowed, EMSs shall be limited to vertical or horizontal messages with no pulsing or flashing images or lettering. All electronic message signs shall be manually or automatically shut off between the hours of 10:00 p.m. and 6:00 a.m. in residential zones.

(b) Small EMSs. The Community Development Director may approve small EMSs (such as gas pricing signs) for commercial uses in all nonresidential zones that meet the following requirements:

(i) The EMS must be part of a low-profile, pole, or canopy sign;

(ii) The EMS portion of the sign must remain static;

(iii) The EMS portion must be a one (1) color display with a black background;

(iv) The EMS may not exceed three (3) square feet of the permitted sign area or fifteen percent (15%) of the total permitted sign area, whichever is greater; and

(v) The EMS must conform to the illumination requirements of this Chapter.

(c) Static. Each message displayed on an EMS shall remain “on” and static for a minimum of three (3) seconds with the exception of video presentations. Flashing, starburst or other similar frame effects are prohibited.

(d) Illumination. All EMSs are required to comply with the following LED sign illumination requirements:

(i) All permitted EMSs shall be equipped with a sensor or other device that automatically determines the ambient illumination and is programmed to automatically dim according to ambient light conditions or that can be adjusted to comply with the 0.3 foot-candle measurements. In addition, EMSs must have a default mechanism to turn off the sign within twenty-four (24) hours of a reported malfunction.

(ii) Sign illumination levels for EMSs shall never, at maximum display intensity, exceed 0.3 foot-candles over ambient lighting conditions when measured at the distance set forth in the “Electronic Message Sign Measurement Table” located in the Appendix.

(iii) The illuminance of an EMS shall be measured with an illuminance meter set to measure foot-candles accurate to at least two (2) decimals. Illuminance shall be measured with the EMS off, and again with the EMS displaying a white image for a full color capable EMS, or a solid message for a single-color EMS. All measurements shall be taken perpendicular to the face of the EMS at the distance determined by the total square footage of the EMS as set forth in “Electronic Message Sign Measurement Table” located in the Appendix.

(e) The applicant shall submit a photometric matrix (showing the dispersal in foot-candles) showing that the sign meets all the requirements of this code.

Permit Required – A sign permit is required, unless erected in accordance with the criteria of Section 11-6-308.

Location – As permitted as a part of a freestanding or wall sign.

Height/Area – As permitted as a part of a pole, low-profile, or wall sign.

Pros

- The proposed amendment is requested in Sign District C, which is a relatively small area.
- With staff’s additional text, all signs would be directed onto 400 South, as is required in the current code.

Cons

- As proposed, a majority of the properties on which an EMS sign could be requested are across from or adjacent to existing residential uses. However, almost the entire sign district is designated on the Land Use Plan as future commercial.
- A number of properties located away from 400 South would be eligible for EMS signs that would display adjacent to and immediately across from residential uses.

Analysis Summary

The current code relating to EMS signs would allow EMS signs to be constructed at two (2) locations, the Springville Art Museum at 126 East 400 South and the Ream’s Grocery store at 759 East 400 South.

The proposed code amendment would allow for a total of twelve (12) properties to have EMS signs. One of those properties, the Ream’s grocery store at 759 East 400 South currently has an EMS sign. The location of some of the eligible properties could allow EMS signs to be located adjacent to residential uses.

Staff would support an addition to proposed code amendment, adding the requirement that “EMS signs must be primarily directed, at no greater than a 45 degree angle from facing parallel, to 400 South.” This addition would allow for properties in Sign District C to utilize their frontages on other streets, but limit the impact of electronic signs to the 400 South corridor.

