NOTICE AND AGENDA

NOTICE IS HEREBY GIVEN TO THE HILDALE CITY COUNCIL AND THE PUBLIC, THAT THE HILDALE CITY COUNCIL WILL HOLD A WORK MEETING ON WEDNESDAY THE 3RD OF DECEMBER 2020 AT HILDALE CITY HALL, 320 EAST, NEWEL AVENUE, WHICH MEETING SHALL BEGIN AT 6:30 P.M. MDT.

THE AGENDA SHALL BE AS FOLLOWS:

1. WELCOME, INTRODUCTION AND PRELIMINARY MATTERS
2. PLEDGE OF ALLEGIANCE
3. CONFLICT OF INTEREST DISCLOSURES
4. PUBLIC COMMENT
5. WORK SESSION
    A. MUNICIPAL OPERATIONS
        i. DEVELOPMENT STANDARDS DIRECTION
        ii. INTERGOVERNMENTAL AGREEMENTS
    B. GENERAL PLAN
    C. UEP RELATIONSHIP
    D. SOUTH ZION ESTATES DEVELOPMENT
    E. WATER SOURCE DEVELOPMENT
6. CONSIDERATION AND POSSIBLE ACTION ON APPOINTMENT OF CITY MANAGER
7. CONSIDERATION AND POSSIBLE ACTION ON APPROVAL OF CITY MANAGER CONTRACT
8. CONSIDERATION AND POSSIBLE ACTION ON EXECUTIVE SESSION TO DISCUSS IMPENDING OR REASONABLY IMPENDING LITIGATION
9. ADJOURNMENT

Agenda items and any variables thereto are set for consideration, discussion, approval or other action. Council Members may be attending by telephone. Agenda is subject to change up to 24 hours prior to the meeting. Individuals needing special accommodations should notify the City Recorder at 435-874-2323 at least three days prior to the meeting.

Staff Reports

UEP Relationship

I have met with Jeff Barlow and I am working with the UEP team to help their board further their understanding of the Canaan Mountain Water Project. They are considering many options and have conducted some due diligence as well. The UEP Board will be bringing on new members in January of 2021.

South Zion Estates

(Executive Session)

Water Source Development

Pace of the Canaan Mountain Water Project is dependent on the UEP Board's movement on developing a proposal for the Cities to consider. This has included additionally communication with our Canaan Mountain Water Project engineers at Bowen and Collins. Additionally, having consulted with an independent water rights expert, we are even more hopeful for a concise conclusion.

Hildale City
WELCOME HOME

435-874-2323
435-874-2603
www.hildalecity.com

Land Development Discussion

Introduction

The City of Hildale was mostly developed under the direction of development philosophies that are foreign to modern, and regularly established standards that would be recognizable from most other communities. While the community and the City has taken steps to bring our development closer to that of our surrounding communities, we have found that there may be benefit from establishing alternate standards that appreciate our history.

Over the past two years the City has improved its permitting process which has encouraged more of our residents to engage in the process where they simply build and remodeled with no approvals before. As this process has occurred the City staff has been confronted with many situations where existing structures paired with existing use have had to undergo significant regulatory requirements. Many of our residents want to invest in the community but lack the financials to do so in a manner that would be consistent with communities like St. George, Washington City, Ivins etc. Therefore, they would be forced to either take on significant debt, sell their property, prolong improvements, illegally improve, or never improve.

The staff recognized that the City Council may want to provide different direction.

Discussion Questions

1. What benefit does the Council see accommodating existing structures and uses in developing and improving the City through the establishment of development ordinances?

2. If there are benefits to any accommodations, where would the Council see the biggest value in those accommodations in terms of residential, commercial, recreation, industrial use etc.?

3. In providing accommodation or revision to development, what standards does the Council see as required? i.e. fire protection, parking accommodation, general health & safety, area beautification, road work, landscaping etc.

TITLE XV LAND DEVELOPMENT OR LAND USAGE
CHAPTER 1 PURPOSE AND APPLICABILITY
CHAPTER 2 PLANNING DOCUMENTS
CHAPTER 3 DEFINITIONS
CHAPTER 6 DECISION MAKING BODIES AND OFFICIALS
CHAPTER 7 ADMINISTRATIVE AND DEVELOPMENT REVIEW PROCEDURES
CHAPTER 8 NON-COMPLYING STRUCTURES, NON-CONFORMING USES AND LOTS
CHAPTER 9 ENFORCEMENT
CHAPTER 11 ZONES ESTABLISHED
CHAPTER 12 AGRICULTURAL ZONES
CHAPTER 13 RESIDENTIAL ZONES
CHAPTER 14 RESIDENTIAL AGRICULTURE ZONES
CHAPTER 15 COMMERCIAL ZONES
CHAPTER 16 BUSINESS AND INDUSTRIAL ZONES
CHAPTER 17 OPEN SPACE AND PUBLIC FACILITY ZONES
CHAPTER 21 AGRICULTURE PROTECTION OVERLAY ZONE
CHAPTER 23 PLANNED DEVELOPMENT OVERLAY ZONE
CHAPTER 22 HISTORIC AREA OVERLAY ZONE (Reserved)
CHAPTER 24 SENSITIVE LANDS
CHAPTER 26 RECREATION RESORT ZONE
CHAPTER 27 EXTRACTION INDUSTRIES OVERLAY ZONE
CHAPTER 28 DEVELOPMENT IN AREAS OF SPECIAL CONSIDERATION
CHAPTER 31 NATURAL RESOURCE INVENTORY (Reserved)
CHAPTER 32 LANDSCAPING AND SCREENING
CHAPTER 33 DESIGN AND COMPATIBILITY STANDARDS
CHAPTER 34 OFF STREET PARKING AND LOADING
CHAPTER 35 MOTOR VEHICLE ACCESS
CHAPTER 36 SIGNS
CHAPTER 37 SUPPLEMENTARY DEVELOPMENT STANDARDS
CHAPTER 38 TRANSFERABLE DEVELOPMENT RIGHTS (Reserved)
CHAPTER 39 SUBDIVISIONS
CHAPTER 40 FLOOD DAMAGE PREVENTION
CHAPTER 41 ACCESSORY DWELLING UNITS
CHAPTER 42 HOME BASED BUSINESSES
CHAPTER 43 MANUFACTURED/MOBILE HOME AND RECREATIONAL VEHICLE REGULATIONS
CHAPTER 45 PUBLIC UTILITY SUBSTATIONS
CHAPTER 46 RESIDENTIAL FACILITIES FOR ELDERLY PERSONS AND PERSONS WITH A DISABILITY
CHAPTER 47 SEXUALLY ORIENTED BUSINESSES^1
CHAPTER 48 TEMPORARY USES
CHAPTER 49 USES IN HISTORIC BUILDINGS
CHAPTER 50 WIRELESS TELECOMMUNICATIONS FACILITIES
CHAPTER 51 BED AND BREAKFAST AND RESIDENTIAL HOSTING FACILITIES
CHAPTER 52 CAMPING HOSTING FACILITIES

CHAPTER 1 PURPOSE AND APPLICABILITY

Sec 152-1-1 Short Title
Sec 152-1-2 Authority
Sec 152-1-3 Purpose
Sec 152-1-4 Scope
Sec 152-1-5 Applicable Provisions Not In This Chapter
Sec 152-1-6 Organization Of Title

Sec 152-1-7 Licenses And Permits To Conform
Sec 152-1-8 Construction And Use To Conform To Plans
Sec 152-1-9 Certificate Of Occupancy
Sec 152-1-10 Conflicting Provisions
Sec 152-1-11 Transition Rules
Sec 152-1-12 Vested Rights

Sec 152-1-1 Short Title

This chapter shall be known as the LAND USE ORDINANCE OF HILDALE CITY and may be so cited and pleaded.

Sec 152-1-2 Authority

This chapter is adopted pursuant to the Utah Municipal Land Use, Development, and Management Act, found at Section 10-9a-101 et seq. of the Utah Code, and the police power delegated to local governments by the State of Utah.

Sec 152-1-3 Purpose

This chapter is designed and enacted to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of Hildale City and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the City's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values.

Sec 152-1-4 Scope

This chapter shall apply to all property within the corporate limits of the city except property expressly exempted therefrom by the provisions of this chapter or other lawful exemption.

Sec 152-1-5 Applicable Provisions Not In This Chapter

Provisions of this code not found in this chapter which are applicable to the use and development of land include, but are not limited to, the following:

(a) Title 5, chapter 55, "Impact Fees", of this code.

(b) Title 15, chapter 151, "Building Regulations", of this code.

(c) Title 15, Chapter 156, "Development Standards", of this code.

Sec 152-1-6 Organization Of Title

This section describes the basic organizational scheme used in this chapter and the types of regulations found herein. It is intended to be informational only. Failure to follow the format described in this section shall not be a basis for invalidating any action taken pursuant to this chapter.

(a) Organizational Structure: this chapter consists of six (6) articles, as follows:

(1) Article I - General Provisions.

(2) Article II - Administration And Enforcement.

(3) Article III - Base Zones.

(4) Article IV - Special Purpose And Overlay Zones.

(5) Article V - Regulations Of General Applicability.

(6) Article VI - Regulations For Specific Uses.

(b) General Provisions:
The powers and duties of decision making bodies and officials, public hearing and land use application review procedures, appeals, and variances. Enforcement provisions set forth remedies available to the city to enforce violations of this chapter.

(c) Administration And Enforcement:
Administration and enforcement provisions in Article II of this chapter describe the powers and duties of decision making bodies and officials, public hearing and land use application review procedures, appeals, and variances. Enforcement provisions set forth remedies available to the city to enforce violations of this chapter.

(d) Types Of Zones:
This chapter establishes three (3) types of zones (also called "zoning districts"): base zones, special purpose zones, and overlay zones.

(1) Base zones establish regulations and development standards governing land uses allowed in each zone. Base zones are grouped into five (5) general categories: Planning and Zoning Ordinances for Hildale City: Version 2 16 agricultural, residential, commercial, business and industrial, and open space and public facilities.

(2) Special purpose zones consist of regulations that apply only in limited instances or to special circumstances.

(3) Overlay zones address specific circumstances that apply to specific geographic areas and which may traverse the boundaries of a number of base zones. Overlay zone regulations apply in addition to base zone regulations.

(e) Types Of Regulations:
This chapter includes the following kinds of regulations and development standards:

(1) Base zone regulations, set forth in Article III of this chapter, specify land uses allowed as of right or allowed after issuance of a conditional use permit. These regulations may be modified by overlay or special purpose zone regulations, set forth in Article IV of this chapter, or augmented by regulations for specific uses set forth in Article VI of this chapter. Base zone and overlay regulations are further augmented by regulations of general applicability set forth in Article V of this chapter.

(2) Development standards include fixed dimensional standards and performance standards. Development standards control the height, size, location and other particular aspects of structures and uses on sites intended for development. These standards also prescribe setback and buffering requirements between zones and between potentially incompatible uses. Fixed dimensional standards are numerical maximum or minimum conditions which govern development on a site. Performance standards establish certain criteria which must be met, but allow flexibility as to the method of meeting the standard. In the event of a conflict between any other provisions of this code and this chapter, the provisions of this chapter shall apply.

Sec 152-1-7 Licenses And Permits To Conform

All departments, officials, and employees of the city vested with the duty or authority to issue permits or licenses shall conform to the provisions of this chapter and shall issue no permit or license for a use,

building, or purpose where the same would conflict with the provisions of this chapter. It shall be a violation of this chapter for any person to perform, or order the performance of, any act which is contrary to the provisions of this chapter or to fail to perform any act which is required by the provisions of this chapter. Any permit or license issued in violation of this chapter shall be null and void.

(a) Permits Required:
No building or structure shall be constructed, reconstructed, altered, or moved, nor shall the use or status of land be changed except after the issuance of valid permits which conform to the requirements of this chapter, unless no permit is required by this chapter or by the construction codes adopted by the city.

(b) Utility Service:
No electrical, sewer, telephone, water, or other utility line shall be installed to serve any premises if such installation is or will be in violation of this chapter.

Sec 152-1-8 Construction And Use To Conform To Plans

Building and other permits and certificates of occupancy issued by the city authorize only the use, arrangement, and construction set forth in the approved plans and applications, and no other use, arrangement or construction. Use, arrangement, or construction at variance with that shown on approved plans and specifications shall be deemed a violation of this chapter.

Sec 152-1-9 Certificate Of Occupancy

(a) Certificate Of Occupancy Required:
No land shall be used or occupied and no building hereafter structurally altered or erected shall be used, until a certificate of occupancy has been issued stating that the building or the proposed use thereof, or the use of the land, complies with the provisions of this chapter or for renewing, changing or extending of a non-conforming use, structure, lot, or other nonconformity.

A certificate of occupancy either for the whole or part of a building or structure shall be applied for coincidentally with the application for a building permit, and shall be issued after the erection or structural alteration of such building or structure, or part thereof, has been completed in conformity with the provisions of this title and the building code.

(b) Unlawful To Use Or Occupy:
It is unlawful, after 3 years from the effective date of this chapter, to use or occupy or to permit the use or occupancy of any building or structure unless a certificate of occupancy has been issued for such building or premises. It is unlawful to use or occupy, or to allow to be used or occupied, any building or structure with a use or occupancy that is different than specifically provided for in a certificate of occupancy.

(c) Failure To Obtain Certificate Of Occupancy:
Failure to obtain a certificate of occupancy, within 3 years from the effective date of this chapter, shall be a violation of this chapter.

(d) Nuisance:
The use or occupancy of any building for which a certificate of occupancy has not been issued, after 3 years from the effective date of this chapter, is hereby declared to be a public nuisance and may be abated as such. It shall also be a public nuisance for any building or structure to be used or occupied in a manner different than authorized by a certificate of occupancy.

Sec 152-1-10 Conflicting Provisions

This chapter shall not nullify the more restrictive provisions of covenants, agreements, other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.

In cases where provisions within this chapter conflict, the most restrictive provision shall apply over the less restrictive one unless the less restrictive provision specifically provides otherwise.

Sec 152-1-11 Transition Rules

Nothing in this chapter shall require a change in any plans, construction, or designated use of any building or structure if a complete application for the same was submitted prior to the effective date of this chapter, unless such application, or a permit issued thereunder, expires. If an application or permit expires, any new permit shall conform to the requirements of this chapter.

Sec 152-1-12 Vested Rights

Except as otherwise provided in this section, a person who submits a complete application pursuant to the provisions of this chapter is entitled to have such application considered on the basis of provisions in effect when the application is submitted.

(a) Complete Application:
An application shall be deemed "complete" when all materials required for the application have been submitted, as set forth in this chapter.

(b) Substantial Action On Application:
If within one year after an application has been submitted the applicant has not taken substantial action to pursue approval of the application, the application shall expire and any vested rights thereunder shall terminate.

(c) Pending Ordinance Amendments:
If a zoning map or text amendment to this chapter which may affect an application is pending when the application is submitted, the applicant shall not be entitled to rely on such provisions but may be required to comply with newly enacted provisions, as set forth below:

(1) A proposed amendment shall be deemed "pending" when the amendment proposal first appears on a duly noticed planning commission or city council agenda, whichever is sooner.

(2) An application affected by a pending amendment shall be subject to the following requirements:

a. The application shall not be acted upon until six (6) months from the date when the pending amendment was first noticed on a planning commission or city council agenda unless:

1. The applicant voluntarily agrees to amend his or her application to conform to the requirements of the proposed amendment; or

2. The proposed amendment is sooner enacted or defeated, as the case may be.

b. If a pending amendment is enacted within six (6) months after being noticed on a planning commission or city council agenda, an affected application which was filed while the amendment was pending shall conform to the enacted amendment.

c. If a pending amendment to this chapter is not enacted within six (6) months after being noticed on a planning commission or city council agenda, the amendment shall no longer be considered pending and any affected application may be considered without regard to the previously pending amendment.

(d) Preservation Of A Vested Right:

(1) An applicant who has a vested right under this chapter shall proceed with reasonable diligence to exercise development rights authorized by an approved application. Failure to proceed with reasonable diligence on an approved application prior to the expiration date of such application, as set forth in this chapter, shall terminate vested rights associated with such application.

(2) An applicant with vested rights shall continually conform to all conditions of approval of an application. An applicant's failure to do so shall constitute the applicant's knowing and willful waiver of the applicant's vested rights under such application.

(e) Extent Of Vested Rights:
An application approved under this chapter only authorizes the thing applied for under the application.

(f) Termination Of A Vested Right:
A vested right may be voided if the land use authority, on the record, finds that a compelling, countervailing public interest would be jeopardized by recognition of the vested right.

(g) Applicability Of Generally Applicable Ordinances:
Generally applicable provisions of this chapter and other city ordinances and regulations shall apply to all property, notwithstanding the establishment of a vested right.

CHAPTER 2 PLANNING DOCUMENTS

Sec 152-2-1 Purpose
Sec 152-2-2 General Plan
Sec 152-2-3 Road Master Plan And Official Map
Sec 152-2-4 Capital Facilities Plan

Sec 152-2-1 Purpose

The purpose of this chapter is to identify planning documents which provide the policy foundation for this chapter and to set forth the basis for preparing and adopting such plans.

Sec 152-2-2 General Plan

(a) Purpose:
In order to accomplish the purposes set forth in Article I of this chapter the city will prepare and adopt a comprehensive, long range general plan for present and future needs of the city, and growth and development of the land within the city. The plan may provide for:

(1) Health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics, and recreational, educational, and cultural opportunities.

(2) Reduction of the waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population.

(3) Efficient and economical use, conservation, and production of the supply of food and water, and drainage, sanitary, and other facilities and resources.

(4) Use of energy conservation and solar and renewable energy resources.

(5) Protection of urban development.

(6) Protection and promotion of air quality.

(7) An official map, pursuant to title 72, chapter 5, part 4, transportation corridor preservation, of the Utah Code.

(8) The protection or promotion of moderate income housing.

(b) Plan Preparation:
The planning commission shall make and recommend to the city council a proposed general plan for areas within the city. The plan may include areas outside the boundaries of the city.

(c) Scope:
The general plan shall show the city's recommendations for development of the territory covered by the plan, and may consist of text, maps, plats, charts, and descriptive and explanatory matter. The city council shall determine the comprehensiveness, extent, and format of the general plan.

(1) The general plan shall include a plan for moderate income housing as required by section 152-9a-408 of the Utah Code, as amended.

(2) The general plan may include, among other things:

a. A land use element that:

1. Designates the proposed general distribution and location and extent of uses of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate; and

2. Includes a statement of the standards of population density and building intensity recommended for the various land use categories covered by the plan.

b. A transportation and circulation element consisting of the general location and extent of existing and proposed freeways, arterial and collector streets, mass transit, and any other modes of transportation that are appropriate, all correlated with the land use element of the plan.

c. An environmental element that addresses:

1. The protection, conservation, development, and use of natural resources, including the quality of air, forests, soils, rivers and other waters, wildlife, minerals, and other natural resources; and

2. The reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geologic hazards.

d. A public services and facilities element showing general plans for sewage, waste disposal, drainage, local utilities, rights of way, easements, and facilities for them, police and fire protection, and other public services.

e. A rehabilitation, redevelopment, and conservation element consisting of plans and programs for:

1. Historic preservation;

2. Elimination of blight; and

3. Redevelopment, including housing sites, business and industrial sites, and public building sites.

f. An economic element composed of appropriate studies and an economic development plan that may include review of municipal revenue and expenditures, revenue sources, identification of base industry, primary and secondary market areas, employment, and retail sales activity.

g. A parks, trails, and open space element that establishes a comprehensive plan for the development of parks and trails, and preservation of open space.

h. Recommendations for implementing the general plan, including the use of land use and subdivision regulations, capital improvement plans, and other appropriate actions.

i. Any other element the city considers appropriate.

(d) Notice Of Intent:
Notice of intent to prepare a general plan or comprehensive general plan amendment.

(1) Before preparing a proposed general plan or a comprehensive general plan amendment, the city shall provide ten (10) calendar days' notice of its intent to prepare a proposed general plan or a comprehensive general plan amendment to:

a. Each affected entity;

b. The automated geographic reference center created in section 63F-1-506;

c. The association of governments, established pursuant to an interlocal agreement under title 11, chapter 13, interlocal cooperation act, of which the municipality is a member; and

d. The state planning coordinator appointed under section 63J-4-202.

(2) Each notice under subsection D1 of this section shall:

a. Indicate that the municipality intends to prepare a general plan or a comprehensive general plan amendment, as the case may be;

b. Describe or provide a map of geographic area that will be affected by the general plan or amendment;

c. Be sent by mail, e-mail, or other effective means;

d. Invite the affected entities to provide information for the municipality to consider in the process of preparing, adopting, and implementing a general plan or amendment concerning:

1. Impacts that the use of land proposed in the proposed general plan or amendment may have; and

2. Uses of land within the municipality that the affected entity is considering that may conflict with the proposed general plan or amendment; and

e. Include the address of an internet website, if the municipality has one, and the name and telephone number of a person where more information can be obtained concerning the municipality's proposed general plan or amendment.