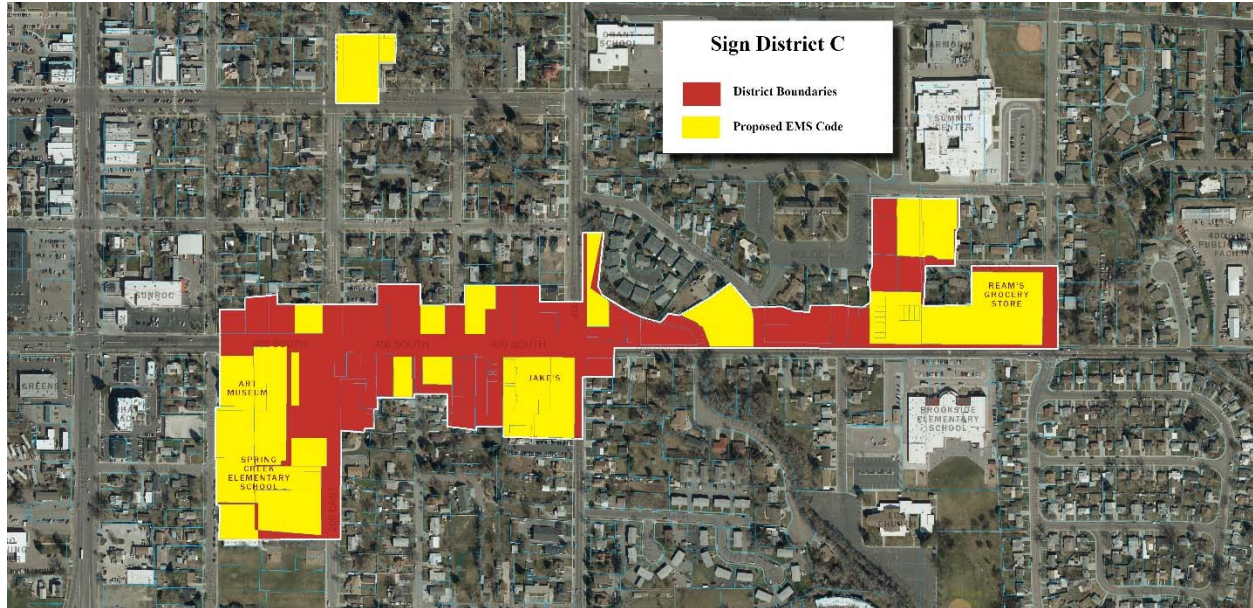
This addition would eliminate three (3) of the twelve total properties eligible under the current code. The total eligible properties would then be nine (9), with one existing sign at the Ream’s grocery store.

Staff Recommendation

Staff recommends the Commission forward a positive recommendation to the City Council to amend Section 11-6-313 (5) as proposed and include language in that Section which states: “EMS signs must be primarily directed, at no greater than a 45 degree angle from facing parallel, to 400 South.”

Recommended Motion

Move to recommend amending Section 11-6-313 (5), “Specific Sign Regulations, Changeable Copy/Electronic Message Sign (EMS)” of the Springville City Code pertaining to EMS signs in Sign District C, removing the limitation of having 200 feet of frontage facing 400 South, and allowing 200 of frontage to be calculated using any intersecting street along which the same property has frontage.



ORDINANCE NO. ____-2017

**AN ORDINANCE AMENDING THE SPRINGVILLE DEVELOPMENT CODE
SECTION: 11-6-313, SPECIFIC SIGN REGULATIONS, PERTAINING TO
ELECTRONIC MESSAGE SIGNS IN SIGN DISTRICT C.**

WHEREAS, the City currently utilizes sign districts to regulate signage in various areas within the City; and

WHEREAS, the Springville City Code may be amended from time to time as deemed appropriate by the City; and

WHEREAS, the proposed amendment was reviewed deemed necessary and appropriate by the City Planning Commission

WHEREAS, the City Planning commission did conduct a public hearing on _____, 2017 and reviewed the proposed text amendment and has recommended favorably of the amendments.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Springville, Utah that the following sections are hereby amended:

11-6-313 Specific Sign Regulations

(5) Changeable Copy/Electronic Message Sign (EMS).