(e) Plan Adoption By Planning Commission:
After completing a proposed general plan for all or part of the area within the city, the planning commission shall schedule and hold a public hearing on the proposed plan as provided in section

152-7-4 of this chapter at least ten (10) days before the date of the hearing. After the public hearing, the planning commission may make changes to the proposed general plan. The planning commission shall then forward the proposed general plan to the city council.

(f) Plan Adoption By City Council:
The city council shall schedule and hold a public hearing on the proposed general plan recommended to it by the planning commission as provided in section 152-7-4 of this chapter at least ten (10) days before the date of the hearing. After the public hearing, the city council may make any modifications to the proposed general plan that it considers appropriate. The city council may adopt the proposed general plan without amendment; amend the proposed general plan and adopt or reject it as amended; or reject the proposed general plan.

(g) Legal Status Of Plan:
The general plan shall be considered only as an advisory guide for growth and development of the land within the city.

(h) Amendment Of Plan:
The general plan may be amended by following the procedures set forth in subsections E and F of this section. General plan amendments shall be subject to the following requirements:

(1) Persons wishing to propose a general plan amendment shall file their proposals and shall pay the fee established by the fee schedule adopted by the city council. Proposed general plan amendments will be considered by the planning commission twice a year, at the February and August meetings. Notwithstanding the foregoing, the city council or planning commission may, at any time by majority vote, authorize preparation and consideration of proposed general plan amendments.

(2) Persons proposing general plan amendments shall do the survey and analysis work necessary to justify the proposed amendment. To ensure the planning commission and city council have sufficient information to evaluate each proposal, an applicant shall submit the following information:

a. For map amendments:

1. Eight and one-half inch by eleven inch (81/2" x 11") map showing the area of the proposed amendment;

2. Current copy of county assessor's parcel map showing the area of the proposed amendment;

3. Mapped inventory of existing land uses within the area of the proposed amendment and extending one-half (1/2) mile beyond such area;

4. Correct property addresses of parcels included within the area of the proposed amendment;

5. Written statement specifying the potential use of property within the area of the proposed amendment;

6. Written statement explaining why the existing general plan designation for the area is no longer appropriate or feasible;

7. Analysis of the potential impacts of the proposed amendment on existing infrastructure and public services such as traffic, streets, intersections, water and sewer, storm drains, electrical power, fire protection, garbage collection, etc.; and

8. As part of the general plan map amendment process, the applicant shall attempt to collect the signature of the property owner or authorized agent or, in the case of amendments affecting multiple properties, the signatures

of a majority of the persons who own property within the area proposed for the general plan map amendment.

b. For text amendments:

1. Written statement showing the desired language change;
2. Written statement explaining why existing general plan language is no longer appropriate or feasible;
3. Analysis of the potential impacts of the proposed amendment; and
4. Map showing affected areas if text changes will affect specific geographic areas.

(i) Effect Of Plan On Public Uses:
After the city council has adopted a general plan or any amendments to the general plan, no street, park, or other public way, ground, place, or space, no publicly owned building or structure, and no public utility, whether publicly or privately owned, may be constructed or authorized until and unless it conforms to the plan, or it has been considered by the planning commission and, after receiving the advice of the planning commission, the city council approves it as an amendment to the general plan.

Sec 152-2-3 Road Master Plan And Official Map

(a) Adoption:
The planning commission has recommended and the city council has adopted as part of the general plan a future land use map which shows existing and proposed roads at various right of way widths. Such roads as shown on the future land use map shall be known as the road master plan. The road master plan shall serve as the basis for any official adopted map, pursuant to title 72, chapter 5, part 4, transportation corridor preservation, of the Utah Code.

(b) Amendments:
Amendments to the road master plan may be made in accordance with the procedures set forth in section 152-2-2 of this chapter.

(c) Effect Of Official Map:

(1) An official map does not:

a. Require a landowner to dedicate and construct a street as a condition of development approval, except under circumstances set forth in subsection C2 of this section; or

b. Require the city to immediately acquire property it has designated for eventual use as a public street.

(2) This subsection C shall not prohibit the city from:

a. Requiring a landowner to take into account the proposed streets in the planning of a development proposal;

b. Acquiring property through purchase, gift, voluntary dedication, or eminent domain; or

c. Requiring the dedication and improvement of a street if the street is found necessary by the city because of a proposed development.

(3) The official map of the city shall not be used to unconstitutionally prohibit the development of property designated for eventual use as a public street.

(4) The official map shall be available for public inspection upon request.

Sec 152-2-4 Capital Facilities Plan

(a) Capital Facilities Availability:
In the event capital facilities are unavailable to serve a proposed development project subject to the requirements of this chapter, the capital facilities plan adopted pursuant to title 5, chapter 55 of this code shall be used as a guide to determine when needed capital facilities may be available.

(b) Capital Facilities Plan Preparation:
The capital facilities plan shall be prepared as provided in section 11-36-201 of the Utah Code.

CHAPTER 3 DEFINITIONS

Sec 152-3-1 Purpose
Sec 152-3-2 Scope
Sec 152-3-3 Rules Of Construction
Sec 152-3-4 Definitions Of Words And Phrases

Sec 152-3-1 Purpose

The purpose of this chapter is to provide rules of construction, and definitions so that the provisions of this chapter may be readily understood and consistently administered.

Sec 152-3-2 Scope

The rules of construction, and definitions contained in this chapter shall apply to the entirety of this chapter.

Sec 152-3-3 Rules Of Construction

(a) General:
All provisions, terms, phrases and expressions contained in this chapter shall be liberally construed to accomplish the purposes of this chapter.

(b) Computation Of Time:
The time within which an act is to be done shall be computed as by excluding the first day and including the last day. If the last day is a Saturday, Sunday, or holiday, then the last day shall be the next following business day. In computing the time required for public hearing notice, the day of the hearing shall be excluded.

(c) Conjunctions:
Unless the context clearly indicates to the contrary, conjunctions shall be interpreted as follows:

(1) "And" indicates that all connected items, conditions, provisions or events shall apply.

(2) "Or" indicates that one or more of the connected items, conditions, provisions or events shall apply.

(3) "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

(d) Mandatory And Discretionary Terms:

The word "shall" is always mandatory. The word "should" means the matter described ought to be accomplished if reasonable and possible under the circumstances. The word "may" is permissive.

(e) Nontechnical And Technical Words:
Words and phrases shall be construed according to the common use and understanding of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

(f) Tense, Number, And Gender:
Words used in the past or present tense include the future as well as the past or present unless the context clearly indicates the contrary. The singular shall include the plural and the plural shall include the singular as the context and application of this chapter may reasonably suggest. Words of one gender shall apply to any person, natural or fictitious, regardless of gender, as the context and application of this chapter may reasonably suggest.

(g) Fractional Numbers:
In determining compliance with the numerical requirements of this chapter, any computation or measurement resulting in a fractional number, except for acres, shall be rounded to the nearest whole number.

(h) Public Officials, Bodies And Agencies:
All public officials, bodies, and agencies to which reference is made are those of the City of Hildale, Utah, unless otherwise indicated.

(i) Delegation Of Authority:
Whenever a provision appears requiring the city manager, head of a department, or some other officer or employee to do some act or perform some duty, it shall be construed to authorize the city manager, head of the department, or other officer to designate, delegate, and authorize professional level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

Sec 152-3-4 Definitions Of Words And Phrases

As used in this chapter, the words and phrases defined in this section shall have the following meanings unless the context clearly indicates a contrary meaning. Words not included herein but defined in the building code shall be construed as defined therein.

ACCESSORY BUILDING: A detached subordinate building located on the same lot with a main building, the use of which is customarily incidental to that permitted in the main building, or to the land upon which the main building is located.

ACCESSORY DWELLING UNIT: A subordinate residential living area created within a single-family dwelling or on the same residential lot as a single-family dwelling which meets the requirements of Article XLI of this chapter.

ACCESSORY USE: See definition of Use, Accessory.

ADJACENT LANDOWNERS: A property owner of record, according to the records of the county recorder, whose property abuts all or part of property proposed for development.

AFFECTED ENTITY: A county, municipality, independent special district under title 17A, chapter 2, independent special districts, local district under title 17B, chapter 2, local districts, school district, interlocal cooperation entity established under title 11, chapter 13, interlocal cooperation act, specified public utility, or the Utah Department of Transportation, if:

(a) The entity's services or facilities are likely to require expansion or significant modification

because of an intended use of land;

(b) The entity has filed with the municipality a copy of the entity's general or long range plan; or

(c) The entity's boundaries or facilities are within one mile of land which is the subject of a general plan amendment or land use ordinance change.

AGRICULTURAL BUSINESS: The conduct of agricultural activity involving the keeping, grazing and pasturing of domestic animals or growing and harvesting of crops for commercial gain. Typical uses include the raising of animals for food or for the production of food in excess of that required for a household and the boarding or stabling of animals other than those owned and used by household members.

AGRICULTURAL INDUSTRY: An industry or business involving agricultural products in packaging, treatment, sales, intensive feeding, or storage and the initial processing of agricultural products that is reasonably required to take place in close proximity to the site where they are produced. Typical uses include packinghouses, commercial feed yards, fur farms, commercial milk production, food packaging or processing plants, and commercial poultry or egg production. Slaughterhouses and intensive animal feeding operations are specifically excluded from this definition.

AGRICULTURAL SALES AND SERVICE: An establishment primarily engaged in the sale or rental of farm tools and implements, feed and grain, tack, animal care products, anhydrous ammonia, farm supplies and the like, and including accessory food sales and machinery repair services. This definition shall also include greenhouses which are used for wholesale and/or retail purposes.

AGRICULTURE: The tilling of soil, raising of crops, horticultural activities, gardening, keeping or grazing of domestic animals and noncommercial feed yards, but not including any agricultural business or industry.

ALLEY: A public thoroughfare less than twenty six feet (26') wide for the use of pedestrians and vehicles providing a secondary means of access to the rear of abutting properties.

ANIMAL HOSPITAL: A building where small animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. "Animal hospital" does not include use of the premises as a kennel or a place where animals or pets are boarded for remuneration except when incidental to a principal use.

ANIMAL SPECIALTIES: The production of small animals and associated products. Typical uses include chicken, turkey, and rabbit raising, egg production, apiaries, and aviaries.

ANIMAL UNIT: The number of animals equivalent to one mature beef cow, based on the daily output (in pounds) of manure.

ANIMALS AND FOWL FOR RECREATION AND FAMILY FOOD PRODUCTION: The keeping of animals on a lot for exclusive use by persons residing thereon so long as the animals and fowl are not used for commercial purposes.

APARTMENT COURT: Any building or group of buildings which contain dwelling units. See definition of Dwelling, Group.

APARTMENT HOUSE: See definition of Dwelling, Multiple-Family.

APPEAL AUTHORITY: The person, board, commission, agency or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

ASSISTED LIVING FACILITY: See section 152-46-3 of this chapter.

AUDITORIUM OR STADIUM: An open, partially enclosed or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions and other public gatherings. Typical uses include convention and exhibition halls, sports arenas and amphitheaters.

AUTOMOBILE WRECKING YARD: Any lot, land or area used for the storage, keeping, dismantling or salvaging of three (3) or more unlicensed automobiles or parts thereof.

BAIL BOND SERVICE: An establishment which provides sureties to procure the release of persons under arrest by becoming financially responsible for their appearance at the time and place designated.

BANK OR FINANCIAL INSTITUTION: An organization involved in deposit banking, finance, investment, mortgages, trusts, and the like. Typical uses include commercial banks, credit unions, finance companies, and savings institutions.

BASE DENSITY: The number of dwelling units allowed in a planned development calculated pursuant to the provisions of chapter 24 of this chapter.

BASEMENT: That portion of a building that is partly or completely below grade plane. A basement shall not be considered as a story above grade plane where the finished surface of the floor above the basement is:

(a) More than six feet (6') above grade plane;

(b) More than six feet (6') above the finished ground level for more than fifty percent (50%) of the total building perimeter; or

(c) More than twelve feet (12') above the finished ground level at any point.

BED AND BREAKFAST, HOME: A limited commercial activity within an owner occupied residential structure where not more than three (3) sleeping rooms may be rented to paying guests on a nightly basis and the breakfast meal is provided for in the rental rate pursuant to the requirements of chapter 51 of this chapter.

BED AND BREAKFAST INN: A commercial activity within a residential structure where not less than four (4) nor more than ten (10) rooms may be rented to paying guests on a nightly basis and the breakfast meal is provided for in the rental rate pursuant to the requirements of chapter 51 of this chapter.

BERM: A mound of earth, generally two (2) to six feet (6') high, used to shield, screen, and buffer undesirable views and to separate land uses.

BILLBOARD: See chapter 36 of this chapter.

BLOCK: Land surrounded by streets and other rights of way other than an alley, or land which is designated as a block on any recorded subdivision plat.

BOARDING HOUSE: A building with not more than five (5) guestrooms, where, for compensation, meals are provided for not more than fifteen (15) persons.

BUILDABLE AREA: The area of a lot within front, rear and side yard setback lines where a main building may be constructed.

BUILDING: A permanently located structure having a roof supported by columns or walls for the shelter, housing, or enclosure of any person, animal, article, or chattel.

BUILDING AREA: The area included within the surrounding exterior walls (or exterior walls and firewalls) exclusive of vent shafts and courts. Areas of a building not provided with surrounding walls shall be

included in the building area if such areas are included within the horizontal projection of the roof or floor above.

BUILDING FACADE: Any exterior wall of a building including windows, doors, and mansard, but not including a pitched roof.

BUILDING, HISTORIC: Any building listed in the national register of historic places, the Utah state register of historic sites, or the Hildale City historic landmarks register.

BUILDING LINE, FRONT: A line parallel to the front lot line and at a distance therefrom equal to the required depth of the front yard and extending across the entire width of the lot.

BUILDING LINE, REAR: A line parallel to the rear lot line and at a distance therefrom equal to the required depth of the rear yard and extending across the entire width of the lot.

BUILDING LINE, SIDE: A line parallel to the side lot line and at a distance therefrom equal to the required depth of the side yard and extending between the front and rear building lines.

BUILDING, MAIN: The principal building or one of the principal buildings located on a lot designed or used to accommodate the primary use to which the premises are devoted. Where a permissible use involves more than one structure designed or used for the primary purpose, as in the case of apartment groups, each such permitted building on one "lot" as defined herein shall be deemed a main building.

BUILDING OR STRUCTURE HEIGHT: The vertical distance from the grade plane to the average height of the highest roof surface.

BUILDING, PUBLIC: A building owned and operated or owned and intended to be operated by a public agency of the United States of America, of the State of Utah or any of its Subdivisions.

BUS TERMINAL: A building or premises for the transient housing or parking of commercial motor vehicles and for the pick up and discharge of fare paying intercity passengers. Accessory uses may include ticket offices, luggage checking facilities, and similar uses.

BUSINESS EQUIPMENT RENTAL AND SUPPLIES: An establishment primarily engaged in the display, storage, and sale of goods or services used by office, professional and service establishments. Includes the sale, rental or repair of equipment and supplies used by office, professional, and service establishments, but excludes automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops and hotel equipment and supply firms.

CAPITAL FACILITIES: Any or all of the following facilities that have a life expectancy of ten (10) or more years: water rights and water supply, treatment, and distribution facilities; wastewater collection and treatment facilities; stormwater, drainage, and flood control facilities; roadway facilities; parks and recreation facilities, open space and trails; and public safety facilities.

CAPITAL FACILITIES PLAN: That plan required by section 11-36-201 of the Utah Code for public facilities, including, but not limited to, water, stormwater, parks, open space, and transportation, as the same may be amended from time to time.

CAR WASH: An establishment primarily engaged in cleaning or detailing motor vehicles, whether self-service, automatic or by hand.

CARPORT: A covered automobile parking space with at least two (2) sides open. For the purposes of this chapter a carport shall be subject to all of the regulations prescribed for a private Garage.

CEMETERY: Land used or intended to be used for the burial of the dead, whether human or animal, including crematoriums and mausoleums.

CHILD CARE CENTER: Child care provided in a non-residential setting on a regular schedule. The number of children allowed will be determined by the facility's total square footage. Excludes the following:

(a) Kindergartens or nursery schools or other daytime programs operated by public or private elementary or secondary schools or institutions of higher learning;

(b) Facilities operated in connection with a fitness center, shopping center or other activity where children are cared for temporarily while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and readily available; or

(c) Special activities or programs, including athletics, crafts instruction and similar activities, conducted on a periodic basis by civic, charitable, private, or governmental organizations.

CHURCH OR PLACE OF WORSHIP: Any structure or site such as a church, synagogue, chapel, sanctuary or cathedral, used primarily for collective or individual involvement with a religious activity, such as rites, rituals, ceremonies, prayers and discussions, and for church related activities.

CITY: The City of Hildale, Utah, a Municipal corporation.

CITY ENGINEER: A registered civil engineer so appointed or employed by the City.

CLEAR VIEW AREA: Areas at intersecting streets and driveways where unobstructed vision is maintained as required by this chapter. See subsection 152-37-9E of this chapter.

CLINIC: See definition of medical service.

CLUB OR SERVICE ORGANIZATION: An establishment or organization providing meeting, recreational or social facilities for a private or nonprofit association, except a private club as defined herein. Typical uses include lodges, meeting halls, recreation centers, and areas operated by social clubs, fraternal and service organizations.

CLUB, PRIVATE: Any nonprofit corporation operating as a social club, recreational, fraternal, or athletic association, or kindred association which allows the consumption of liquor on its premises pursuant to a license granted by the Utah Alcoholic Beverage Control Commission.

COLLEGE OR UNIVERSITY: An institution of higher education offering undergraduate or graduate degrees and including, but not limited to, such accessory uses as dormitories, museums, stadiums, and theaters.

CONDITIONAL USE: See definition of Use, Conditional.

CONDOMINIUM: The ownership of a single unit in a multi-unit project together with an undivided interest in common in the common areas and facilities of the property created pursuant to the Utah condominium ownership act.

CONDOMINIUM DECLARATION: See definition of Declaration.

CONDOMINIUM PROJECT: A real estate plan, project, or property where two (2) or more units, whether contained in existing or proposed apartments, commercial, or industrial buildings or structures or otherwise, are separately offered or proposed to be offered for sale pursuant to the Utah condominium ownership act.

CONSTITUTIONAL TAKING: A governmental action that results in a taking of private property so that compensation to the owner of the property is required by the fifth or fourteenth amendment of the Constitution of the United States or article I, section 22 of the Utah Constitution. CONSTRUCTION: The materials, architecture, assembly, and installation of a building or structure.

CONSTRUCTION SALES AND SERVICE: An establishment engaged in the retail or wholesale sale of materials and services used in the construction of buildings or other structures, as well as the outdoor storage of construction equipment or materials on lots other than construction sites. Typical uses include lumberyards, home improvement centers, lawn and garden supply stores, construction equipment sales and rental, electrical, plumbing, air conditioning and heating supply stores, swimming pool sales, construction and trade contractors' offices and storage yards, and public utility corporation storage yards.

CONVALESCENT CARE FACILITY: An establishment providing bed care and inpatient services for persons needing regular medical attention but excluding a facility providing surgical or emergency medical services or providing care for mental illness or communicable disease. Typical uses include nursing homes and rest homes.

CONVENIENCE STORE: An establishment, not exceeding five thousand (5,000) square feet of gross floor area, serving a limited market area and engaged in the retail sale or rental, from the premises, of food, beverages and other frequently or recurrently needed items for household use, excluding gasoline sales.

CONVERTIBLE LAND: A building site which is a portion of the common areas and facilities described by metes and bounds, within which additional units or limited common areas and facilities may be created pursuant to the Utah condominium ownership act.

CORRECTIONAL FACILITY: A facility providing housing and care for individuals legally confined for violations of law.

COURT: A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three (3) or more sides by walls of a building or group of buildings.

CULINARY WATER AUTHORITY: The department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject Property.

CULTURAL SERVICE: A library, museum or similar public or registered nonprofit organizational use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts and sciences.

DECIBEL (dB): A unit of measure used to express intensity of noise.

DECLARATION: The legal instrument by which property is subjected to the provisions of the Utah condominium ownership act.

DEDICATION: The setting aside of land by an owner for any general and/or public uses, reserving for himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property is devoted.

DENSITY, BASE: The number of dwelling units per acre allowed in a planned development as determined pursuant to the yield plan method set forth in subsection 152-23-8B of this chapter.

DENSITY BONUS: The number of additional dwelling units per acre allowed in a planned development pursuant to subsection 152-23-8C of this chapter.

DENSITY, GROSS: The number of dwelling units per acre within a subdivision or other development based on the total tract area whether developable or not, including streets, water areas, and open space conservation areas.

ENSITY, NET: The number of dwelling units per acre within a subdivision or other development, not including public streets and other public property.

DEVELOPABLE LAND: Land under thirty percent (30%) slope which is capable of being improved, subject to the requirements of this code.

DEVELOPER: The person, association or corporation developing or causing to be developed the property subject to the provisions of this chapter.

DEVELOPMENT APPROVAL: Any written authorization from the city that authorizes the commencement of development activity.

DEVELOPMENT OR DEVELOPMENT ACTIVITY:

Any of the following:

(a) Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

(b) Any construction, reconstruction, or expansion of a building, structure, or use.

(c) Any change in the use of a building or structure.

(d) The total area of a lot on which a building permit is to be issued or the total area of property being improved.

(e) Any change in the use of land that creates additional demand and need for capital facilities.

(f) The property being developed and/or subdivided.

(g) The act, process or result of developing.

Not to include; any remodeling of a dwelling that does not increase the square footage of any structure.

DISABILITY: See section 152-46-3 of this chapter.

DISTRICT: See definition of Zone.

DUPLEX: See definition of Dwelling, Two-Family.

DWELLING: Any building, or portion thereof, having one or more dwelling units occupied as, or designed or intended for occupancy as, a residence by one or more families as permitted by this chapter, but not including hotels, motels, boarding houses, or other facilities offering transient lodging facilities.

DWELLING, EARTH SHELTERED: An engineered dwelling unit located primarily underground for the purpose of energy conservation.

DWELLING, GROUP: Two (2) or more dwellings which occupy the same lot and have yards and open space in common.

DWELLING, MULTIPLE-FAMILY: A dwelling having three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY: A building arranged or designed to be occupied by one (1) family and having only one (1) dwelling unit.

DWELLING, SINGLE-FAMILY WITH ACCESSORY APARTMENT: A building having only one (1) dwelling unit and one (1) accessory apartment.

DWELLING, TEMPORARY: A manufactured/mobile home used for temporary residential purposes as provided in chapter 43 of this chapter.

DWELLING, TOWNHOUSE: A dwelling unit in a row of at least three (3) such units where each unit has its own front and rear exterior access, no unit is located above or below another unit, and each unit is separated from any other unit by one (1) or more vertical common fire resistant walls.

DWELLING, TWO-FAMILY: A building arranged or designed to be occupied by two (2) families and having only two (2) dwelling units.

DWELLING UNIT: One (1) or more rooms in a dwelling designed for or occupied as separate living quarters which provide sleeping and sanitary facilities and which includes kitchen facilities, all for exclusive use by a single family maintaining a household.

ELDERLY PERSON: See section 152-46-3 of this chapter.

EXTERNAL ILLUMINATION: Lighting which illuminates a building or structure from a remote position or from outside of the building or structure.

FAMILY: Any one (1) of the following who occupies a dwelling unit:

(a) One (1) person living alone.

(b) Two (2) or more persons related by blood, marriage, adoption, or other legal relationship living together as a single housekeeping unit; and up to two (2) other unrelated persons residing on the same premises where the housekeeping unit is located.

(c) Two (2) unrelated persons and the children of either of them.

(d) Five (5), or fewer, unrelated individuals living together as a single housekeeping unit.

FARMERS' MARKET: An establishment or premises where farm products from local farmers are sold at retail from covered or open air areas designated for individual retailers.

FENCE: A structure serving as an enclosure, barrier, or boundary, which defines an outdoor space.

FENCE, SIGHT OBSCURING: A fence that permits vision through not more than ten percent (10%) of each square foot of fencing.

FINAL PLAT: The final drawing of a subdivision and dedication prepared for filing with the County Recorder which complies with applicable requirements set forth in this chapter, other titles of this Code, and the Utah Code.

FLOOR AREA, TOTAL: See definition of gross floor area.

FREIGHT TERMINAL: A building or area in which freight brought by motor trucks or rail is assembled and/or stored for routing in intrastate or interstate shipment by motor truck or rail.

FRONTAGE: All property fronting on one (1) side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead end street, or political

subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

FUNERAL HOME: An establishment engaged in preparing human deceased for burial and conducting funerals.

GARAGE, PRIVATE: An accessory building designed or used for the storage of automobiles owned and used by the occupants of the building to which it is accessory.

GARDEN CENTER: An establishment primarily engaged in the retail sales of horticultural specialties, such as flowers, shrubs and trees, intended for ornamental or landscaping purposes.

GAS AND FUEL, STORAGE AND SALES: An establishment or site used for bulk storage and wholesale distribution of flammable liquid, gas or solid fuel, excluding below ground storage that is ancillary to an allowed principal use on the site.

GASOLINE SERVICE STATION: An establishment engaged in the retail sales of gasoline and petroleum products, including gasoline sales conducted as part of a convenience store.

GENERAL PLAN: A document adopted by the City Council that sets forth general guidelines for proposed future development of the land within the City as set forth in section 152-2-2 of this chapter.

GOLF COURSE: A facility providing private or public golf recreation services and support facilities, but excluding miniature golf facilities.

GOVERNMENT SERVICE: Any building or facility used, owned or operated by a government entity which provides services for the public, excluding utilities and recreational services. Typical uses include administrative offices of government agencies and utility billing offices.

GRADE PLANE: A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where finished ground level slopes away from an exterior wall, the reference plane shall be established by the lowest point within the area between the building and the lot line or, where the lot line is more than six feet (6') from the building, between the building and a point six feet (6') from the building.

GROSS FLOOR AREA: The total floor area of a building expressed in square feet measured from the exterior of outside walls.

GUESTHOUSE OR CASITA: A secondary dwelling unit, with or without kitchen facilities, located on a lot with one or more main dwelling units which is:

(a) Used for housing of guests without compensation, and

(b) Not rented, leased or sold separately from the rental, lease or sale of the main dwelling unit(s) on the lot and encumbered by a recorded agreement which provides notice of these conditions.

HEAVY INDUSTRY: An establishment engaged in basic processing and manufacturing of materials or products predominantly from extracted or raw materials; or a use engaged in manufacturing processes utilizing flammable or explosive materials; or manufacturing processes which potentially involve hazardous or commonly recognized offensive conditions. Typical uses include chemical manufacturing and warehousing, dry ice manufacturing, fat rendering plants, fertilizer manufacturing, fireworks and explosives manufacturing and warehousing, petroleum refineries, pulp processing and paper products manufacturing, radioactive materials manufacture or use, slaughterhouses, steelworks and tanneries.

HEIGHT, BUILDING OR STRUCTURE: See definition of Building Or Structure Height.

HEIGHT, STORY: The vertical distance from top to top of two (2) successive finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

HOME BASED BUSINESS: A commercial or other nonresidential use conducted within a dwelling unit that is incidental and secondary to the use of the dwelling unit for residential purposes as provided in chapter 42 of this chapter.

HOMELESS SHELTER: A place of temporary abode for persons who have no residence.

HOSPITAL: A facility that:

(a) Offers services more intensive than those required for room, board, personal services and general nursing care;

(b) Offers facilities and beds for use beyond twenty four (24) hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease or pregnancy; or

(c) Regularly makes available at least clinical laboratory services, diagnostic X-ray services and treatment facilities for surgery or obstetrical care or other definitive medical treatment of similar extent; and

(d) Any accessory use such as offices for medical and dental personnel and central service facilities such as pharmacies, medical laboratories, and other related uses.

HOSTEL: An establishment in which people are lodged for a single night or less than a week at a time, but excluding bed and breakfast, home; bed and breakfast inn; hotel; or motel.

HOTEL: An establishment with or without fixed cooking facilities in individual rooms offering transient lodging accommodations to the general public, and which may provide additional services such as restaurants and meeting rooms.

HOUSEHOLD: A family living together in a one-dwelling unit with common access to and common use of all living and eating areas and facilities for the preparation and serving of food within the dwelling unit.

HOUSEHOLD PET: Animals or fowl ordinarily permitted in a house and kept for company or pleasure, not profit, such as dogs, cats, pigeons, or rabbits, but not including:

(a) Chickens, ducks, geese, pigs or other domestic farm variety animals nor any animals which are likely to inflict harm or endanger the health, safety or welfare of any person or property; and

(b) A sufficient number of dogs to constitute a commercial kennel.

IMPACT FEE: A payment of money imposed upon development activity as a condition of development approval as provided in title 5, chapter 55 of this code.

JUNK OR SALVAGE YARD: Any place, establishment, or part of a lot maintained, used, or operated for collection, storage, keeping, or abandonment of wastepaper, rags, scrap metal or discard material, including dismantling, demolition of machinery or parts thereof, but excluding an automobile wrecking yard and any use which is clearly accessory and incidental to a permitted or conditional use.

KENNEL, COMMERCIAL: A commercial establishment having three (3) or more dogs over the age of four (4) months for the purpose of boarding, breeding, buying, selling, grooming, letting for hire, or training for a fee.

KENNEL, RESIDENTIAL: The keeping or maintaining of more than two (2), but no more than four (4) dogs, in connection with the occupation of any dwelling for residential purposes.

KIOSK: A small structure, typically located within a pedestrian walkway or similar circulation area, intended for use as a small shop, or for use as a display space for posters, notices and Exhibits.

KITCHEN: An area within a dwelling unit which contains a sink, fixed cooking appliances, and refrigeration facilities.

LAND USE APPLICATION: An application required by any land use ordinance or regulation.

LAND USE AUTHORITY: A person, board, commission, agency or other body designated by the city council to act upon a land use application.

LAUNDRY OR DRY CLEANING, LIMITED: An establishment providing household laundry and dry cleaning services, classified as low hazard in applicable codes, with customer drop off and pick up; or an establishment providing home type washing, drying, and/or ironing machines for hire to be used by customers on the premises. The term excludes large scale dry cleaning activities permitted under the definition of "laundry services".

LAUNDRY SERVICES: An establishment primarily engaged in the large scale cleaning of laundry or that includes dry cleaning activities other than those classified as low hazard in applicable codes, but excluding laundry or dry cleaning, limited.

LEGALLY EXISTED: For the structures built before September 5, 2018, in addition to the term’s meaning at common law, legally existed means that the land owner/occupant has a Certificate of Occupancy from the building department, or is in the (3) year grace period provided for in Section 152-1-9(B) without a permit.

LICENSED FAMILY CHILD CARE: Child care provided in a private home for up to sixteen (16) children. Two (2) qualified caregivers are required when there are more than eight (8) children in care, or when there are more than two (2) children under the age of two (2) in care. With two (2) caregivers, a licensed family provider can care for up to (but not more than) four (4) children under the age of two (2).

LIGHT SOURCE: Neon, fluorescent or similar tube lighting, an incandescent bulb, including the light producing elements therein, and any reflecting surface that, by reason of its construction or placement, becomes a light source.

LIQUOR STORE: An establishment licensed by the Utah Alcoholic Beverage Control Commission for the sale of alcoholic beverages for off site consumption.

LOT: A separately delineated parcel of real property having a number and designation shown on a recorded subdivision plat, or a contiguous quantity of real property defined in a deed by metes and bounds which has a separate property identification number according to the records of the County Recorder and is not shown on a recorded subdivision plat.

LOT AREA: The total land area of a lot measured on a horizontal plane.

LOT, CORNER: A lot abutting two (2) intersecting or intercepting streets where the interior angle of intersection or interception does not exceed one hundred thirty five degrees (135°).

LOT COVERAGE: The total horizontal area of a lot covered by any building or structure which extends above the surface of the ground level, including any covered parking spaces.

LOT DEPTH: The mean horizontal distance from a front lot line to a rear lot line.

LOT, DOUBLE FRONTAGE: A lot abutting two (2) parallel or approximately parallel streets.

LOT, FLAG: A lot located to the rear of another lot, the main body of which does not front on a street and is accessed by a narrow corridor.

LOT FRONTAGE: The distance, measured along the front lot line, that a lot adjoins a street.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE: A line of record bounding a lot that divides one lot from another or from a street.

LOT LINE ADJUSTMENT: The relocation of a lot line between two (2) adjoining lots with the consent of the owners of record and which does not create a new lot.

LOT LINE, FRONT: A lot line separating a lot from an existing street or, where a new street is proposed, the proposed street right-of-way line as shown on the road master plan. For an interior lot, the lot line adjoining the street; for a double frontage lot, a lot line adjoining one (1) of the streets as elected by the City.

LOT LINE, REAR: The lot line generally opposite and most distant from the front lot line, except in the case of a triangular or gore shaped lot, a "constructive" line ten feet (10') in length within the lot, parallel to the front lot line which intercepts the side lot lines at points most distant from the front lot line.

LOT LINE, SIDE: Any lot line that is not a front lot line or rear lot line. A side lot line separating one lot from another is an interior side lot line.

LOT, NON-CONFORMING: A lot that because of subsequent zoning changes, does not conform with the lot size or other dimensional or property development standards applicable in the zone where the lot is located, and that:

(a) Legally existed (See definition for “Legally Existed”) before its current zoning designation; or

(b) Has been shown continuously on the records of the County Recorder as an independent parcel prior to annexation.

LOT WIDTH: The distance between side lot lines, measured at the required front yard setback line as required by the zone in which the lot is located.

MANUFACTURED HOME: A transportable factory built dwelling unit constructed on or after June 15, 1976, according to the federal home construction and safety standards act of 1974 (HUD code), in one or more sections, which:

(a) In the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is four hundred (400) or more square feet;

(b) Is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities;

(c) Includes plumbing, heating, air conditioning, and electrical systems; and

(d) Is identified by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards.

MANUFACTURED/MOBILE HOME: A manufactured home or mobile home.

MANUFACTURED/MOBILE HOME LOT: A plot of ground within a manufactured/mobile home park or subdivision designed for the accommodation of one manufactured home or mobile home.

MANUFACTURED/MOBILE HOME PARK: A lot (or contiguous lots) under single ownership or control designed and planned to accommodate the placement of manufactured/mobile homes on leased or rented spaces pursuant to the requirements of chapter 43 of this chapter.

MANUFACTURED/MOBILE HOME SUBDIVISION: A platted and recorded subdivision zoned and designed for manufactured/mobile home use pursuant to the requirements of chapter 43 of this chapter where such homes may be placed on permanent foundations.

MANUFACTURING, GENERAL: An establishment engaged in the manufacture of finished products or parts, predominantly from previously prepared materials, including processing, fabrication, assembly, treatment and packaging, and incidental storage, sales and/or distribution of such products, but excluding basic industrial processing and manufacturing activities.

MANUFACTURING, LIMITED: An establishment engaged in the limited processing, fabrication, assembly and/or packaging of products utilizing processes that:

(a) Have no noise, odor, vibration, or other impacts discernible outside a building, and

(b) Do not violate any applicable noise ordinance.

MASONRY: Stone, brick, dyed block or split faced concrete block.

MEDIA SERVICE: An establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, including radio, television, film or sound recording studios.

MEDICAL OR DENTAL LABORATORY: An establishment that conducts basic medical or dental research and analysis, but excluding a facility providing any type of in-house patient services typically provided by hospitals and clinics.

MEDICAL SERVICE: An establishment providing therapeutic, preventive, or corrective personal treatment services on an outpatient basis by physicians, dentists, and other practitioners of the medical or healing arts, as well as the provision of medical testing and analysis services. Typical uses include medical and dental offices and clinics, blood banks and medical or dental laboratories.

MINERAL EXTRACTION: Removal of sand, gravel, dirt, or other materials by grading or excavating.

MIXED USE CENTER: See definition of Planned Center.

MOBILE HOME: A transportable factory built dwelling unit built prior to June 15, 1976, in accordance with a state mobile home code which existed prior to the federal manufactured housing and safety standards act (HUD code).

MOBILE HOME PARK: See definition of Manufactured/Mobile Home Park.

MODERATE INCOME HOUSING: Housing occupied or reserved for occupancy by households with a gross household income equal to or less than eighty percent (80%) of the median gross income for households of the same size in Washington County.

MODERATE INCOME HOUSING PLAN: A written document conforming to the requirements of the Utah Code.

MODULAR HOME: A dwelling unit designed for long term occupancy built on a permanent foundation from component elements manufactured off site in accordance with the construction standards adopted pursuant to section 58-56-4 of the Utah Code and transported to the building site.

MORTUARY: See definition of Funeral Home.

MOTEL: Any building or group of buildings containing sleeping rooms, with or without fixed cooking facilities, designed for temporary occupancy by tourists or transients, with a garage attached or parking space conveniently located to each unit.

MOTOR HOME: A motor vehicle built on a truck or bus chassis and designed to serve as self-contained living quarters for recreational travel and use.

NATURAL FEATURES: Non-manmade land characteristics, including drainage swales, wetlands, rock outcroppings, streams, and concentrated native stands of large shrubs or trees.

NATURAL STATE: Land which has not been subjected to grading, removal of vegetation or building development.

NATURAL WATERWAY: Those areas, varying in width, along streams, creeks, gullies, springs, or washes which are natural drainage channels.

NON-COMPLYING STRUCTURE: A structure that:

(a) Legally existed before its current zoning designation; and

(b) Because of subsequent zoning changes, does not conform with the setback, height restrictions, or other regulations that govern the structure.

NON-CONFORMING LOT: See definition of Lot, non-conforming.

NON-CONFORMING USE: See definition of Use, non-conforming.

NONCONFORMITY, OTHER: See definition of Other Nonconformity.

OFFICE, GENERAL: A building, room or department where executive, management, administrative or professional services are provided, except medical services, and excluding the sale of merchandise, except as incidental to a principal use. Typical uses include real estate brokers, insurance agencies, credit reporting agencies, property management firms, investment firms, employment agencies, travel agencies, advertising agencies, secretarial services, data processing, telephone answering, telephone marketing, paging and beeper services and facsimile transmission services; post offices and express mail offices, excluding major mail processing and distribution; offices for utility bill collection; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; interior decorating consulting services; and business offices of private companies, utility companies, public agencies, trade associations, unions and nonprofit organizations.

OFFICIAL MAP: A map drawn by municipal authorities and recorded in a county recorder's office that:

(a) Shows actual and proposed rights of way, centerline alignments, and setbacks for highways and other transportation facilities;

(b) Provides a basis for restricting development in designated rights of way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and

(c) Has been adopted as an element of the municipality's general plan.

OPEN SPACE: Generally unobstructed land such as, but not limited to, landscaped buffers and yards, parks, trails, meadows, forested areas, pastures, and farm fields.

OPERATIONS CENTER: A maintenance, repair, or service facility operated by a local, state, or federal government agency.

OTHER NONCONFORMITY: A situation other than a non-conforming lot, use, or non-complying structure that:

(a) Legally existed before the current zoning designation of the lot where the nonconformity is located; and

(b) Because of subsequent zoning changes, does not conform with applicable requirements of this chapter.

OWNER: Any person who alone, jointly or severally with others, or in a representative capacity (including, without limitation, an authorized agent, executor or trustee) has legal or equitable title to any property.

PARK: A playground or other area or open space providing opportunities for active or passive recreational or leisure activities. Excludes areas for motocross, drag racing, shooting and similar activities.

PARK MODEL DEVELOPMENT: Any site, tract, or parcel of land on which facilities have been developed to accommodate two (2) or more park model trailers or RVs as temporary living quarters pursuant to the requirements of chapter 43 of this chapter.

PARK MODEL RECREATIONAL VEHICLE: A unit that:

(a) Is designed and marketed as temporary living quarters for recreational, camping, travel, or seasonal use;

(b) Requires a special highway movement permit for transit; and

(c) Is built on a single chassis mounted on wheels with a gross trailer area not exceeding four hundred (400) square feet in the setup mode; and

(d) Is not self-contained, requiring outside water, power, and sewer connections.

PARK MODEL TRAILER: A transportable dwelling unit built on a single chassis which:

(a) In the traveling mode, is eight (8) body feet or more in width and not more than forty (40) body feet in length, or when is erected on site, has a gross area of at least three hundred twenty (320) square feet and less than four hundred (400) square feet;

(b) Is designed to be connected to utilities necessary for operation of installed fixtures and appliances; and

(c) Meets the standards set forth in ANSI A-119.5 or its successor.

PARK STRIP: The area located between a street right of way line and the edge of asphalt or curb, but not including driveways, sidewalks, or trails.

PARKING BAY: A parking area within a parking lot consisting of one or two (2) rows of parking spaces and the aisle from which motor vehicles may enter and exit parking spaces.

PARKING GARAGE, PUBLIC: A structure, or portion thereof, used for parking and storage of more than four (4) motor vehicles.

PARKING LOT, PUBLIC: A paved, open area other than a street, alley, or driveway, used for temporary parking of more than four (4) motor vehicles and available for public use, whether free, for compensation, or as an accommodation for clients or customers. PARKING SPACE: An area designated within a building, parking lot, or other parking area for the parking or storage of one motor vehicle.

PARKING, TANDEM: A secondary parking space located directly to the rear of a primary parking space, and which when occupied, restricts access to the primary parking space.

PAWNSHOP: Any person or establishment engaged in any of the following:

(a) Lending money on deposit of personal property.