Sign Districts Where Allowed – Manual changeable copy signs are permitted in all nonresidential zones as up to fifty percent (50%) of the sign area of a pole sign, low-profile sign or wall sign. All types of changeable copy signs are also permitted on community uses, churches and schools in residential and nonresidential zones up to sixty percent (60%) of the sign area of a pole sign, low-profile sign or a wall sign. All types of changeable copy signs are permitted up to fifty percent (50%) of a pole sign in Sign District E and of a low-profile and wall sign in Sign Districts B, D and E, along with properties in District C with frontages of at least two hundred feet (200') ~~facing 400 South~~.

ADOPTED by the City Council of Springville, Utah, this ___ day of _____, 2017.

Wilford W. Clyde, Mayor

ATTEST:

Kim Rayburn, City Recorder



COMMUNITY DEVELOPMENT
PLANNING & ZONING DIVISION

STAFF REPORT

June 8, 2017

Agenda Item #3b
Planning Commission
June 13, 2017

TO: Planning Commission Members

FROM: Glen Goins, Community Development Director

RE: **Springville City seeking to amend the Springville Development Code Sections 11-3-402, Definitions, and 11-4-301, Land Use Matrix, in relation to requirements for Residential Facilities for Elderly Persons and Residential Facilities for Persons with Disabilities; and adopting section 11-6-131, "Residential Facilities for Persons With a Disability."**

Petitioner: Springville City
110 South Main Street
Springville, Utah 84663

Summary of Issues

The items being considered are a number of amendments to the Springville City Code, for the purpose of updating sections related to "Residential Facilities for Elderly Persons" and "Residential Facilities for Persons with a Disability."

Background

The Fair Housing Act prohibits a broad range of housing practices that discriminate against individuals on protected characteristics, including individuals with disabilities. Federal laws, such as the Fair Housing Act, take precedence over conflicting state and local laws. The U.S. Department of Housing and Urban Development and U.S. Department of Justice released a joint statement on November 10, 2016 that addresses state and local land use laws and practices and the application of the Fair Housing Act, see <https://www.justice.gov/crt/page/file/909956/download>. The proposed ordinance amendments are to update Springville City's Code with respect to residential facilities for persons with a disability to avoid discrimination in housing against persons with disabilities.

Analysis

Permitted Use

Under the Fair Housing Act, a household of two or more persons with disabilities are considered to be the same as any other household and may not be subject to requirements or conditions that are not imposed on households consisting of persons without disabilities. In order to comply with this requirement, the proposed amendments before the planning commission would make residential facilities for persons with a disability permitted in all zones where similar residential dwellings that are not residential facilities for persons with a disability are allowed. Furthermore, the ordinance requires the same site development standards and number of parking spaces required within the underlying zone.

Definitions

Persons with a Disability

The proposed ordinance follows the Fair Housing Act and the Utah Code definition for persons with a disability. The definition is as follows:

A Person who as a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment. A disability does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802 or successor law or as defined under Utah Code Ann. Title 58, Chapter 37, as amended.

(a) "Physical or mental impairment" includes, but is not limited to, diseases and conditions such as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, HIV infection, developmental disabilities, mental illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance), and alcoholism.

(b) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(c) "Has a record of such an impairment" means has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.

Elderly Person – The proposed ordinance also adjusts the age for an elderly person from 60 years to 62 years and clarifies that a residential facility for elderly persons is eight or less. The eight or less is not different from the current ordinance.

Licenses

In accordance with Section 10-9a-520 of the Utah Code Annotated, residential facilities for persons with a disability are required to be licensed either with the Department of Human Services or the Department of Health. Our current code requires these same licenses. The proposed ordinance does not change these requirements and requires a business license if the facility is being operated for a profit.