(b) Dealing in the purchase, exchange, or possession of personal property on condition of selling the same back again to the pledgor or depositor.

(c) Lending or advancing of money on personal property by taking chattel mortgage security thereon and taking or receiving possession of such personal property.

(d) Selling unredeemed pledged personal property together with such new merchandise as will facilitate the sale of such property.

PERIMETER BUILDING PAD: A separate building location, usually along the street frontage, developed or designated in connection with a larger commercial site.

PERSON: An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity, including a trustee, receiver, assignee or similar representative of any of the foregoing.

PERSONAL CARE SERVICE: An establishment primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops, custom tailoring and seamstress shops, electrolysis studios, licensed massage therapists, portrait studios, shoe repair shops, tailors, tanning and nail salons, and weight loss centers, but excludes tattoo establishments.

PERSONAL INSTRUCTION SERVICE: An establishment primarily engaged in the provision of informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include art and music schools, driving and computer instruction, gymnastic and dance studios, handicraft or hobby instruction, health and fitness studios, martial arts training, and swimming clubs.

PLAN FOR MODERATE INCOME HOUSING: A written document adopted by the city council that includes:

(a) An estimate of the existing supply of moderate income housing located within the city;

(b) An estimate of the need for moderate income housing in the city for the next five (5) years as revised biennially;

(c) A survey of total residential land use;

(d) An evaluation of how existing land uses and zones affect opportunities for moderate income housing; and

(e) A description of the city's program to encourage an adequate supply of moderate income housing.

PLANNED CENTER: A development comprised of a variety of uses where landscaping, parking and other improvements are provided in a comprehensive and integrated fashion. PLANNING COMMISSION: The Planning Commission of Hildale City, Utah.

PLAT: A map or depiction of a subdivision showing thereon the division of a tract or parcel of land into lots, blocks, and streets.

PLOT PLAN: A schematic scaled drawing of a building lot or a development which:

(a) Is less detailed than a site plan, and

(b) Indicates, as may be required by this chapter, the placement and location of yards, property lines, adjacent parcels, utilities, topography, waterways, irrigation, drainage, landscaping, parking areas, driveways, buildings, trash containers, open storage, streets, sidewalks, curbs, gutters, signs, lighting, fences and other features of existing or proposed construction or land use.

POST OFFICE: A facility or structure owned or leased by the U.S. postal service and used for collecting, sorting or distributing mail within one or more zip code areas, or providing limited retail services for the general public, such as the sale of stamps, postcards, postal insurance, and related items.

PRINTING AND COPYING, LIMITED: A business establishment engaged in retail photocopying, reproduction, photo developing or blueprinting services.

PRINTING, GENERAL: The production of books, magazines, newspapers and other printed matter, as well as publishing, engraving and photoengraving, but excluding printing and copying, limited.

PRODUCE STAND: A booth, stall or other area located on agricultural property where produce is sold to the general public.

PROTECTIVE HOUSING FACILITY: See section 152-46-3 of this chapter.

PROTECTIVE SERVICE: A facility providing public safety and emergency services, including fire and police protection services and emergency medical and ambulance services.

PUBLIC: That which is under the ownership or control of the United States government, the State of Utah or any subdivision thereof, Washington County, or the city (or any departments or agencies thereof).

PUBLIC ENTRANCE: An entrance to a building or premises customarily used or intended for use by the general public but excluding fire exits, special employee entrances, and loading dock entrances not generally used by the public.

PUBLIC HEARING: A hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

PUBLIC MEETING: A meeting that is required to be open to the public under title 52, chapter 4, open and public meetings, of the Utah Code.

PUBLIC UTILITY SUBSTATION: Any aboveground device of a water, irrigation, sewer, natural gas, electrical, telecommunications (including, but not limited to, radio, telephone and cellular telephone), cable television, or other public or private utility system intended to regulate the function of a utility line or which receives or transmits a signal. Excluded from this definition are:

(a) Conventional utility poles, features or equipment to be placed on such a pole, light poles;

(b) Features or equipment whose primary benefit is limited to the building or land use where the feature or equipment is located; and

(c) Features or equipment with maximum horizontal and vertical dimensions of three feet (3').

REASONABLE ACCOMMODATION: See section 152-46-3 of this chapter.

RECEPTION CENTER: A facility rented for private social gatherings.

RECREATION AND ENTERTAINMENT, INDOOR: An establishment offering recreation, entertainment or games of skill to the general public that is wholly enclosed in a building. Typical uses include bowling alleys, indoor theaters, bingo parlors, pool halls, billiard parlors, video game arcades, racquetball and handball courts, and amusement rides.

RECREATION AND ENTERTAINMENT, OUTDOOR: An establishment offering recreation, entertainment or games of skill to the general public or members wherein any portion of the activity takes place in the open. Typical uses include archery ranges, batting cages, golf driving ranges, drive-in theaters, miniature golf courses, tennis courts, and amusement rides. No use involving aircraft of any type is included in this definition.

RECREATIONAL VEHICLE: A vehicular unit designed as temporary living quarters for travel, recreation, and vacation use which is either self-propelled or is mounted on or pulled by another vehicle, including, but not limited to, a camping trailer, travel trailer, fifth wheel trailer, truck camper, or motor home. A recreational vehicle is self-contained, not requiring outside connection to water, sewer, or power, though connection may be possible.

RECREATIONAL VEHICLE PARK: Any site, tract, or parcel of land on which facilities have been developed to accommodate two (2) or more recreational vehicles as temporary living quarters pursuant to the requirements of chapter 43 of this chapter.

RECREATIONAL VEHICLE SPACE: A plot of ground within a recreational vehicle park designed for the accommodation of one (1) recreational vehicle.

REHABILITATION/TREATMENT FACILITY: See section 152-46-3 of this chapter.

REPAIR SERVICE: An establishment primarily engaged in providing repair services, but excluding vehicle and equipment repair. Typical uses include appliance repair shops, computer and other electronic equipment repair, furniture repair and upholstery shops, watch or jewelry repair shops, and musical instrument repair shops.

RESEARCH SERVICE: An establishment engaged in industrial, medical, or scientific inquiries. RESIDENCE: See section 152-46-3 of this chapter.

RESIDENTIAL CERTIFICATE CHILD CARE: Child care provided in a private home for up to eight (8) children. This can include up to (but not more than) two (2) children under the age of two (2).

RESIDENTIAL FACILITY FOR ELDERLY PERSONS: See section 152-46-3 of this chapter.

RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY: See section 152-46-3 of this chapter.

RESIDENTIAL FACILITY FOR TROUBLED YOUTH: See section 5-4-2 of this Code.

RESIDENTIAL HOSTING: A limited commercial activity within an owner occupied residential structure where not more than eight (8) sleeping rooms may be rented to paying guests on a nightly basis and

meals are not customarily provided pursuant to the requirements of chapter 51 of this chapter.

RESTAURANT, FAST FOOD: An establishment that sells ready to eat food and beverages quickly and which has one or more of the following characteristics:

(a) Food and beverage orders are not taken at the customer's table;

(b) Food and beverages are generally served in disposable wrapping or containers; or

(c) Food and beverages are offered directly to the customer in a motor vehicle from a "drive-up" service window.

RESTAURANT, GENERAL: An establishment that derives not less than fifty percent (50%) of its gross receipts from the sale of food and beverages for consumption on the premises and which has one or more of the following characteristics:

(a) Food and beverage orders are taken at the customer's table from an individually provided menu;

(b) Food and beverages are served in nondisposable containers by a restaurant employee at the same table or counter where said items are consumed;

(c) Food and beverages are generally self-served in nondisposable containers and consumed on the premises; or

(d) A restaurant having some characteristics of a fast food restaurant, other than drive-up service, which is located exclusively within a shopping center, shares common parking facilities with other businesses within the center, and has access to a common interior pedestrian accessway.

RETAIL, GENERAL: An establishment that rents or sells goods to the public, but excluding uses specifically classified in another definition herein. Typical uses include apparel stores, antique shops, art and hobby supply stores, bicycle shops, bookstores, clothing rental stores, department stores, discount stores, drugstores, electronic appliance stores, florists, food stores, furniture and appliance stores, gift and novelty shops, glass and mirror shops, hardware stores, jewelry stores, medical supply stores, music stores, optical retail sales, paint stores, pet stores, photocopying and blueprinting shops, photography supply stores, record, tape and video stores, sporting goods stores, toy stores and variety stores.

ROAD MASTER PLAN: The roads shown on the future land use map adopted by the city council as part of the city's general plan.

ROOFLINE: The highest point on any building where an exterior wall encloses usable floor space (including roof areas for housing mechanical equipment) and the highest point on any parapet wall if the parapet wall extends around the entire perimeter of the building.

SANITARY SEWER AUTHORITY: The department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or on site wastewater systems.

SCHOOL, ELEMENTARY, MIDDLE, OR HIGH: Any building or group of buildings or premises approved by the state of Utah for public or private elementary or secondary instruction.

SCHOOL, VOCATIONAL: An establishment, for profit or not, offering regularly scheduled instruction in technical, commercial or trade skills, such as, but not limited to, business, real estate, building and construction trades, electronics, computer programming and technology, automotive and aircraft mechanics and technology, and similar types of instruction.

SECONDHAND STORE: A retail establishment that engages in the purchase and resale of used goods such as clothing, furniture, appliances, books, and other household items.

SENIOR CENTER: A facility sponsored or administered by a public or private entity which provides residences or other services for senior citizens.

SENSITIVE LAND: Any land area whose destruction or disturbance could affect the health, safety, or welfare of city residents, including wetlands, steep slopes, floodplains, and unstable soils.

SEXUALLY ORIENTED BUSINESS: See section 152-47-2 of this chapter.

SHOPPING CENTER: A group of three (3) or more commercial establishments that is planned, developed, and managed as a unit with common areas for off street parking and landscaping provided on the property.

SHORT TERM RENTAL OR VACATION RENTAL: To rent, lease, loan, let or otherwise hire out any rental dwelling unit for a period of thirty (30) days or less.

SIGN: See definition in section 152-36-2 of this chapter.

SITE PLAN: A schematic, scaled drawing of a building lot or location which indicates, as may be required by this chapter, the placement and location of yards, property lines, adjacent parcels, utilities, topography, waterways, irrigation, drainage, landscaping, parking areas, driveways, buildings, trash containers, open storage, streets, sidewalks, curbs, gutters, signs, lighting, fences and other features of existing or proposed construction or land use.

SPECIFIED PUBLIC UTILITY: An electrical corporation, gas corporation, or telephone corporation, as those terms are defined in section 54-2-1 of the Utah Code.

STABLE, PRIVATE: A detached accessory building for the keeping of horses, the majority of which are owned by the occupants of the premises.

STABLE, PUBLIC: A commercial establishment that boards, breeds, trains, raises, or rents horses for riding or other equestrian activities.

START OF CONSTRUCTION: The issuance date of a building permit, provided that construction, repair, reconstruction, placement, or other improvement begins within one hundred eighty (180) days of the permit date. "Begins" means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. "Begins" does not include:

(a) Land preparation, such as clearing, grading and filling;

(b) Installation of streets and/or walkways;

(c) Excavation for a basement, footings, piers, or foundations or the erection of temporary forms; or

(d) Installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STORY: That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

STREET: A public or private right of way, including avenues, highways, boulevards, parkways, roads, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public easements, and other ways, that

provides access to adjoining property, and including the street definitions set forth in chapter 39 of this chapter.

STRUCTURAL ALTERATION: Any change in supporting members of a building or structure, such as bearing walls, columns, beams or girders.

STRUCTURE: Any building, shelter, sign, wall, fence, pole or other improvement with a fixed location on the ground or attached to something having a location on the ground.

SUBDIVIDER: Any person who undertakes to create a subdivision.

SUBDIVISION: Any land that is divided, resubdivided, or proposed to be divided into two (2) or more lots, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes:

(a) The division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument, and

(b) Except as provided in the exceptions below, a division of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

Subdivision does not include:

(a) A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable provision of this chapter.

(b) A recorded agreement between owners of adjoining properties adjusting their mutual boundaries if no new lot is created and the adjustment does not result in a violation of applicable requirements of this chapter; or

(c) A recorded document, executed by the owner of record, revising the legal descriptions of more than one contiguous parcel of property into one legal description encompassing all such parcels of property

(d) The joining of a subdivided lot to an unsubdivided lot does not constitute a subdivision as to the unsubdivided lot.

SUBSTANTIAL ACTION: Action taken in good faith to exercise development rights authorized pursuant to a development approval given under the authority of this chapter.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a building or structure, the total cost of which equals or exceeds, or, if before completion, is estimated to equal or exceed, fifty percent (50%) of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. Substantial improvement includes the first alteration of any wall, ceiling, floor, or other structural part of the building or structure.

TAKEOFF AND LANDING OF AIRCRAFT: Any method of propulsion allowing aircraft to leave the ground or land on the ground, including, but not limited to, helicopters, airplanes, gliders, ultralights, or other aircraft.

TANDEM PARKING: See definition of Parking, Tandem.

TATTOO ESTABLISHMENT: Any location, place, area, structure, or business used for the practice of affixing a permanent mark or design on or under the skin by a process of cutting for the purpose of scarring or pricking or ingraining an indelible pigment, dye, or ink in the skin, or instruction for such a practice.

TAVERN: An establishment licensed by the Utah alcoholic beverage control commission for serving liquor by the drink to the general public.

TEMPORARY DWELLING: See definition of Dwelling, Temporary.

TEMPORARY TRAILER: A temporary trailer or structure utilized solely by a builder during construction of a project for purposes incidental to the construction work on the property.

TRANSITIONAL HOUSING FACILITY: See section 152-46-3 of this chapter.

TRANSPORTATION SERVICE: An establishment that moves people or goods and services. Typical uses include taxicab service, passenger autos for rent with drivers, ambulance service, and parcel delivery service.

TRAVEL TRAILER: A vehicular unit without motive power which:

(a) In the traveling mode, is eight (8) body feet or less in width and forty (40) body feet or less in length, or when erected on site, is not more than three hundred twenty (320) square feet; and

(b) Is designed as temporary living quarters for travel, recreation, and vacation use.

USE: The purpose or activity for which land, a lot, or building or structure thereon, is designed, arranged or intended, or for which it is occupied or maintained.

USE, ACCESSORY: A subordinate use customarily incidental to a permitted or conditional use and located on the same lot as such use.

USE, CONDITIONAL: A main use that, because of its unique characteristics or potential impact on the city, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

USE, ILLEGAL: A use that is not allowed where located as a permitted use, conditional use, accessory use, or non-conforming use.

USE, INCOMPATIBLE: A use which is different in activity, intensity, or utilization which is or will be in conflict with uses on adjoining lots.

USE, MAIN: The primary purpose for which a lot or structure is designed, arranged or intended, or for which it is occupied or maintained as allowed by the provisions of this chapter.

USE, NON-CONFORMING: A use of land that:

(a) Legally existed before the current zoning designation of the land where the use is located;

(b) Has been maintained continuously since the time the zoning designation governing the land changed; and

(c) Because of subsequent zoning changes, does not conform with the zoning regulations that now govern the land.

USE, PERMITTED: A main use of a building, structure, or land allowed in one or more of the respective zones set forth in this chapter and which may be lawfully established provided it conforms with applicable provisions of this chapter.

USE, TEMPORARY: A use not allowed as a permitted, conditional or accessory use where located and which is established for a limited time with the intent to discontinue the use upon expiration of the time period authorized by a temporary use permit.

UTILITY, MAJOR: A facility, other than collection or distribution lines or supporting structures thereto, of any agency which, under public franchise or ownership, provides the general public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection or other similar service. Excludes corporate or general offices, storage or service buildings or yards, gas or oil processing, manufacturing or storage facilities or postal facilities, or other uses defined in this section. Typical uses include commercial radio, television and microwave communication towers, electric generation plants or substations, railroad switching yards, reservoirs, sanitary landfills and water and wastewater treatment plants.

UTILITY, MINOR: A facility of any agency under public franchise or ownership to provide services deemed necessary to support development which involve only minor structures, such as poles and lines, but not including utility substations.

VARIANCE: A waiver or modification granted to a height, bulk, area, width, setback, separation, or other numerical or quantitative requirement of this chapter.

VEHICLE: A properly licensed automobile, truck, trailer, boat or other device in which a person or thing is or can be transported from one place to another.

VEHICLE AND EQUIPMENT RENTAL OR SALE: An establishment engaged in the sale or rental, from the premises, of motor vehicles or equipment, along with incidental service or maintenance. Typical uses include new and used automobile and truck sales, automobile rental, boat sales, motorcycle sales, construction equipment rental yards, moving trailer rental and farm equipment and machinery sales and rental.

VEHICLE AND EQUIPMENT REPAIR, GENERAL: An establishment primarily engaged in the major repair or painting of motor vehicles or heavy equipment, including auto body repairs, installation of major accessories and transmission and engine rebuilding services. Typical uses include major automobile repair garages, farm equipment repair and paint and body shops.

VEHICLE REPAIR, LIMITED: An establishment providing motor vehicle repair or maintenance services within completely enclosed buildings, but not including paint and body shops or other general vehicle repair services. Typical uses include businesses engaged in the following activities: electronic tune ups, brake repairs (including drum turning), air conditioning repairs, generator and starter repairs, tire repairs, front end alignments, battery recharging, lubrication, and sales, repair and installation of minor parts and accessories such as tires, batteries, windshield wipers, hoses, windows, etc.

VETERINARY SERVICE: An establishment providing medical care and treatment for large and small animals, which may include accessory grooming or boarding services. Veterinary service does not include an animal hospital.

VICINITY PLAN: A drawing showing the relationship of proposed real property development to adjoining property.

VIOLATION: The act of disregarding, disobeying, neglecting, omitting or refusing to comply with the requirements or enforcement of this chapter.

WAREHOUSE, SELF-SERVICE STORAGE: An enclosed storage facility of a commercial nature containing independent, fully enclosed bays which are leased to persons exclusively for storage of their household goods or personal property.

WHOLESALE AND WAREHOUSING, GENERAL: An establishment that is primarily engaged in the storage and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment. Uses include major mail distribution centers, frozen food lockers, moving and storage firms, and warehousing and storage facilities.

WHOLESALE AND WAREHOUSING, LIMITED: An establishment that is engaged in the small scale storage and sale of goods to other businesses for resale, excluding self-storage warehouses, major distribution centers, motor freight terminals, moving and storage firms and similar high volume, high turnover facilities. Limited wholesale and warehouse area will generally be under fifty thousand (50,000) square feet in area and operate during conventional business hours.

WIRELESS TELECOMMUNICATIONS FACILITY: See section 152-50-4 of this chapter.

YARD: An open space located between a front, rear, or side building line and an adjoining lot line which is unoccupied and unobstructed from the ground upward by any portion of a building or structure, except as specifically provided in this chapter.

YARD DEPTH: The least horizontal distance between a lot line and a building line.

YARD, FRONT: A space on the same lot extending across the full width of the lot between the front building line and the front lot line. The depth of the front yard is the minimum distance required by this chapter between the front lot line and the front building line.

YARD, REAR: A space on the same lot extending across the full width of the lot between the rear building line and rear lot line. The depth of the rear yard is the minimum distance required by this chapter between the rear lot line and rear building line.

YARD, SIDE: A space on the same lot extending from the front building line to the rear building line between the side building line and the side lot line. The width of a side yard is the minimum distance required by this chapter between the side building line and the side lot line.

ZONE: An area of the incorporated territory of the City as shown on the official zoning map which has been given a designation which regulates and restricts the erection, construction, reconstruction, alteration, repair or use of buildings or structures, or the use of land all as set forth in this chapter.

ZONING ADMINISTRATOR: The person charged with principal responsibility for interpreting and applying the provisions of this chapter.

CHAPTER 6 DECISION MAKING BODIES AND OFFICIALS

Sec 152-6-1 Purpose
Sec 152-6-2 Scope
Sec 152-6-3 City Council
Sec 152-6-4 Planning Commission
Sec 152-6-5 Hearing Officer
Sec 152-6-6 Historic Preservation Commission
Sec 152-6-7 Staff Referral By Planning Commission
Sec 152-6-8 Zoning Administrator
Sec 152-6-9 Final Plat Approval Staff

Sec 152-6-1 Purpose

The purpose of this chapter is to set forth the authority of the decision making bodies and officials responsible for administering the provisions of this chapter.

Sec 152-6-2 Scope

The authority of the decision making bodies and officials set forth in this chapter shall apply to the entirety of this chapter, subject to its various provisions.

Sec 152-6-3 City Council

(a) Powers Not Enumerated In this chapter:
See City Council powers and duties set forth in Title 3, Chapter 30 of this Code.

(b) Powers And Duties Related To this chapter:
In administering this chapter, the City Council shall have the power and authority to act on the matters set forth below. All such power and authority shall be exercised pursuant to the procedural and other applicable provisions of this chapter.

(1) Final adoption, modification or rejection of a proposed General Plan or any amendment thereto for all or part of the City and its surroundings.

(2) Final adoption, approval, modification or rejection of any amendments to the text of this chapter and to the land use map, including any application for a zone change.

(3) Any preliminary plat application for the subdivision of property into more than two (2) lots.

(4) Approval, denial, or modification of a request for annexation into the City.

(5) Hear and decide appeals from administrative decisions as designated in Section 152-7-19.

(6) Establishment of a fee schedule for applications required by the provisions of this chapter.

Sec 152-6-4 Planning Commission

(a) Established:
A Planning Commission, consisting of seven (7) members, is hereby established to exercise the powers and duties specified herein. Members of the Planning Commission shall receive a stipend for each regularly scheduled commission meeting attended, as set by the city council, and reasonable expenses incurred in performing their duties as members of the commission.

(b) Appointment And Terms Of Office:

(1) Planning Commission members shall be appointed by the Mayor with the advice and consent of the City Council.

a. The terms of Planning Commission members shall be staggered. Each member of the Planning Commission shall serve for a term of four (4) years and until a successor is appointed; provided, that the term of the first members shall be such that the terms of two (2) members shall expire each year.

b. Terms of Planning Commission members shall begin on or before the first Monday in February of each year.

c. Planning Commission members may be reappointed for successive terms.

d. The mayor, with the advice and consent of the city council, may remove any member of the planning commission for cause if written charges are filed against

the member with the mayor; provided, that the member shall be afforded a public hearing if one is requested.

e. A vacancy occurring on the planning commission by reason of death, resignation, removal, disqualification or any other reason shall be promptly filled by a replacement appointed in the same manner as the original appointment for the remainder of the unexpired term of the replaced member.

(2) Members and alternate members of the planning commission shall be deemed "volunteers" for purposes of city ordinances, rules, regulations and policies concerning personnel; provided, however, they shall be included in the definition of "employee" for purposes of the Utah governmental immunity act as set forth in section 63G-7-102 et seq., of the Utah Code, as amended.

(c) Organization And Procedure:
The planning commission shall be organized and exercise its powers and duties as follows:

(1) Members of the planning commission shall select one of its members as chairperson to oversee the proceedings and activities of the planning commission, and shall adopt rules for the transaction of business and the conduct of its proceedings.

a. The chairperson shall serve for a term of one year.

b. The chairperson, with the advice and consent of the planning commission, shall appoint one of the planning commission members as alternate chairperson to act in the absence of the chairperson. The chairperson and alternate chairperson may be reelected for successive terms.

(2) The planning commission may adopt reasonable policies and procedures, consistent with the provisions of this chapter, to govern the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for the functioning of the planning commission.

(3) The planning commission shall meet on a regular date each month, as determined by the planning commission, and at such other times as the planning commission may determine. All meetings shall be properly noticed and held in accordance with the open meetings law set forth in title 52, chapter 4, of the Utah Code, as amended.

(4) No official business shall be conducted by the planning commission unless a quorum of its members is present. Three (3) members of the planning commission shall constitute a quorum. The minimum number of yes votes required for the planning commission to take any action shall be the majority of members present, unless otherwise prescribed by law.

(5) Decisions of the planning commission shall become effective at the meeting or hearing in which the decision is made, unless a different time is designated in the commission's rules or at the time the decision is made.

(6) The planning commission shall keep written minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and keep records of its examinations and other official actions. The planning commission may, but is not required to, have its proceedings contemporaneously transcribed by a court reporter or a tape recorder.

a. The planning commission shall transmit reports of its official acts and recommendations to the city council. Any member of the commission may also make a concurring or dissenting report or recommendation to the city council.

b. The minutes of all meetings of the planning commission shall be prepared and

filed in the office of the planning commission. All records in the office of the planning commission are public records and shall be available for public review and access in accordance with title 1, chapter 5, "Government Records Access and Management", of this code.

(d) Powers And Duties:

(1) The planning commission is hereby designated as the land use authority to hear and decide the applications set forth below:

a. Applications for conditional use permits provided for in Section 152-7-9(B)(1).

b. Applications to determine the existence, expansion or modification of a non-conforming use or non-complying structure, as provided in Section 152-7-14.

(2) The planning commission is hereby designated as the appeal authority to hear and decide appeals of administrative decisions as designated in Section 152-7-19.

(3) In addition, the planning commission shall make a recommendation to the city council for:

a. A general plan and amendments to the general plan, as provided in section 152-7-6 of this chapter;

b. Land use ordinances, zoning maps, official maps, and amendments, as provided in section 152-7-7 of this chapter;

c. An appropriate delegation of power to at least one designated land use authority to hear and act on a land use application;

d. An appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of the land use authority;

e. Application processes that:

1. may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested; and

2. shall protect the right of each:

i. Applicant and third party to require formal consideration of any application by a land use authority;

ii. Applicant, adversely affected party, or municipal officer or employee to appeal a land use authority's decision to a separate appeal authority; and

iii. Participant to be heard in each public hearing on a contested application.

(e) Examinations And Surveys:
The planning commission and its authorized agents may enter upon any land at reasonable times to make examinations and surveys as necessary to enable it to perform its function to promote city planning and development.

(f) Appeals:
Any person aggrieved of a final decision of the planning commission may appeal that decision according to the procedures set forth in Section 152-7-19.

HISTORY
Amended by Ord. 2019-002 on 3/6/2019

Sec 152-6-5 Hearing Officer

(a) Established:
In order to provide for just and fair treatment in the administration of this chapter, and to ensure that substantial justice is done, a Hearing Officer is hereby established to exercise the powers and duties specified herein.

(b) (Reserved)

(c) (Reserved)

(d) Powers And Duties:
The Hearing Officer is hereby designated as the appeal authority to hear and decide the following matters: a. Appeals of administrative decisions as designated in Section 152-7-19; b. Applications for a variance from the terms of this chapter, as provided in section 152-7-12 of this chapter;

Sec 152-6-6 Historic Preservation Commission

(a) Established:
In order to identify, preserve, protect and enhance historic areas and structures lying within the boundaries of the city, a historic preservation commission, consisting of five (5) members, is hereby established to exercise the powers and duties specified herein. Members of the commission shall serve without compensation, except for reasonable expenses incurred in performing their duties as members of the commission. It is the intent of this section that the city shall have the power to identify, preserve, protect and enhance historic areas and structures lying within the boundaries of the city, through the establishment of a historic preservation commission and a historic district as provided in section 17A-3-1301 et seq., of the Utah Code, as amended.

(b) Purpose:
The purpose of the historic district is to:

(1) Preserve buildings and related structures of historic and architectural significance; and

(2) Allow improvements to existing structures or new construction to be conducted without destroying or damaging the historic character of said district or neighborhood.

(c) Appointment And Terms Of Office:

(1) Historic preservation commission members shall be appointed by the mayor with the advice and consent of the city council.

a. Members of the historic preservation commission shall have a demonstrated interest, competence or knowledge in or of historic preservation. To the extent available in the city, two (2) commission members shall be professionals, as defined by the national park service regulations, from the disciplines of history, architecture or architectural history.

b. The terms of historic preservation commission members shall be staggered. Each member of the historic preservation commission shall serve for a term of not less than two (2) nor more than four (4) years, as determined by the city council, and until a successor is appointed; provided, that the term of the first members shall be such that the term of one member shall expire each year.

c. Terms of historic preservation commission members shall begin on or before the first Monday in February of each year.

d. Historic preservation commission members may be reappointed for successive terms.

e. The mayor, with the advice and consent of the city council, may remove any member of the historic preservation commission for cause if written charges are filed against the member with the city manager; provided, that the member shall be afforded a public hearing if one is requested.

f. A vacancy occurring on the historic preservation commission by reason of death, resignation, removal, disqualification or any other reason shall be promptly filled by a replacement appointed in the same manner as the original appointment for the remainder of the unexpired term of the replaced member.

(2) Members and alternate members of the historic preservation commission shall be deemed "volunteers" for purposes of city ordinances, rules, regulations and policies concerning personnel; provided, however, they shall be included in the definition of "employee" for purposes of the Utah governmental immunity act as set forth in section 63G-7-102 et seq., of the Utah Code, as amended.

(d) Organization And Procedure:
The historic preservation commission shall be organized and exercise its powers and duties as follows:

(1) Members of the historic preservation commission shall select one of its members as chairperson to oversee the proceedings and activities of the commission, and shall adopt rules for the transaction of business and the conduct of its proceedings.

a. The chairperson shall serve for a term of one year.

b. The chairperson, with the advice and consent of the historic preservation commission shall appoint one of the commission members as alternate chairperson to act in the absence of the chairperson. The chairperson and alternate chairperson may be reelected for successive terms.

(2) The historic preservation commission may adopt reasonable policies and procedures, consistent with the provisions of this chapter, to govern the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for the functioning of the historic preservation commission.

(3) The historic preservation commission shall meet at least twice each year. All meetings shall be properly noticed and held in accordance with the open meetings law set forth in title 52, chapter 4 of the Utah Code, as amended.

(4) No official business shall be conducted by the historic preservation commission unless a quorum of its members is present. Three (3) members of the commission shall constitute a quorum.

(5) Decisions of the commission shall become effective at the meeting or hearing in which the decision is made, unless a different time is designated in the commission's rules or at the time the decision is made.

(6) The historic preservation commission shall keep written minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and keep records of its examinations and other official actions.

a. The historic preservation commission shall transmit reports of its official acts and

recommendations to the city council. Any member of the commission may also make a concurring or dissenting report or recommendation to the city council.

b. The minutes of all meetings of the historic preservation commission shall be prepared and filed in the office of the commission. All records in the office of the historic preservation commission are public records and shall be available for public review and access in accordance with title 1, chapter 5, "Government Records Access and Management", of this code.

(e) Powers And Duties:
The historic preservation commission shall have all the powers and duties, explicit or implied, given such commissions by Utah state law, including, but not limited to, the following. Each of such powers and duties shall be exercised pursuant to the procedural and other provisions of this chapter.

(1) The commission shall conduct or cause to be conducted a survey of the historic, architectural and archaeological resources within the city. The survey shall be compatible with the Utah State Inventory of Historic and Archaeological Sites. Survey and inventory documents shall be maintained and open to the public. The survey shall be updated as deemed appropriate by the commission.

(2) The commission shall review and comment to the Utah historic preservation officer on all proposed national register nominations for properties within the boundaries of the city. When the historic preservation commission considers a national register nomination which is normally evaluated by professionals in a specific discipline and that discipline is not represented on the commission, the commission shall seek expertise in this area before rendering its decision.

(3) The historic preservation commission shall act in an advisory capacity to the city council, planning commission and all other officials and departments of the city, with respect to the identification and protection of local historic and archaeological resources.

(4) The Historic Preservation Commission shall work toward the continuing education of citizens regarding historic preservation and the City's history.

(5) The Historic Preservation Commission shall identify an area or areas containing significant historic buildings or structures to be known as the Hildale Historic District, which district shall be established by an overlay zone to this chapter. The commission shall also propose for adoption by the City Council by subsequent ordinance rules and regulations pertaining to new construction within the Historic District, as well as alterations, repairs or demolition of existing buildings within said district deemed to be of significant historical value. When such rules or regulations have been adopted by ordinance by the City Council, the Historic Preservation Commission shall assist in enforcing said rules and regulations.

(6) The commission shall further support the enforcement of all State laws relating to historic preservation, including, but not limited to, sections 17A-3-1301 et seq., 9-8-201 et seq., and 9-8-401 et seq., of the Utah Code, as amended.

Sec 152-6-7 Staff Referral By Planning Commission

(a) Staff Referral:
The Planning Commission may direct that any matter over which it has jurisdiction be referred to the staff of the Planning Commission for review and preparation of recommendations. Such action shall be taken either by motion of the Planning Commission or pursuant to duly adopted

bylaws of the Planning Commission. The authority for such referrals may be revoked at any time by motion of the Planning Commission or amendment of its bylaws, as the case may be.

(b) Appointment Of Hearing Officer:
In the event a matter is referred to the Planning Commission staff which requires a public hearing, the City Manager shall appoint a Hearing Officer to conduct the hearing in accordance with applicable requirements of this chapter.

(c) Review And Recommendation:
If a matter is referred to the Planning Commission staff as permitted by this section, the staff shall conform to any instructions or limitations contained in the referral, and subject thereto shall review the referred matter, conduct any necessary hearings, and prepare written recommendations for the Planning Commission.

(d) Decision:
Unless the Planning Commission shall otherwise direct, any person who has applied for authorization to develop property under the terms of this chapter may in writing consent to the staff recommendation and waive further action by the Planning Commission. If the applicant waives further action by the Planning Commission, the staff recommendation shall be considered approved by the Planning Commission. Thereafter necessary permits may be issued subject to the terms of this chapter and any applicable conditions of approval.

(e) Limitation:
This section shall not apply to any action with respect to which the Planning Commission is required by law to take direct action.

Sec 152-6-8 Zoning Administrator

(a) Appointment:
The City Manager shall designate a staff person who shall be primarily responsible for administering and enforcing this chapter. Such person shall be known as the Zoning Administrator.

(b) Interpretation:
The Zoning Administrator shall interpret the ordinance to members of the public, City departments, and to other branches of government, subject to general and specific policies established by the Planning Commission and City Council. Upon request, the Zoning Administrator shall make a written interpretation of the text of this chapter pursuant to section 152-7-18 of this chapter.

(c) Administrative Duties:
The Zoning Administrator shall accomplish or cause to be accomplished all administrative actions required by this chapter, including the giving of notice, holding of hearings, preparation of staff reports and receiving and processing of appeals.

(d) Negotiation And Advice:
The Zoning Administrator may negotiate with and advise all persons making application for any project which requires approval by the Planning Commission or City Council.

Sec 152-6-9 Final Plat Approval Staff

(a) The City planning, public works, legal, and engineering staff and/or contract employees are hereby designated to approve subdivision final plats.

CHAPTER 7 ADMINISTRATIVE AND DEVELOPMENT REVIEW PROCEDURES

Sec 152-7-1 Purpose
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Sec 152-7-1 Purpose

The purpose of this chapter is to set forth procedures and standards for considering various types of land use and development applications to assure that applications of the same type will be processed on a uniform basis consistent with applicable law.

Sec 152-7-2 Scope

Any proposed land use or development which is subject to a procedure set forth in this chapter shall be submitted, reviewed and acted upon as provided in this chapter.

Sec 152-7-3 General Requirements

The following requirements shall apply to any application required by this chapter:

(a) Application Forms:
Applications shall be submitted on forms provided by the zoning administrator and in such numbers as reasonably required by the zoning administrator for a particular type of application.

(b) City Initiated Applications:
The planning commission or city council may initiate any action under this chapter without an application from a property owner. Notice, hearing and other procedural requirements of this chapter shall apply to an application initiated by the city.

(c) Development Review Sequence:
No subdivision, site plan or other development application shall be considered unless:

(1) The approval which is requested in the application is allowed by the zone existing on the subject property; or

(2) Where permitted by this chapter, the application is submitted simultaneously with a proposed zoning map amendment that would allow the proposal.

(d) Accurate Information:
All documents, plans, reports, studies and information provided to the city by an applicant in accordance with the requirements of this chapter shall be accurate and complete.

(e) Determination Of Complete Application:
After receipt of an application, the zoning administrator shall determine whether the application is complete. If the application is not complete, the zoning administrator shall notify the applicant in writing and shall:

(1) Specify the deficiencies of the application;

(2) State the additional information which must be supplied; and

(3) Advise the applicant that no further action will be taken on the application until the deficiencies are corrected.

(f) Fees:
When an application is filed the applicant shall pay to the city the fee associated with such application as provided in the fee schedule adopted by the city council. Any application not accompanied by a required fee shall be returned to the applicant as incomplete.

(1) Fees shall be nonrefundable except as provided in subsection G of this section.

(2) Fees shall not be required for applications initiated by the city.

(g) Remedy Of Deficiencies:
If an applicant fails to correct specified deficiencies within thirty (30) days after notification thereof the city may deem the application to be withdrawn. If the application is deemed withdrawn, the application and any associated fee shall be returned to the applicant upon request; provided, however, the city may deduct from the application fee the cost of determining completeness of the application.

(h) Decision Date:
The effective date of a decision or recommendation made under the provisions of this chapter shall be the date of the meeting or hearing in which the decision or recommendation is made by the decision making body or official.

(i) Extensions Of Time:
Unless otherwise prohibited by this chapter, upon written request and for good cause shown, any decision making body or official having authority to grant approval of an application may, without any notice or hearing, grant extensions of any time limit imposed by this chapter on such application, its approval, or the applicant. The total period of time granted by any such extension or extensions shall not exceed twice the length of the original time period.

Sec 152-7-4 Public Hearings And Meetings

Any public hearing or meeting required under this chapter, as the case may be, shall be scheduled and held subject to the requirements of this section.

(a) Scheduling A Public Hearing Or Meeting:
An application requiring a public hearing or meeting shall be scheduled within a reasonable time following receipt of a complete application. The amount of time between receipt of an application and holding a public hearing or meeting shall be considered in light of:

(1) The complexity of the application submitted;

(2) The number of other applications received which require a public hearing or meeting;

(3) Available staff resources; and

(4) Applicable public notice requirements.

(b) Notice Requirements:
The notice required by this land use ordinance shall be satisfied by actual notice or the notice specified as follows:

(1) Applicant Notice: For each land use application or appeal, the city shall notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application or appeal and of any final action thereon. In an appeal, the same notice shall be given to each party in interest to the action appealed from.

(2) Re-Zone Applications: In addition to all other noticing requirements of this chapter and of Utah Code 10-9a-101, all adjacent property owners will be notified by mail post marked ten (10) days before the approval of any re-zone application.

(3) Notice Of Public Hearings And Public Meetings To Consider General Plan Or Modifications:

a. The city shall provide:

1. Notice of the date, time, and place of the first public hearing to consider the original adoption or any modification of all or any portion of a general plan; and

2. Notice of each public meeting on the subject.

b. Each notice of a public meeting under subsection B2a(2) of this section shall be at least ten (10) calendar days before the public hearing and shall be:

1. Published in a newspaper of general circulation in the area;

2. Mailed to each affected entity; and

3. Posted in at least three (3) public locations within the city or on the city's official website.

c. Each notice of a public meeting under subsection B2a(2) of this section shall be posted at least twenty four (24) hours before the meeting and shall be posted in at least three (3) public locations within the city or on the city's official website.

(4) Notice On Adoption Of Modification:

Notice of public hearings and public meetings on adoption of modification of the land use ordinance.

(1) The city shall give:

a. Notice of the date, time, and place of the first public hearing to consider the adoption of any modification of a land use ordinance; and

b. Notice of each public meeting on the subject.

(2) Each notice of a public hearing under subsection B3a(2) of this section shall be:

a. Mailed to each affected entity at least ten (10) calendar days before the public hearing;

b. Posted in at least three (3) public locations within the city or on the city's official website; and

c. Published in a newspaper of general circulation in the area at least ten (10) calendar days before the public hearing; or mailed at least three (3) days before the public hearing to:

1. Each property owner whose land is directly affected by the land use ordinance change; and

2. Each adjacent property owner within the parameters specified by this chapter.

3. Each notice of a public meeting under subsection B3a(2) of this section shall be at least twenty four (24) hours before the meeting and shall be posted in at least three (3) public locations within the city or on the city's official website.

(c) Challenge Of Notice:
If notice required by this section is not challenged in accordance with applicable appeal procedures within thirty (30) days from the date of the hearing or meeting for which notice was given, the notice shall be considered adequate and proper.

(d) Examination And Copying Of Application And Other Documents:
Upon reasonable request, and during normal business hours, any person may examine an application and materials submitted in support of or in opposition to an application in the appropriate city office. Copies of such materials shall be made available at reasonable cost.

(e) Public Hearing And Meeting Procedures:
An application shall be considered pursuant to policies and procedures established by the decision making body or official for the conduct of its meetings.

(f) Withdrawal Of Application:
An applicant may withdraw an application at any time prior to action on the application by the decision making body or official. Application fees shall not be refundable if prior to withdrawal:

(1) A staff review of the application has been undertaken; or

(2) Notice for a public hearing or meeting on the application has been mailed, posted or published.

(g) Record Of Public Hearing Or Meeting:

(1) Written minutes or a digital or tape recording shall be kept of all public hearings or meetings. Such minutes or a digital or tape recording shall include:

a. The date, time, and place of the meeting;

b. The names of members present and absent;

c. The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken;

d. The names of all citizens who appeared and the substance in brief of their testimony; and

e. Any other information that any member requests be entered in the minutes.

(2) The minutes, tape recordings, all applications, exhibits, papers and reports submitted in any proceeding before the decision making body or official, and the decision of the

decision making body or official, shall constitute the record thereof. The record shall be made available for public examination as provided in subsection D of this section.

(h) Notification:
Notice of a decision by the decision making body or official shall be provided to an applicant within a reasonable time.