Reasonable Accommodation

The Fair Housing Act requires local laws to make "reasonable accommodations" to rules, policies, practices, or services, when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling. Since certain rules may have a different effect on persons with disabilities rather than other persons, treating persons with disabilities the exact same may deny them an equal opportunity to use and enjoy the dwelling. Reasonable accommodations are made on a case-by-case basis. Under the proposed ordinance, a reasonable accommodation is evaluated on the following:

- (i) The zoning ordinance applicable to the property;
 - (ii) The anticipated parking, traffic, and noise impact on the neighborhood if the reasonable accommodation is granted;
 - (iii) Whether or not the accommodation will be an undue burden or expense to the City;
 - (iv) The extent to which the accommodation will or will not benefit the applicant;
 - (v) The extent to which the accommodation will or will not benefit the community;
 - (vi) Whether or not the accommodation fundamentally alters the citywide zoning ordinance and whether or not the accommodation would likely create a fundamental change in the character of a residential neighborhood;
 - (vii) Whether or not the applicant has demonstrated that the accommodation will affirmatively enhance the applicant's life or ameliorate the effects of the applicant's disability, or the lives or disabilities of those on whose behalf the applicant is applying;
 - (viii) Whether or not, without the accommodation, similar housing is available in the city for the applicant or group of applicants;
 - (ix) The anticipated impact of the requested accommodation on the immediate neighborhood;
- and
- (x) The requirements of applicable federal and state laws and regulations.

Under the proposed ordinance, the Community Development director makes the decision concerning reasonable accommodations. Other cities place this decision with either the planning commission or the director. Since public clamor needs to be removed from the decision, staff decided to propose having the director make the decision.

Pros

- The proposed amendments update the city's code to be current with state and federal law.

Cons

- Without the proposed amendments the city risks exposure, not having required code language which addresses new fair housing standards.

Staff Recommendation

Staff recommends the Commission forward a positive recommendation to the City Council to amend the various code sections included with this proposal.

Recommended Motion

Move to recommend amending Sections 11-3-402, Definitions, and 11-4-301, Land Use Matrix, in relation to requirements for Residential Facilities for Elderly Persons and Residential Facilities for Persons with Disabilities; and adopting section 11-6-131, "Residential Facilities for Persons With a Disability."

ORDINANCE NO. 12-2017

AN ORDINANCE AMENDING THE SPRINGVILLE DEVELOPMENT CODE SECTIONS 11-3-402, DEFINITIONS, AND 11-4-301, LAND USE MATRIX, IN RELATION TO REQUIREMENTS FOR RESIDENTIAL FACILITIES FOR ELDERLY PERSONS AND RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY; AND ADOPTING SECTION 11-6-131, "RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY."

NOW, THEREFORE, BE IT ORDAINED by the City Council of Springville, Utah that the following sections are hereby amended:

SECTION 1: The definitions of "Person with a Disability," "Elderly Person," and "Residential Facility for Elderly Persons," under Section 11-3-402 of the Springville City Code are hereby amended to read as follows:

11-3-402 Definitions.

The following words, as used in this Title, shall have the meaning ascribed to them:

Person With a Disability – ~~A person who has a severe, chronic disability attributable to a mental or physical impairment or to a combination of mental and physical impairments, which is likely to continue indefinitely, and which results in a substantial functional limitation in three (3) or more of the following areas of major life activity: self care, receptive and expressive language, learning, mobility, self direction, capacity for independent living, or economic self sufficiency; and who requires a combination or sequence of special interdisciplinary or generic care, treatment, or other services that are individually planned or coordinated to allow the person to function in, and contribute to, a residential neighborhood.~~ A person who has a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment. A disability does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802 or successor law or as defined under Utah Code Ann. Title 58, Chapter 37, as amended.

(a) "Physical or mental impairment" includes, but is not limited to, diseases and conditions such as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, HIV infection, developmental disabilities, mental illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance), and alcoholism.

(b) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(c) "Has a record of such an impairment" means has a history of, or has been classified as having, a mental or physical impairment that substantially limits one or more major life activities.