Sec 152-7-5 General Decision Making Standards

The decision making standards set forth in this section are based on the fundamental distinction between legislative and administrative proceedings: Legislative proceedings establish public law and policy applicable generally, while administrative proceedings apply such law and policy to factually distinct, individual circumstances.

(a) Legislative Proceedings:

(1) The following types of applications are hereby declared to be legislative proceedings:

a. General plan amendment;

b. Zoning map amendment;

c. Land use text amendment; and

d. Temporary regulations.

(2) Decisions regarding a legislative application shall be based on the "reasonably debatable" standard, as follows:

a. The decision making authority shall determine what action, in its judgment, will reasonably promote the public interest, conserve the values of other properties, avoid incompatible development, encourage appropriate use and development, and promote the general welfare.

b. In making such determination, the decision making authority may consider the following:

1. Testimony presented at a public hearing or meeting; and

2. Personal knowledge of various conditions and activities bearing on the issue at hand, such as, but not limited to, the location of businesses, schools, roads and traffic conditions; growth in population and housing; the capacity of utilities; the zoning of surrounding property; and the effect that a particular proposal may have on such conditions and activities, the values of other properties, and upon the general orderly development of the city.

(3) The decision making body should state on the record the basis for its decision.

(4) The Planning and Zoning Administrator should make a suitable form available to guide the public in providing additional information and comments in relation to a requested legislative change.

(b) Administrative Proceedings:

(1) The following types of applications are hereby declared to be administrative proceedings:

a. Permitted use review;

b. Conditional use permit;

c. Site plan review;

d. Variance;

e. Building permit;

f. Nonconformities;

g. Sign permit;

h. Temporary use permit;

i. Routine and uncontested matter;

j. Administrative interpretation; and

k. Appeal of administrative decision.

(2) Decisions regarding an administrative application shall be based on the "substantial evidence" standard and shall include at least the following elements:

a. A statement of the standards for approval applicable to the application;

b. A summary of evidence presented to the decision making body or official;

c. A statement of findings of fact or other factors considered, including the basis upon which such facts were determined and specific references to applicable standards set forth in this chapter or other provisions of this code; and

d. A statement of approval, approval with conditions, or disapproval, as the case may be.

Sec 152-7-6 General Plan Amendment

The general plan and any of its elements may be amended as provided in subsection 152-2-2H of this chapter.

Sec 152-7-7 Zoning Map And Text Amendments

(a) Purpose:
This section sets forth procedures for amending the provisions of this chapter and the zoning map.

(b) Authority:
The city council may from time to time amend the text of this chapter and the zoning map as provided in this section. Amendments may include changes in the number, shape, boundaries, or area of any zoning district, zoning district regulations or any other provision of this chapter. The provisions set forth herein shall not apply to temporary land use regulations which may be enacted without public hearing in accordance with section 152-7-20 of this chapter.

(c) Initiation:
Proposed amendments to the text of this chapter and the zoning map may be initiated by the city council, planning commission or a property owner affected by a proposed amendment as provided in subsection D1 of this section.

(d) Procedure:
Zoning text and map amendments shall be considered and processed as provided in this subsection.

(1) An application shall be submitted to the zoning administrator in a form established by the administrator along with any fee established by the city's schedule of fees. The application shall include at least the following information:

a. The name, address and telephone number of the applicant and the applicant's agent, if any;

b. The name and address of every person or company the applicant represents;

c. The requested amendment and reasons supporting the request; and

d. If the proposed amendment requires a change in the zoning map, the application shall include:

1. An accurate property map showing present and proposed zoning classifications;

2. All abutting properties showing present zoning classifications; and

3. An accurate legal description and an approximate common address of the area proposed to be rezoned.

e. If the proposed amendment requires a change in the text of this chapter, the application shall include chapter and section references and a draft of the proposed text.

(2) After the application is determined to be complete, the zoning administrator shall prepare a staff report evaluating the application.

(3) The planning commission shall hold a public hearing on the application as provided in section 152-7-4 of this chapter. Following a public hearing the planning commission may recommend for approval, approval with modifications, or denial thereof to the city council.

(4) Following receipt of a recommendation from the planning commission, the city council shall hold a public meeting on the application as provided in section 152-7-4 of this chapter. The city council may approve, approve with modifications, or deny the proposed amendment.

(e) Approval Standards:
A decision to amend the text of this chapter or the zoning map is a matter within the legislative discretion of the city council as described in subsection 152-7-5A of this chapter. In making an amendment, the following factors should be considered:

(1) Whether the proposed amendment is consistent with goals, objectives and policies of the city's general plan;

(2) Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;

(3) The extent to which the proposed amendment may adversely affect adjacent property; and

(4) The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection.

(f) Appeal Of Decision:
Any party adversely affected by a decision of the city council to amend the text of this chapter or

the zoning map may, within thirty (30) days after such decision, appeal to the district court as provided in section 10-9a-801 of the Utah Code, as amended.

(g) Effect Of Approval:
Approval of an application to amend the provisions of this chapter or the zoning map shall not be deemed an approval of any conditional use permit, site plan or other permit. Approval of such permits shall be obtained in accordance with applicable provisions of this chapter.

(h) Effect Of Disapproval:
City council denial of an application to amend the provisions of this chapter or the zoning map shall preclude the filing of another application covering substantially the same subject or property, or any portion thereof, for one year from the date of the disapproval, except as follows:

(1) Another application may be sooner considered if:

a. The planning commission determines a substantial change in circumstances has occurred to merit consideration of the application. Substantial change may include:

1. A significant change in the affected land area;

2. An agreement with the applicant reducing overall density and incorporating significant design changes including reduced building height, increased setbacks, or other changes resulting in reduced impact on adjacent land uses;

3. Changes in the neighborhood including recent zone changes or land use amendments and/or new roads or other infrastructure to serve the area proposed for the change.

b. The application is for a change to a different zone.

(2) The city council or planning commission may propose any text or zoning map amendment at any time.

Sec 152-7-8 Permitted Use Review

(a) Purpose:
This section sets forth procedures for reviewing permitted uses in public facility, commercial, business and industrial zones to determine compliance with applicable requirements of this chapter. Such review is not required for uses in agricultural, residential, and open space zones.

(b) Authority:
The zoning administrator is authorized to review and approve applications for permitted uses in public facility, commercial, business and industrial zones as set forth in this section.

(c) Initiation:
A property owner, the owner's agent, or a lessee may request a permitted use review as provided in subsection D1 of this section.

(d) Procedure:
Permitted use applications shall be considered and processed as provided in this subsection.

(1) A complete application shall be submitted to the zoning administrator in a form established by the administrator along with any fee established by the city's schedule of fees. The application shall include at least the following information:

a. The name, address and telephone number of the applicant and the applicant's

agent, if any;

b. The address and parcel identification of the subject property;

c. The zone, zone boundaries and present use of the subject property;

d. A description of the proposed use;

e. A plot plan showing the following; and

1. Applicant's name;

2. Site address;

3. Property boundaries and dimensions;

4. Layout of existing and proposed buildings, parking, landscaping, and utilities; and

5. Adjoining property lines and uses within one hundred feet (100') of the subject property.

f. Other information needed to demonstrate the permitted use conforms to applicable provisions of this chapter.

(2) After an application is determined to be complete, the Zoning Administrator shall approve, approve with conditions, or deny the application pursuant to the standards set forth in subsection E of this section. Any conditions of approval shall be limited to conditions needed to conform the permitted use to approval standards.

(3) After making a decision, the Zoning Administrator shall give the applicant written notice of the decision.

(4) A record of all permitted use reviews shall be maintained in the Office of the Zoning Administrator.

(e) Approval Standards:
The following standards shall apply to approval of a permitted use. A permitted use shall:

(1) Be allowed as a permitted use in the applicable zone;

(2) Conform to development standards of the applicable zone;

(3) Conform to applicable regulations of general applicability and regulations for specific uses set forth in this chapter; and

(4) Conform to any other applicable requirements of this Code.

(f) Appeal Of Decision:
Any person adversely affected by a decision of the Zoning Administrator regarding a permitted use review may appeal the decision in accordance with the provisions of section 152-7-19 of this chapter.

(g) Effect Of Approval:
Approval of a permitted use shall authorize an applicant to engage in the permitted use subject to any conditions of approval. Approval of a permitted use shall not be deemed an approval of any conditional use permit, site plan or other permit. Approval of such permits shall be obtained in accordance with applicable provisions of this chapter.

(h) Amendments:
The procedure for amending any permitted use approval shall be the same as the original

procedure set forth in this section.

(i) Revocation:
A permitted use approval may be revoked as provided in section 152-9-6 of this chapter.

(j) Expiration:
A permitted use approval shall expire and have no further force or effect if the building, activity, construction or occupancy authorized by the approval is not commenced within twelve (12) months after approval.

Sec 152-7-9 Conditional Use Permit

(a) Purpose:
This section sets forth procedures for considering and approving conditional use permits.

(b) Authority:

(1) The Planning Commission is authorized to issue conditional use permits for the following uses:

Agricultural industry
Agricultural Sales and Service
Assisted living facility Automobile wrecking yard
Camping Hosting Facility
Dwelling, multi-family
Dwelling, single-family
Dwelling, temporary
Dwelling, two-family
Kennel, Commercial
Gas and fuel, storage and sales
Greater heights and size than permitted by the Code.
Guesthouse or casita without direct access to main dwelling unit
Metal buildings in commercial and residential zones
Off Road Recreational Vehicle Rental
Public stable
Licensed family child care
Reception center
Recreation and entertainment, outdoor
Residential facility for troubled youth

(2) The Zoning Administrator is authorized to issue conditional use permits for the following uses:

Animals and fowl for recreation and family food production
Guesthouse or casita without direct access to main dwelling unit
Dwelling, multi-family
Dwelling, single-family
Dwelling, temporary
Dwelling, two-family

(c) Initiation:
A property owner, or the owner's agent, may request a conditional use permit as provided in subsection D1 of this section.

(d) Procedure:
An application for a conditional use permit shall be considered and processed as provided in this

subsection.

(1) A complete application shall be submitted to the Office of the Zoning Administrator in a form established by the Administrator along with any fee established by the City's schedule of fees. The application shall include at least the following information:

a. The name, address and telephone number of the applicant and the applicant's agent, if any;

b. The address and parcel identification of the subject property;

c. The zone, zone boundaries and present use of the subject property;

d. A description of the proposed conditional use;

e. A plot plan showing the following:

1. Applicant's name;

2. Site address;

3. Property boundaries and dimensions;

4. Layout of existing and proposed buildings, parking, landscaping, and utilities; and

5. Adjoining property lines and uses within one hundred feet (100') of the subject property;

f. Traffic impact analysis, if required by the City Engineer or the Planning Commission;

g. A statement by the applicant demonstrating how the conditional use permit request meets the approval standards for the conditional use desired; and

h. Such other and further information or documentation as the Zoning Administrator may deem necessary for proper consideration and disposition of a particular application.

(2) After the application is determined to be complete, the Zoning Administrator shall schedule a public meeting before the Planning Commission as provided in section 152-7-4 of this chapter or shall review the application to determine if it meets the standards for an administrative conditional use permit.

(3) A staff report evaluating the application shall be prepared by the Zoning Administrator for a conditional use permit that will be reviewed by the Planning Commission.

(4) The Planning Commission shall hold a public meeting and shall thereafter approve, approve with conditions, or deny the application pursuant to the standards set forth in subsection E of this section. A conditional use shall be approved if reasonable conditions are proposed or can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with the applicable standards, the conditional use may be denied.

(5) After the Planning Commission or Zoning Administrator makes a decision, the Zoning Administrator shall give the applicant written notice of the decision.

(6) A record of all conditional use permits shall be maintained in the Office of the Zoning Administrator.

(e) Approval Standards:

The following standards shall apply to the issuance of a conditional use permit:

(1) A conditional use permit may be issued only when the proposed use is shown as conditional in the zone where the conditional use will be located, or by another provision of this chapter.

(2) Standards for each use must be reviewed. Specific standards are set forth for each use in subsections E2a through E2o of this section:

a. Standards for agricultural industry:

1. Adequate fencing and/or enclosures must be provided to ensure animals and fowl are confined safely and in conformance with acceptable animal husbandry standards.
2. Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
3. Evidence must be provided on how the applicant will maintain control of flies and vermin.

b. Standards for agricultural sales and service:

1. Adequate safeguards must be provided to ensure safe storage and handling of agricultural chemicals.
2. Evidence must be provided on how the applicant will maintain control of vermin.
3. All outdoor storage areas for agricultural sales and service uses, and all areas to be used for servicing implements shall be enclosed by a sight-obscuring fence. Aesthetically pleasing landscaping shall be provided around the perimeter of the fence.
4. No more than five percent of retail shelf, floor, counter and overhead display space may be devoted to the sale of grocery or other non-agricultural products, and there shall be no exterior advertisement of the availability of such products.

c. Standards for assisted living facility:

1. The facility shall comply with building, safety, and health regulations applicable to similar structures.
2. The facility shall be licensed by the State of Utah.
3. A site plan shall be approved for the facility to ensure adequate parking and landscaping are installed.

d. Standards for automobile wrecking yard:

1. All storage areas for vehicles, parts, materials or junk shall be enclosed by a sight-obscuring fence not less than six feet high, and in any event of sufficient height that all such stored items will be obscured from view. Aesthetically pleasing landscaping shall be provided around the perimeter of the fence.
2. A concrete slab, equipped with appropriate equipment to collect and contain hazardous materials, shall be provided for all dismantling

operations.

3. Any "crusher" operation must be during the hours of 8 a.m. to 5 p.m. Monday through Friday with no holiday operations.

4. There shall be multiple entrances with aisles wide enough to accommodate access by the appropriate emergency vehicles. No aisles shall dead end into another aisle, fence or building.

e. Standards for dwelling, multi-family; dwelling, single-family; dwelling, temporary; dwelling, two-family:

1. A two-family dwelling, or a multi-family dwelling contained within a standalone structure shall be governed by the development standards of the RM-2 zone, to the extent that such standards are inconsistent with the development standards of the applicable zone.

2. A single-family dwelling shall be governed by the development standards of the R-1-8 zone, to the extent that such standards are inconsistent with the development standards of the applicable zone.

3. A conditional use permit shall be valid for a period not to exceed thirty years.

f. Standards for kennel, commercial;

1. Adequate fencing and/or enclosures must be provided to ensure dogs are confined safely and in conformance with acceptable animal husbandry standards.

2. Applicant must provide a plan for how excrement will be handled to prevent it becoming a nuisance and must follow the plan.

3. Evidence must be provided on how the applicant will maintain control of flies and vermin.

4. A minimum parcel size of 1 acre will be required.

5. Kennels shall not be constructed closer than 100 feet from any dwelling on adjacent parcels.

6. A sign shall be provided identifying the operator of the kennel and a 24-hour emergency phone number.

7. If breeding or whelping operations will be conducted on the property, the applicant must provide a plan to staff the kennel a minimum of eighteen hours per day.

8. No more than six dogs over the age of four months shall be allowed per acre of lot area.

g. Standards for greater heights and size than permitted by the Code:

1. The height may not be greater than two (2) stories or 1.5 times the average height of the immediately adjacent buildings, whichever is greater.

2. The greater size building desired must be of compatible architecture with immediately adjacent buildings, must leave at least thirty five percent (35%) of the lot on which it is located as a pervious surface, and must be for a use permitted in the zone in which it is located.

h. Standards for guesthouse or casita without direct access to main dwelling unit:

1. Applicant must be willing to sign a restrictive notice that will be recorded in the Office of the Washington County Recorder limiting the use of the guesthouse or casita to family members or nonpaying guests unless the casita meets the development standards for a rental unit.
2. Guesthouse or casita must meet size, setback, and height restrictions for the zone in which it is located.
3. Guesthouse or casita must be served by the same utility connections as the main structure on the site.

i. Standards for metal buildings in commercial and residential zones:

1. In Residential (R-1) Zones the height and size may not be greater than permitted in the zone.
2. The building must meet the following design standards:
    i. Exterior building materials shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments.
    ii. Details of proposed colors and materials, including color chips, samples, and colored building elevations, shall be shown on building plans when a development project application is submitted. Colors shall be compatible with surrounding structures.
    iii. Reflective surfaces or colors which may produce excessive reflections or glare that may create a potential safety problem are prohibited.
    iv. In a commercial zone the faces of the building visible from nearby streets must include architectural relief items of non-metal materials including wood, stone, or stucco.

j. Standards for public stable:

1. Adequate fencing and/or enclosures must be provided to ensure horses are confined safely and in conformance with acceptable animal husbandry standards.
2. Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
3. Evidence must be provided on how the applicant will maintain control of flies and vermin.
4. Site must contain adequate off street parking for customers. All trailers must be contained on site.

k. Standards for licensed family child care:

1. Applicant must obtain and maintain compliance with all required licenses/approvals from applicable agencies and all regulations applicable to licensed family child care.
2. Child care activities shall be clearly incidental to the dwelling or residential

use.

3. Signage shall be limited to one nonilluminated nameplate sign that does not exceed twelve square feet in area.
4. Alterations shall not be made to the dwelling or the yard area that change the residential character.
5. There must be no more than one employee that does not reside on the premises.
6. Any vehicles associated with the child care use that are regularly parked on-site must have a gross vehicle weight rating of ten thousand pounds or less, and have no more than two axles.

l. Standards for a reception center:

1. Hours of operation must be compatible with adjoining uses and comply with Hildale City noise regulations.
2. Parking must be provided.
3. The use of on street parking to provide up to forty percent (40%) of the required parking may be permitted if adjoining uses are not residential uses and the street is fully Improved.
4. The center must have an approved site plan.
5. If beer, wine, or other alcoholic beverages are served, the center must be licensed by the State Alcohol Control Board

m. Standards for recreation and entertainment, outdoor:

1. Any structure established in connection with the use shall have a setback of not less than 100 feet from any lot line, except that where such lot line abuts a street, the front setback from the development standards for the applicable zone shall apply.

n. Standards for residential facility troubled youth:

1. The operator must be willing to enter into a non-disclosure agreement with the City and confidentially share information about occupants as necessary to make a decision regarding or to enforce a conditional use permit.
2. The operator must adopt and enforce a policy that the facility may not be occupied by any youth who has previously been found guilty of a crime of moral turpitude or a sex-related offense.
3. The facility must be supervised 24 hours a day by a qualified adult at least ten years older than the oldest youth resident.
4. The facility must not be located within one-half mile of another existing residential facility for troubled youth, a public or private school, a public library, a public park or playground, measured in a straight line between the nearest property boundaries.
5. Alterations shall not be made to the dwelling or the yard area that change the residential character.
6. There must be no more than one employee that does not reside on the premises.

7. Any vehicles associated with the residential facility use that are regularly parked on-site must have a gross vehicle weight rating of ten thousand pounds or less, and have no more than two axles.

o. Standards for animals and fowl for recreation and family food production:

1. Adequate fencing must be provided to ensure animals and fowl are confined safely.
2. Applicant must provide a plan for how manure will be handled to prevent it becoming a nuisance and must follow the plan.
3. Evidence must be provided on how the applicant will maintain control of flies and vermin.
4. The number of fowl will be limited by the point system used in section 152-37-15 of this chapter.
5. Livestock numbers may be limited at the Administrator's discretion based on the size of the lot and the facilities available to contain and protect the animals.

p. Standards for off-highway vehicle rentals:

1. Applicant must be operating a bed and breakfast or residential hosting facility on the same property in conformity with this chapter.
2. Applicant must have a valid Hildale City business license for off-highway vehicle rentals.
3. Off-highway vehicles may only be rented to guests of the bed and breakfast or residential hosting facility.
4. Only one off-highway vehicle may be rented per guest room.

(f) Appeal Of Decision:
Any person adversely affected by a decision of the Planning Commission regarding the transfer, issuance, or denial of a conditional use permit may appeal the decision in accordance with the provisions of section 152-7-19 of this chapter.

(g) Effect Of Approval:
A conditional use permit shall not relieve an applicant from obtaining any other authorization or permit required under this chapter or any other title of this Code.

(1) A conditional use permit may be transferred so long as the use conducted thereunder conforms to the terms of the permit.

(2) Unless otherwise specified by the Planning Commission and subject to the provisions relating to amendment, revocation or expiration of a conditional use permit, a conditional use permit shall be of indefinite duration and shall run with the land.

(h) Amendment:
The procedure for amending any conditional use permit shall be the same as the original procedure set forth in this section.

(i) Revocation:
A conditional use permit may be revoked as provided in section 152-9-6 of this chapter.

(1) In addition to the grounds set forth in section 152-9-6 of this chapter, any of the following shall be grounds for revocation:

a. The use for which a permit was granted has ceased for one year or more;

b. The holder or user of a permit has failed to comply with the conditions of approval or any City, State, or Federal law governing the conduct of the use;

c. The holder or user of the permit has failed to construct or maintain the site as shown on the approved site plan, map, or other approval materials; or

d. The operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a court of competent jurisdiction in any civil or criminal proceeding.

(2) No conditional use permit shall be revoked against the wishes of the holder or user of the permit without first giving such person an opportunity to appear before the Planning Commission and show cause as to why the permit should not be revoked or the conditions amended. Revocation of a permit shall not limit the City's ability to initiate or complete other legal proceedings against the holder or user of the permit.

(j) Expiration:
A conditional use permit shall expire and have no further force or effect if the building, activity, construction, or occupancy authorized by the permit is not commenced within one year after approval.

Sec 152-7-10 Site Plan Review

(a) Purpose:
This section sets forth procedures for considering and approving preliminary site plans and site plans. These procedures are established to encourage adequate advanced planning and assure a good quality environment for the City. Such procedure is intended to provide for orderly, harmonious, safe, and functionally efficient development consistent with priorities, values, and guidelines stated in the various elements of the Hildale City General Plan, this chapter, and the general welfare of the community.

(b) Authority:
The Planning Commission is authorized to approve preliminary site plans and site plans as provided in this section.

(c) Initiation:
A property owner, or the owner's agent, may request approval of a preliminary site plan and/or site plan as provided in subsection D of this section.

(1) A site plan shall be required for any of the following uses unless expressly exempted from such requirement by another provision of this chapter:

a. Any multiple-family residential use;

b. Any public or civic use;

c. Any commercial use; or

d. Any industrial use.

(2) When site plan approval is required, no building permit for the construction of any building, structure, or other improvement to the site shall be issued prior to approval of a

site plan. No cleaning, grubbing, drainage work, parking lot construction, or other site improvement shall be undertaken prior to site plan approval.

(d) Procedure:

The Zoning Administrator shall determine if the scope of the project requires both preliminary site plan and site plan approvals, or solely site plan approval. Both preliminary site plan approval and site plan approval shall be required for zone changes to planned development overlay or changes to an approved planned development overlay. An application for preliminary site plan approval and/or site plan approval shall be considered and processed as provided in this subsection.

(1) If the Zoning Administrator determines that the scope of the project is limited to construction within a structure that was substantially completed prior to November 20, 2018, then the subsections D4(d), D4e1(v), D4e3(iii), D4e(4), and D4e(5) shall not apply.

(2) A complete application shall be submitted to the Zoning Administrator in a form established by the Administrator along with any fee established by the City's schedule of fees.

(3) A preliminary site plan shall be drawn to scale and shall show a realistic layout reflecting how property reasonably could be developed considering existing and envisioned conditions on the subject property and adjoining property, and the development standards of the zone in which the property is located.

a. A preliminary site plan shall include at least the following information:

1. The name, address and telephone number of the applicant and the applicant's agent, if any;
2. Location, topography showing two foot (2') contours, identification of thirty percent (30%) or greater slopes, and layout of proposed uses;
3. Location of open space;
4. Proposed access to the property and traffic circulation patterns;
5. Preliminary utility plan, including water, sewer, and storm drainage plans, and including access points to utilities;
6. Proposed reservations for parks, playgrounds, schools, and other public facility sites, if any;
7. Adjoining properties and uses;
8. Tables showing the number of acres in the proposed development and a land use summary;
9. A phased development plan if applicable.

b. A preliminary site plan is not intended to permit actual development of property pursuant to such plan but shall be prepared merely to represent how the property could be developed. Submittal, review, and approval of an application for a preliminary site plan shall not create any vested rights to development.

(4) Subject to subsection D(1), a site plan application shall include at least the following information:

a. The name, address and telephone number of the applicant and the applicant's agent, if any;

b. The uses for which site plan approval is requested;

c. A set of development plans showing the information required in subsections D4c(1) to D4c(5) of this section. The information required by each subsection shall be shown on separate sheets. Plans shall be drawn at a scale no smaller than one inch equals one hundred feet (1" = 100').

d. Except for the landscaping plan, the plans shall be prepared, stamped and signed by a professional engineer licensed by the state of Utah. The zoning administrator shall reasonably determine the number of sets of plans required to undertake the review required by this section. One set of plans, reduced to fit on eleven inch by seventeen inch (11" x 17") paper, shall be provided

e. .Subject to subsection D(1), development plans shall include:

1. Site plan showing the following:

i. All facilities related to the project located within two hundred fifty feet (250') of the site boundary;

ii. Layout, dimensions, and names of existing and future road rights of way;

iii. Project name;

iv. North arrow;

v. Tie to a section monument;

vi. The boundary lines of the project site with bearings and distances;

vii. Layout and dimensions of existing and proposed streets, buildings, parking areas, and landscape areas;

viii. Location, dimensions, and labeling of other existing and proposed features such as bicycle racks, dumpsters, trash cans, fences, signage, mechanical equipment;

ix. Location of manmade features including irrigation facilities, bridges, railroad tracks, and buildings;

x. A tabulation table, showing total gross acreage, square footage of street rights of way, square footage of building footprint, square footage of total building floor area, square footage of landscaping, number of parking spaces, and if any, the number and type of dwellings, and the percentage devoted to each dwelling type and overall dwelling unit density; and

xi. Identification of property, if any, not proposed for development.

2. Grading and drainage plan showing the following:

i. North arrow, scale, and site plan underlay;

ii. Topography contours at two foot (2') intervals;

iii. Areas of substantial earth moving with an erosion control plan;

iv. Location of existing watercourses, canals, ditches, springs, wells, culverts, and storm drains, and proposed method of dealing with all irrigation and waste water;

v. Location of any designated floodplain and/or wetland boundaries;

vi. Direction of stormwater flows, catch basins, inlets, outlets, waterways, culverts, detention basins, orifice plates, outlets to off site facilities, and off site drainage facilities when necessary based on adopted city requirements; and

3. Utility plan showing the following:

i. North arrow, scale, and site plan underlay;

ii. All existing and proposed utilities including, but not limited to: sewer, culinary water, secondary water, fire hydrants, storm drains, subsurface drains, gas lines, power lines, communications lines, cable television lines, and streetlights;

iii. Minimum fire flow required by the uniform fire code for the proposed structures, and fire flow calculations at all hydrant locations;

iv. Location and dimensions of all utility easements; and

v. A letter from sewer and water providers, addressing the feasibility and their requirements to serve the project.

4. Landscaping plan, consistent with the requirements of chapter 32 of this chapter.

5. Building elevations for all buildings showing the following:

i. Accurate front, rear, and side elevations drawn to scale;

ii. Exterior surfacing materials and colors, including roofing material and color;

iii. Outdoor lighting, furnishings and architectural accents; and

iv. Location and dimensions of signs proposed to be attached to the building or structure.

f. Where one or more conditions of unusual soil, vegetation, geology or slope exist, resulting in increased fire, flood or erosion hazards, traffic circulation problems, sewage disposal problems and potential property damage from extensive soil slippage and subsidence, an applicant shall, upon request of the planning commission or city engineer, provide contour and drainage plans, cut and fill specifications, and soil and geologic reports. The required details of such reports and plans may vary depending on the severity of the unusual conditions, but in any event such plans and reports shall be reviewed and approved by the city prior to final approval of a development project.

g. Any necessary agreements with adjacent property owners regarding storm drainage or other pertinent matters.

h. Evidence of compliance with applicable federal, state, and local laws and regulations, if requested by the zoning administrator.

i. A traffic impact analysis, if requested by the city engineer or the planning commission.

j. Warranty deed or preliminary title report or other document showing the applicant has control of the property, if requested by the zoning administrator.

k. Parcel map(s) from the county recorder's office showing the subject property and all property located within four hundred feet (400') thereof, if requested by the zoning administrator.

(5) After the application is determined to be complete, the zoning administrator shall schedule a public meeting before the planning commission as provided in section 152-7-4 of this chapter.

(6) Prior to Planning Commission consideration of a site plan the Zoning Admistrator shall seek the input of the department heads and Joint Utility Committe and provide any comments received to the Planning Commission.

(7) The planning commission shall hold a public meeting and thereafter shall approve, approve with conditions, or deny the application pursuant to the standards set forth in subsection E of this section. Any conditions of approval shall be limited to conditions needed to conform the site plan to approval standards.

a. In the case of a preliminary site plan for a planned development, planning commission approval shall not be effective unless and until a corresponding planned development overlay zone is approved by the city council.

(e)

(f) Standards For Approval:
The following standards shall apply to the approval of a site plan:

(1) Site Development: The entire site shall be developed at one time unless a phased development plan is approved.

(2) Compliance With Standards: A site plan shall conform to applicable standards set forth in this chapter and other applicable provisions of this Code. Conditions may be imposed as necessary to achieve compliance with applicable Code requirements.

(3) Agreement; Letter Of Credit: In order to assure that the development will be constructed to completion in an acceptable manner, the City may require the applicant to enter into an agreement and provide a satisfactory letter of credit or escrow deposit. The agreement and letter of credit or escrow deposit shall assure timely construction and installation of improvements required by a site plan approval.

(4) Planned Center Uses: In a planned center, individual uses shall be subject to the following requirements:

a. The overall planned center shall have been approved as a conditional use which shall include an overall site plan, development guidelines and a list of uses allowed in the center.

b. Development guidelines for a planned center shall, at a minimum, address the following topics:

1. General site engineering (e.g., storm drainage, provision of utilities, erosion control, etc.);

2. Architectural guidelines, including building setbacks, height, massing and scale, site coverage by buildings, materials, and colors;

3. Landscaping and open space standards

4. Signage;

5. Exterior lighting;

6. Parking, pedestrian and vehicular circulation, and access to the site;
7. Rights of access within the center (use of cross easements, etc.);
8. Development phasing and improvements/amenities to be completed with each phase;
9. Outdoor sales, storage and equipment;
10. Fencing and walls; and
11. Maintenance standards and responsibilities.

c. After approval of a planned center, individual uses therein may be approved pursuant to a building permit. Building permits for individual uses with an approved planned center shall be reviewed by the Zoning Administrator for compliance of the proposed use to the overall site plan, development guidelines and approved use list for the planned center. The Zoning Administrator shall approve, approve with conditions, or deny the permit based on compliance with applicable conditions of the site plan and provisions of this chapter.

(g) Appeal Of Decision:
Any person adversely affected by a decision of the Planning Commission or Zoning Administrator regarding approval or denial of a site plan approval may appeal the decision in accordance with the provisions of section 152-7-19 of this chapter.

(h) Effect Of Approval:
Every site for which a site plan has been approved shall conform to such plan.

(1) A building permit shall not be issued for any building or structure, external alterations thereto, or any sign or advertising structure until the provisions of this section have been met.

No structures or improvements may be constructed unless shown on an approved site plan or required by law.

(2) Approval of a site plan shall not be deemed an approval of any conditional use permit or other permit. Approval of such permits shall be obtained in accordance with applicable provisions of this chapter. However, the Zoning Administrator may allow the application for a conditional use permit to be considered concurrently with the site plan application.

(i) Amendments:
Except as may be provided for elsewhere in this chapter, no element of an approved site plan shall be changed or modified without first obtaining approval of an amended site plan as follows:

(1) Alteration or expansion of an approved site plan may be permitted by the Zoning Administrator upon making the following findings:

a. Any proposed use is consistent with uses permitted on the site;

b. Existing uses were permitted when the site plan was approved, or have received a conditional use permit;

c. The proposed use and site will conform to applicable requirements of this Code;

d. The proposed alteration or expansion meets the approval standards of subsection E of this section;

e. The architecture of the proposed alteration or expansion, and landscaping, site

design and parking layout are compatible with facilities existing on the site; and

f. The site can accommodate any change in the number of employees on the site or any change in impact on surrounding infrastructure.

(2) If the Zoning Administrator cannot make the findings required in the foregoing subsection, a conditional use permit or amended site plan, as the case may be, shall be approved before any alteration or expansion occurs.

(3) The procedure for approval of an amended site plan shall be the same as the procedure for approval of an original site plan as set forth in this section.

(j) Revocation:
A site plan approval may be revoked as provided in section 152-9-6 of this chapter.

(k) Expiration:
A site plan approval shall expire and have no further force or effect if the building, activity, construction or occupancy authorized by the approval is not commenced within one year.

HISTORY
Amended by Ord. 2020-009 on 9/2/2020

Sec 152-7-12 Variance

(a) Purpose:
This section sets forth procedures for considering and approving a variance to the provisions of this chapter. Variance procedures are intended to provide a narrowly circumscribed means by which relief may be granted from particular unforeseen applications of the provisions of this chapter that create unreasonable hardships.

(b) Authority:
The Hearing Officer is authorized to hear and decide variances to the provisions of this chapter as provided in this section.

(c) Initiation:
A property owner, lessee, or holder of a beneficial interest in property, or the agent thereof, may request a variance to the provisions of this chapter as provided in subsection D1 of this section. All such applications shall be signed by the owner of property for which the variance is sought.

(d) Procedure:
An application for a variance shall be considered and processed as provided in this subsection.

(1) A complete application shall be submitted to the zoning administrator in a form established by the administrator along with any fee established by the city's schedule of fees. The application shall include at least the following information:

a. The name, address and telephone number of the applicant and the applicant's agent, if any;

b. The address and parcel identification of the subject property;

c. The specific feature or features of the proposed use, construction or development that require a variance;

d. The specific provision of this chapter from which a variance is sought;

e. A statement of the characteristics of the subject property that prevent compliance

with the provisions of this chapter and result in unnecessary hardship;

f. A statement of the amount of variation needed to permit the proposed use, construction or development;

g. An explanation of how the application satisfies the variance standards set forth in subsection E of this section;

h. A plot plan showing the following:

1. Applicant's name;

2. Site address;

3. Property boundaries and dimensions;

4. Layout of existing and proposed buildings, parking, landscaping, and utilities; and

5. Adjoining property lines and uses within one hundred feet (100') of the subject property;

i. An elevation plan drawn to scale showing elevations of existing and proposed structures;

j. When the variance involves building height, a streetscape plan showing the height of all buildings within one hundred fifty feet (150') of the subject property;

k. When a variance involves grade changes, a topographical drawing prepared by a licensed surveyor or civil engineer, showing existing topography in dashed lines at two foot (2') intervals and showing the proposed grade in solid lines at two foot (2') intervals;

l. When a variance involves retaining walls, a plan showing all retaining walls, including their height relative to proposed grades; and

m. Any other information reasonably determined by the zoning administrator to be pertinent to a requested variance.

(2) After the application is determined to be complete, the zoning administrator shall schedule a public meeting before the Hearing Officer as provided in section 152-7-4 of this chapter.

(3) A staff report evaluating the application shall be prepared by the zoning administrator.

(4) The Hearing Officer shall hold a public meeting and thereafter shall approve, approve with conditions or deny the application pursuant to the standards set forth in subsection E of this section. Any conditions of approval shall be limited to conditions needed to conform the variance to approval standards.

(5) After the Hearing Officer makes a decision, the zoning administrator shall give the applicant written notice of the decision.

(6) A record of all variances shall be maintained in the office of the zoning administrator.

(e) Approval Standards:
The following standards shall apply to a variance:

(1) The Hearing Officer may grant a variance only if:

a. Literal enforcement of this chapter would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this chapter;

b. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district;

c. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district;

d. The variance will not substantially affect the general plan and will not be contrary to the public interest; and

e. The spirit of this chapter is observed and substantial justice done.

(2) The Hearing Officer may find an unreasonable hardship exists only if the alleged hardship is located on or associated with the property for which the variance is sought and comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood. The Hearing Officer may not find an unreasonable hardship exists if the hardship is self-imposed or economic.

(3) The Hearing Officer may find that special circumstances are attached to the property and exist only if the special circumstances relate to the hardship complained of and deprive the property of privileges granted to other properties in the same zoning district.

(4) An applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

(5) A use variance may not be granted.

(6) In granting a variance, the Hearing Officer may impose additional requirements on an applicant that will mitigate any harmful effects of the variance, or serve the purpose of the standard or requirement that is waived or modified.

(7) A variance more restrictive than that requested by an applicant may be authorized when the record supports the applicant's right to some relief but not to the extent requested.

(8) A variance shall not be granted to a lot in a proposed subdivision that would reduce the lot area below the minimum lot area required in the zone in which the subdivision is located.

(f) Appeal Of Decision:
Any person adversely affected by a decision of the Hearing Officer regarding a variance may, within thirty (30) days after such decision, appeal to the district court as provided in section 10-9a-801 of the Utah Code, as amended.

(g) Effect Of Approval:
A variance shall not authorize the establishment of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any approvals or permits that may be required by this chapter or other applicable provisions of this code.

(h) Amendments:
The procedure for amending any variance decision shall be the same as the original procedure set forth in this section.

(i) Expiration:
Variances shall not expire but shall run with the land.

Sec 152-7-13 Building Permit

(a) Purpose:

This section sets forth procedures for determining zoning compliance of a building permit application.

(b) Authority:
The zoning administrator is authorized to review building permits for zoning compliance as provided in this section.

(c) Initiation:
Any person may apply for a building permit as provided in the building codes adopted by the city.

(d) Procedure:
A building permit application shall be reviewed for zoning compliance as provided in this subsection.

(1) A complete building permit application shall be submitted to the building official in a form established by the building official along with any fee established by the city's schedule of fees. The application shall include at least the following information:

a. The name, address and telephone number of the applicant and the applicant's agent, if any; and

b. A plot plan showing the following:

1. Applicant's name;

2. Site address;

3. Property boundaries and dimensions;

4. Layout of existing and proposed buildings, parking, landscaping, and utilities; and

5. Adjoining property lines and uses within one hundred feet (100') of the subject property.

(2) After the application is determined to be complete, the building official shall transmit the application to the zoning administrator. The zoning administrator shall approve, approve with conditions, or deny the zoning compliance request pursuant to the standards set forth in subsection E of this section. Any conditions of approval shall be limited to conditions needed to conform the permit to approval standards.

(3) After making a decision, the zoning administrator shall give the building official written notice of the zoning compliance decision.

(4) A record of all zoning compliance reviews shall be maintained in the office of the building official.

(e) Approval Standards:
The following standards shall apply to determine zoning compliance of a building permit application:

(1) No building permit shall be approved for zoning compliance unless the proposed building, structure or use when built and the land on which it is located will conform to applicable provisions of this chapter and any applicable conditions of approval required under a permit applicable to the subject property.

(2) No building permit shall be issued unless the property or lot for which the building permit is to be issued fronts a dedicated street which meets the width requirement specified by this code and has been improved according to city standards, except where a variance has been approved by the Hearing Officer, or as follows:

a. In the event that property for which a building permit is sought fronts a dedicated street which requires additional footage on each side of the street in order to meet the width requirements of the road master plan or official map, a building permit may be issued if one-half (1/2) of the additional footage is dedicated by the owner of said property for use by the public as a city street.

b. In lieu of requiring completion of all improvements to a dedicated city street prior to the issuance of a building permit, a building permit may be issued if:

1. The road is traversable by normal vehicular traffic, including law enforcement, fire and other emergency vehicles.

(f) Appeal of Decision:
Any person adversely affected by a decision of the zoning administrator regarding zoning compliance of a building permit may appeal the decision in accordance with the provisions of section 152-7-19 of this chapter.

(g) Effect Of Approval:
Approval of zoning compliance shall authorize an applicant to proceed with the building permit review process. The requirements of this section shall be in addition to any other requirements for the issuance of a building permit, as contained in this code.

(h) Amendments:
The procedure for amending any zoning compliance decision shall be the same as the original procedure set forth in this section.

(i) Expiration:
A building permit shall expire and have no further force or effect if the building, activity, construction or occupancy authorized by the permit is not commenced within the time provided by the building code adopted by the city.

HISTORY
Amended by Ord. 2018-007 on 12/5/2018
Amended by Ord. 2019-007 on 6/5/2019
Amended by Ord. 2020-005 on 8/5/2020

Sec 152-7-14 Non-Conforming Use

(a) Purpose:
This section sets forth procedures for determining the existence, expansion, or modification of a non-complying structure, non-conforming use, lot, or other nonconformity.

(b) Authority:
The Planning Commission is authorized to make determinations regarding the existence, expansion or modification of a non-complying structure, non-conforming use, lot, or other nonconformity as provided in this section.

(c) Initiation:
A property owner, or the owner's agent, may request a determination regarding the existence, expansion or modification of a non-complying structure, non-conforming use, lot, or other nonconformity affecting the owner's property as provided in subsection D1 of this section.

(d) Procedure:
An application for a determination of the existence, expansion or modification of a non-complying structure, non-conforming use, lot, or other nonconformity shall be considered and processed as provided in this subsection.

(1) A complete application shall be submitted to the zoning administrator in a form established by the administrator along with any fee established by the city's schedule of fees. The application shall include at least the following information:

a. The name, address and telephone number of the applicant and the applicant's agent, if any;

b. The non-complying structure, non-conforming use, lot, or other nonconformity in question;

c. A description of the action requested by the applicant; and

d. Grounds for finding the non-complying structure, non-conforming use, lot, or other circumstance is non-conforming or for allowing expansion or modification of the nonconformity.