Elderly Person - A person who is sixty-two (602) years or older, who desires or who needs to live with other elderly persons in a group setting, but who is capable of living independently.

Residential Facility for Elderly Persons - A single-family or multiple-family dwelling unit that is occupied by eight or fewer elderly persons and meets the requirements of Section 10-9-50+16, Utah Code Annotated 1953, et seq., as amended. It does not include a health care facility.

SECTION 2: The uses of “Residential Facility for Persons with a Disability,” under Section 11-4-301 of the Springville City Code are hereby amended to read as follows:

11-4-301 Land Use Matrix.

Land use descriptions for the abbreviated zones in the matrix can be found in Sections 11-4-101 and 11-4-102 of this Chapter Conditional use regulations are found in Chapter 7 of this Title.

PERMITTED USE	ZONING DISTRICTS																		
	A1	R1-15	R1-10	R1-8	R1-5	R2	R-MHP	R-MF1	R-MF2	PO	BP	VC	TC	NC	CC	RC	HC	L-IM	H-IM
INSTITUTIONAL/SPECIAL SERVICES																			
Residential Facilities for Persons with Disabilities (Small – 8 or less)	P	P	P	P	P	P	P	P	P	P									
Residential Facilities for Persons with Disabilities (Small – 9 or more)	€	€	€	€	€	€	€	P	P	P		P			P				

Section 3: Section 11-6-131, “Residential Facilities for Persons with a Disability,” is adopted as part of the Springville City Code and reads and provides as follows:

11-6-131 Residential Facilities For Persons With A Disability.

(1) Applicability. This section shall govern any facility, residence, or other circumstance that constitutes a residential facility for persons with a disability as defined in this title. The requirements of this section shall govern and control any contrary provisions of this code.

(2) Purpose. The purposes of this chapter is to comply with Sections 10-9a-516 and 10-9a-520 of the Utah Code Annotated and avoid discrimination in housing against persons with disabilities as

provided in the Utah Fair Housing Act and the Federal Fair Housing Act, as amended, as interpreted by the courts having jurisdiction over Springville City.

(3) Requirements. Subject to the provisions of this section, and notwithstanding any contrary provision of this title, a residential facility for persons with a disability shall be a permitted use in any zone where similar residential dwellings that are not residential facilities for persons with a disability are allowed. Each residential facility for persons with a disability shall conform to the following requirements:

(a) The facility shall comply with all applicable building, safety and health regulations, the Americans with Disabilities Act, fire regulations, and all applicable state core standards and licensing requirements, and any standards set forth in any applicable contract with a state agency. The facility shall also comply with the city's land use ordinances applicable to single-family dwellings for the zone in which it is to be located, except as may be modified pursuant to this chapter.

(b) The following site development standards and parking standards shall be applicable:

(i) Each facility shall be subject to the same minimum site development standards applicable to a dwelling unit in the zone in which the facility is located;

(ii) The minimum number of parking spaces required for the facility shall be the same as the number required for a dwelling with similar occupancy density in the same zone.

(c) No facility shall be made available to an individual whose tenancy would constitute a direct threat or health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others unless the threat or risk to property can be eliminated or significantly reduced by reasonable accommodation.

(d) Prior to occupancy of the facility, the person or entity licensed or certified by the Utah Department of Human Services or the Utah Department of Health to establish and operate the facility shall:

(i) Provide a certified copy of all such required licenses to the city recorder;

(ii) Obtain a city business license, if required under applicable provisions of this code;

(iii) Certify, in a sworn affidavit compliance with the Americans with Disabilities Act; and

(iv) Certify, in a sworn affidavit submitted with the application, that no person will be placed or remain in the facility whose prior or current behavior, actions and/or criminal incidents or convictions, have demonstrated that such person is or may be a substantial risk or direct threat to the health or safety of other individuals, or whose said behavior, actions and/or incidents or convictions have resulted in or may result in substantial physical damage to the property of others. Such affidavit shall be supplemented and updated not less than 150 days nor more than 190 days after the date of issuance or renewal of the business license, and at the time of the application for renewal of the business license.

(e) The use permitted by this section is nontransferable and shall terminate if:

(i) A facility is devoted to or used as other than a residential facility for persons with a disability;

(ii) The license or certification issued by the Utah Department of Human Services, Utah Department of Health or any other applicable agency, terminates or is revoked; or

(iii) The facility fails to comply with the conditions set forth in this section.

(f) No residential facility for persons with a disability shall exceed eight residents plus a maximum of two additional qualified persons acting as house parents or guardians.

(g) Each residential facility for persons with a disability shall obtain permits that verify compliance with the same building, safety, and health regulations as are applicable in the same zoning area to similar uses that are not residential facilities for persons with a disability.

(4) Reasonable Accommodation - means a change in any rule, policy, practice, or service necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling. The following words have the following definitions:

(a) "Reasonable" means that a requested accommodation will not undermine the legitimate purpose of existing zoning regulations notwithstanding the benefit that the accommodation will provide to a person with a disability.

(b) "Necessary" means that the applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy the housing of their choice.

(c) "Equal opportunity" means achieving equal results as between a person with a disability and a nondisabled person.

(5) Request for Accommodation. None of the requirements of this section shall be interpreted to limit any reasonable accommodation necessary to allow the establishment or occupancy of a residential facility for persons with a disability; provided, however, that an accommodation cannot be granted to waive a material zoning requirement (such as lot coverage, parking, setback or height standards), as reasonably determined by the Community Development Director.

(a) Any person or entity wanting a reasonable accommodation shall make application therefor to the Community Development Director. Such application shall specifically articulate, in writing, the following:

(i) The name, mailing address, and phone number of the applicant;

(ii) The nature and extent of the disability;

(iii) An exact statement of the ordinance or policy from which the applicant needs a reasonable accommodation;

(iv) The applicant's proposed reasonable accommodation;

(v) A statement detailing why such reasonable accommodation is necessary; and

(vi) The physical address of the property where the applicant requests the reasonable accommodation.

(b) When considering whether or not to grant a reasonable accommodation, the Community Development Director shall, in consultation with the City Administrator and the City Attorney, consider the following factors, among others deemed appropriate and applicable:

(i) The zoning ordinance applicable to the property;

(ii) The anticipated parking, traffic, and noise impact on the neighborhood if the reasonable accommodation is granted;

(iii) Whether or not the accommodation will be an undue burden or expense to the City;

(iv) The extent to which the accommodation will or will not benefit the applicant;

(v) The extent to which the accommodation will or will not benefit the community;

(vi) Whether or not the accommodation fundamentally alters the citywide zoning ordinance and whether or not the accommodation would likely create a fundamental change in the character of a residential neighborhood;

(vii) Whether or not the applicant has demonstrated that the accommodation will affirmatively enhance the applicant's life or ameliorate the effects of the applicant's disability, or the lives or disabilities of those on whose behalf the applicant is applying;

(viii) Whether or not, without the accommodation, similar housing is available in the city for the applicant or group of applicants;

(ix) The anticipated impact of the requested accommodation on the immediate neighborhood; and

(x) The requirements of applicable federal and state laws and regulations.

(c) A written decision shall be sent to the applicant within sixty (60) days after the application.

(6) Appeal. If a request for a reasonable accommodation is denied, such decision may be appealed to the Board of Adjustment within ten days after such denial.

SECTION 4: This ordinance will become effective one day after publication hereof in the manner required by law.

SECTION 5: The City Recorder shall cause this ordinance or a short summary hereof to be published in the *Daily Herald*, a newspaper published and of general circulation in the City.

ADOPTED by the City Council of Springville, Utah, this ___ day of _____, 2017.

Wilford W. Clyde, Mayor

ATTEST:

Kim Rayburn, City Recorder