(2) After the application is determined to be complete, the Planning Commission shall approv, approve with conditions or deny the application pursuant to the standards set forth in subsection E of this section. Any conditions of approval shall be limited to conditions needed to conform the nonconformity, its expansion or modification to approval standards.

(3) After a decision has been made, the Planning and Zoning Administrator shall give the applicant written notice of the decision.

(4) A record of all non-conforming use or non-complying structure determinations shall be maintained the office of the Planning and Zoning Administrator.

(e) Standard For Decision:
A determination regarding the existence, expansion or modification of a non-complying structure, non-conforming use, lot, or other nonconformity shall be based on applicable provisions of chapter 8 of this title.

(f) Appeal Of Decision:
Any person adversely affected by a decision of the Planning Commission regarding a non-complying structure, non-conforming use, lot, or other nonconformity may, appeal the decision in accordance with the provisions of section 152-7-19 of this chapter.

(g) Effect Of Decision:
An applicant may continue, expand or modify a non-complying structure, non-conforming use, lot, or other nonconformity, as determined by the Planning Commission.

(h) Expiration:
Determinations regarding nonconformities or non-complying structures shall not expire but shall run with the land.

Sec 152-7-15 Sign Permit

(a) Purpose:
This section sets forth procedures for considering and approving a sign permit.

(b) Authority:
The zoning administrator is authorized to issue sign permits as provided in this section.

(c) Initiation:
Any person may apply for a sign permit as provided in subsection D1 of this section.

(d) Procedure:
An application for a sign permit shall be considered and processed as provided in this

subsection.

(1) A complete application shall be submitted to the zoning administrator in a form established by the administrator along with any fee established by the city's schedule of fees. The application shall include at least the following information:

a. The name, address and telephone number of the applicant and the applicant's agent, if any;

b. A statement by the applicant demonstrating how the sign permit request meets the approval standards of subsection E of this section;

c. A plot plan showing the following:

1. Applicant's name;

2. Site address;

3. Property boundaries and dimensions;

4. Layout of existing and proposed buildings, parking, landscaping, and utilities; and

5. Adjoining property lines and uses within one hundred feet (100') of the subject property; and

d. An elevation drawing showing:

1. Type of sign;

2. Sign location in relation to nearest property line;

3. Sign face design, if an on premises sign;

4. Sign height;

5. Sign face area;

6. Sign illumination details; and

7. Reflective elements and materials.

(2) After the application is determined to be complete, the zoning administrator shall approve, approve with conditions or deny the application pursuant to the standards set forth in subsection E of this section. Any conditions of approval shall be limited to conditions needed to conform the sign permit to approval standards.

(3) After making a decision, the zoning administrator shall give the applicant written notice of the decision.

(4) A record of all sign permits shall be maintained in the office of the zoning administrator.

(e) Approval Standards:
The following standards shall apply to the issuance of a sign permit:

(1) A sign shall conform to applicable provisions of chapter 36 of this chapter.

(2) All signs shall be inspected by a designated officer of the city immediately after installation. The permittee shall request an inspection within five (5) business days after installation. Any sign not conforming to the requirements of chapter 36 of this chapter shall be made to conform or be removed.

(f) Appeal Of Decision:
Any person adversely affected by a decision of the zoning administrator regarding a sign permit may appeal the decision in accordance with the provisions of section 152-7-19 of this chapter .

(g) Effect Of Approval:
Approval of a sign permit shall authorize an applicant to:

(1) Construct the sign as indicated on the permit, if no building and electrical permits are required.

(2) If building and electrical permits are required, such permits shall be obtained prior to construction.

(h) Amendments:
The procedure for amending any sign permit shall be the same as the original procedure set forth in this section.

(i) Revocation:
A sign permit may be revoked as provided in section 152-9-6 of this chapter.

(j) Expiration:
A sign permit shall expire and have no further force or effect if the sign authorized by the permit is not installed within one hundred eighty (180) days after approval.

Sec 152-7-16 Temporary Use Permit

(a) Purpose:
This section sets forth procedures for considering and approving a temporary use permit.

(b) Authority:
The zoning administrator is authorized to issue temporary use permits as provided in this section.

(c) Initiation:
Any person may apply for a temporary use permit as provided in subsection D1 of this section.

(d) Procedure:
An application for a temporary use permit shall be considered and processed as provided in this subsection.

(1) A complete application shall be submitted to the zoning administrator in a form established by the administrator along with any fee established by the city's schedule of fees. The application shall include at least the following information:

a. The name, address and telephone number of the applicant and the applicant's agent, if any;

b. The name and address of the applicant and the name and address of every person or company the applicant represents;

c. The person chiefly responsible for the event or use and/or the sponsoring organization and its chief officer;

d. The requested temporary use;

e. The place, date, time of the event, and hours of operation of the proposed use;

f. A statement of the approximate number of persons, animals, and/or vehicles which will participate in the event or be generated by the temporary use and an explanation of how said number was derived, such as number of presold tickets, available seating and/or parking, and past experience with similar activities;

g. The following maps, plans, and documents evidencing sufficient measures to be taken to reasonably protect the health, safety, and welfare of patrons and the public in general:

1. A scaled drawing of the area in which the event is to be held or the use conducted, showing the location of any existing structures and improvements on the site of the proposed temporary use, including, but not limited to, parking areas, curbs, gutter, sidewalks, and outside storage areas; and

2. Sufficient evidence to demonstrate that the temporary use will meet the general and specific requirements of section 152-48-4 of this chapter; and

h. Other such items as reasonably requested by the zoning administrator to determine the feasibility of the temporary use.

(2) After the application is determined to be complete, the zoning administrator shall solicit recommendations from the city fire chief, police chief, city/county health department, and city engineer. Thereafter the zoning administrator shall approve, approve with conditions or deny the application pursuant to the standards set forth in subsection E of this section. Any conditions of approval shall be limited to conditions needed to conform the temporary use permit to approval standards.

(3) After making a decision, the zoning administrator shall give the applicant written notice of the decision.

(4) A record of all temporary use permits shall be maintained in the office of the zoning administrator.

(e) Approval Standards:
The following standards shall apply to the issuance of a temporary use permit.

(1) A temporary use shall conform to:

a. The development standards set forth in section 152-48-4 of this chapter; and

b. Any recommendations received from the city fire chief, police chief, city/county health department, and city engineer.

(2) No temporary use permit shall be issued unless the zoning administrator finds the proposed temporary use:

a. Will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working within the vicinity, or injurious to property, improvements or the public in general;

b. Will not substantially interrupt the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area, nor block traffic lanes or hinder traffic during peak commuter hours on weekdays on any primary arterial street or principal commuter route designated by the city;

c. Will not conflict with construction or development in the public right of way or at public facilities;

d. Will not unduly interfere with the movement of police, fire, ambulance, or other emergency vehicles on the streets, nor require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to

prevent reasonable police, fire, or other public services protection to the remainder of the city;

e. Will not conflict with nor be incompatible with the permitted uses and regulations of the zone within which the temporary use is located; and

f. Is in compliance with regulations, conditions and licensing requirements of applicable provisions of this code.

(f) Appeal Of Decision:
Any person adversely affected by a decision of the zoning administrator regarding a temporary use permit may appeal the decision in accordance with the provisions of section 152-7-19 of this chapter .

(g) Effect Of Approval:
Approval of a temporary use permit shall authorize an applicant to engage in the temporary use subject to conditions of approval as may be imposed by the zoning Administrator.

(h) Amendments:
The procedure for amending a temporary use permit shall be the same as the original procedure set forth in this section.

(i) Revocation:
A temporary use permit may be revoked as provided in section 152-9-6 of this chapter.

(j) Expiration:
A temporary use permit shall expire as provided in subsection 152-48-4F of this chapter. Extensions of time shall be prohibited.

Sec 152-7-17 Routine And Uncontested Matters

(a) Purpose:
This section allows the zoning administrator to decide administratively a routine and uncontested matter which would otherwise be decided by the Planning Commission.

(b) Authority:
The Planning Commission may designate classes of matters as routine and uncontested as provided in section 152-6-5 of this chapter. The zoning administrator is authorized to issue permits for such routine and uncontested matters as provided in this section.

(c) Initiation:
A property owner, or the owner's agent, may request approval of a routine and uncontested matter affecting the owner's property as provided in subsection D1 of this section.

(d) Procedure:
An application for approval of a routine and uncontested matter shall be considered and processed as provided in this subsection.

(1) A complete application shall be submitted to the zoning administrator in a form established by the administrator along with any fee established by the city's schedule of fees. The application shall include at least the following information:

a. The name, address and telephone number of the applicant and the applicant's agent, if any;

b. The specific matter for which approval is requested; and

c. Specific facts which illustrate the nature of the request and how it relates to applicable provisions of this chapter.

(2) After the application is determined to be complete, the zoning administrator shall review and decide the matter in accordance with applicable provisions of this chapter and the guidelines determined by the Planning Commissionfor such class of matters.

(3) After making a decision, the zoning administrator shall give the applicant written notice of the decision.

(4) A record of all decisions on routine and uncontested matters shall be maintained in the office of the zoning administrator.

(e) Approval Standards:
Any class of matters designated by the Planning Commission as routine and uncontested shall be accompanied by a statement of guidelines for approval of the matters so designated. A list of such matters and associated guidelines shall be kept on file in the office of the zoning administrator. The zoning administrator shall follow such guidelines in deciding any routine and uncontested matter.

(f) Appeal Of Decision:
Any person adversely affected by a decision of the zoning administrator regarding a routine and uncontested matter may appeal the decision in accordance with the provisions of section 152-7-19 of this chapter.

(g) Effect Of Approval:
Approval of a routine and uncontested matter shall be deemed to relate to, and be for the benefit of, the use or lot in question rather than the owner, lessee or operator of a use, or lot. A permit for a routine and uncontested matter shall authorize only the matter in question and shall not be deemed to negate any need for other permits required under this chapter.

(h) Amendments: A permit for a routine and uncontested matter may be amended, varied or altered only pursuant to the procedures, standards and limitations provided in this section for its original approval.

(i) Revocation:
A permit for a routine and uncontested matter may be revoked as provided in section 152-9-6 of this chapter.

(j) Expiration:
Approval of a routine and uncontested matter shall expire and have no further force or effect if the building, activity, construction or occupancy authorized by the approval is not commenced within one hundred eighty (180) days after approval.

Sec 152-7-18 Administrative Interpretation

(a) Purpose:
The provisions of this chapter, though detailed and extensive, cannot as a practical matter address every specific situation to which these provisions may be applied. This section allows the zoning administrator to interpret a provision of this chapter in light of the general and specific purposes for which it was enacted and as applied to specific circumstances.

(b) Authority:
The zoning administrator is authorized to render interpretations of the provisions of this chapter, and any rule or regulation adopted pursuant thereto, as provided in this section.

(c) Initiation:
Any person may request an administrative interpretation as provided in subsection D1 of this section.

(d) Procedure:
An application for an administrative interpretation shall be considered and processed as provided in this subsection.

(1) A complete application shall be submitted to the zoning administrator in a form established by the administrator along with any fee established by the city's schedule of fees. The application shall include at least the following information:

a. The name, address and telephone number of the applicant and the applicant's agent, if any;

b. The specific provision or provisions of this chapter for which an interpretation is requested;

c. Specific facts of the situation which illustrate the need for an administrative interpretation;

d. The interpretation claimed by the applicant to be correct; and

e. When a use interpretation is requested the application shall include:

1. A statement explaining why the proposed use should be deemed as included within a use category allowed by the zone applicable to the property; and

2. Documents, statements, and other evidence demonstrating that the proposed use will conform to all use limitations established by the zone applicable to the property.

(2) After the application is determined to be complete, the zoning administrator shall review the request and make an interpretation in accordance with the standards set forth in subsection E of this section.

(3) After making a decision, the zoning administrator shall give the applicant written notice of the decision.

(4) A record of all administrative interpretations shall be maintained in the office of the zoning administrator.

(e) Standards For Making Administrative Interpretations:
The following standards shall apply to administrative interpretations:

(1) Administrative interpretations shall not add to or change the provisions of this chapter.

(2) Questions about the location of zone boundaries shall be resolved by applying the standards set forth in section 152-11-4 of this chapter.

(3) An administrative interpretation shall be consistent with:

a. The provisions of this chapter; and

b. Any previously rendered interpretations based on similar facts.

(4) A use interpretation shall also be subject to the following standards:

a. A "use" defined in section 152-3-4 of this chapter shall be interpreted as provided therein;

b. Any use specifically listed as "not permitted" in a table of permitted and conditional uses for a particular zone shall not be allowed in that zone;

c. No use interpretation shall allow a use in a zone unless evidence is presented demonstrating the use will conform to development standards established for the zone;

d. No use interpretation shall allow a use in a particular zone unless the use is substantially similar to a use allowed in the zone;

e. If a proposed use is most similar to a conditional use authorized in the zone in which it is proposed to be located, any interpretation allowing such use shall require that the use be approved only as a conditional use pursuant to section 152-7-9 of this chapter; and

f. No use interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of the zone in which it would be located.

(f) Appeal Of Decision:
Any person adversely affected by an administrative interpretation rendered by the zoning administrator may appeal the decision in accordance with the provisions of section 152-7-19 of this chapter.

(g) Effect Of Approval:
An administrative interpretation shall apply only to the property for which an interpretation is given.

(1) A use interpretation finding a use to be a permitted or conditional use in a particular zone shall be deemed to authorize only that use on the subject property. A use interpretation shall not authorize another allegedly similar use for which a separate use interpretation has not been issued.

(2) A use interpretation finding a particular use to be a permitted or conditional use shall not authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any approvals or permits that may be required by this chapter or other applicable provisions of this code.

Sec 152-7-19 Appeal Of Administrative Decision

(a) Purpose:
This section sets forth procedures for appealing an administrative decision applying provisions of this chapter.

(b) Authority:
Any appeal from an administrative decision applying the provisions of this chapter shall be heard and decided by the applicable appeal authority as designated below:

(1) The Planning Commission is designated the appeal authority for any appeal from administrative decisions of the Zoning Administrator;

(2) The City Council is designated the appeal authority for any appeal from administrative and appeal decisions of the Planning Commission and the final plat approval staff;

(3) The Hearing Officer is designated the appeal authority for any appeal from administrative and appeal decisions of the City Council; and

(4) Upon proper notice, an applicant may elect to take an appeal from any administrative decision directly to the Hearing Officer.

(c) Initiation:
Any person, or any officer, department, board or bureau of the city, adversely affected by a decision administering or interpreting a provision of this chapter may appeal to the applicable appeal authority designated in subsection B of this section. A complete application for an appeal as provided in subsection D1 of this section shall be filed within fourteen (14) days of the decision which is appealed.

(d) Procedure:
An appeal of an administrative decision shall be considered and processed as provided in this subsection.

(1) A complete application shall be submitted to the zoning administrator in a form established by the administrator along with any fee established by the city's schedule of fees. The application shall include at least the following information:

a. The name, address and telephone number of the applicant and the applicant's agent, if any;

b. The decision being appealed;

c. Grounds for the appeal;

d. A description of the action claimed by the applicant to be incorrect; and

e. A prominent, unequivocal notice, if applicable, that the applicant elects to take an appeal directly to the Hearing Officer.

(2) After an application is determined to be complete, the zoning administrator shall schedule a hearing before the applicable appeal authority and give notice to the parties in interest as provided in section 152-7-4 of this chapter, then forthwith transmit to the applicable appeal authority all papers constituting the record of the action which is appealed.

(3) Upon receipt of a complete application for an appeal all proceedings in furtherance of the action appealed from shall be stayed, unless the officer from whom the appeal is taken certifies to the appeal authority that by reason of the facts stated in the appeal a stay would, in his or her opinion, cause immediate peril to life or property. In such case, proceedings shall not be stayed except by a restraining order granted by the district court upon application, notice, and due cause shown.

(4) The appeal authority shall hold a public hearing at which any parties in interest may appear in person or through an attorney. Within a reasonable time thereafter, the appeal authority shall render a decision on the appeal.

(5) After the appeal authority makes a decision, the zoning administrator shall give the applicant written notice of the decision.

(6) A record of all appeals shall be maintained in the office of the zoning administrator.

(e) Standards For Decision:

(1) The appeal authority may reverse or affirm, wholly or in part, or may modify an administrative decision. To that end the Planning Commission shall have all the powers of the officer from whom the appeal was taken, may attach appropriate conditions, and may issue or direct the issuance of a permit. Any conditions imposed by the appeal authority shall be limited to conditions needed to conform the matter appealed to applicable approval standards.

(2) The Planning Commission shall review an administrative decision for correctness and shall give no deference to the reasonableness of the decision being appealed.

(3) The person making an appeal shall have the burden of proving that an error has been made.

(4) Because this chapter is in derogation of a property owner's common law right to unrestricted use of property, provisions herein restricting property use should be strictly construed, and provisions permitting property use should be liberally construed in favor of the property owner.

(f) Appeal Of Decision:
Any person adversely affected by a decision of the appeal authority regarding an appeal of an administration decision may appeal to the next level of authority specified in subsection B of this section or, within thirty (30) days after such decision, appeal to the district court as provided in section 10-9a-801 of the Utah Code, as amended.

Sec 152-7-20 Temporary Regulations

(a) Authorized:
The city council may, without a public hearing, enact an ordinance establishing a temporary land use regulation for any part or all of the area within the city if the council makes a finding of compelling, countervailing public interest; or the area is unzoned.

(1) A temporary land use regulation may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure, or subdivision approval.

(2) A temporary land use regulation may not impose an impact fee or other financial requirement on building or development.

(3) A temporary land use regulation shall not exceed six (6) months in duration.

(b) EIS Or MIS Areas:
The city council may, without a public hearing, enact an ordinance establishing a temporary land use regulation prohibiting construction, subdivision approval, and other development activities within an area that is the subject of an environmental impact statement or a major investment study examining the area as a proposed highway or transportation corridor.

(1) A land use regulation under this subsection B:

a. May not exceed six (6) months in duration; and

b. May be renewed, if requested by the Utah transportation commission created under section 72-1-301 of the Utah Code, for up to two (2) additional six (6) month periods by ordinance enacted before the expiration of the previous temporary land use regulation.

(2) Notwithstanding subsection B1 of this section, a temporary land use regulation enacted pursuant to this subsection B shall be effective only as long as the environmental impact statement or major investment study is in progress.

Sec 152-7-21 Review Of Constitutional Taking Issues

(a) Purpose:
The purpose of this section is to provide advisory guidelines for the city to assist the city in identifying actions that may involve physical taking or exaction of private real property and may have constitutional taking issues.

(b) Definitions:

As used herein:

(1) "Constitutional taking issues" means actions involving the physical or regulatory taking of private real property by the city that might require compensation to a private real property owner under:

a. The fifth or fourteenth amendment of the constitution of the United States;

b. Article I, section 22 of the Utah constitution; or

c. Any recent court rulings governing the physical or regulatory taking of private real property by a governmental entity.

(c) Guidelines:
The following guidelines shall be considered by the city when taking any action that may result in the physical or regulatory taking of private real property. The city should review the guidelines to determine and identify whether a proposed governmental action raises constitutional taking issues.

(1) Does the action result in a permanent physical occupation of private property?

(2) Does the action require a property owner to dedicate property or grant an easement to the city?

(3) Does the action deprive the property owner of all economically viable uses of the property?

(4) Does the action have a severe impact on the property owner's economic interest?

(5) Does the action deny a fundamental attribute of ownership?

(d) Analysis:
If the city determines that a governmental action involves constitutional taking issues, the proposed action should be reviewed by the city to analyze the possible taking and to determine action to be taken. In reviewing proposed action, the following factors shall be considered:

(1) The effect the potential taking would have on the use or value of the private property;

(2) The likelihood that the action may result in a constitutional taking;

(3) Any alternatives to the proposed action that would fulfill the city's lawful objectives and reduce the risk of a constitutional taking;

(4) The cost to the city for payment of compensation if a taking is determined;

(5) The governmental interest involved and its nexus to the potential taking; and

(6) If the action is roughly proportional or reasonably related to the impact of any proposed development.

(e) Appeal:
Any owner of private property whose interest in the property is subject to an alleged physical or regulatory taking by the city, pursuant to a final and authoritative decision or action of the city, may appeal the city's decision or action by filing a written notice of appeal and statement of the grounds for the appeal in the city recorder's office within thirty (30) days from the date of the city's decision or action. The city council or its designee shall hear all evidence regarding the appeal and render a decision and findings in writing within fourteen (14) days from the date the appeal was filed.

(f) Limitations:

The guidelines set forth herein shall be advisory only and shall not be construed to expand or limit the scope of the city's liability for a constitutional taking. The city shall have no legal liability to any person, firm, or entity of any nature whatsoever and a court may not impose liability upon the city for failure to comply with the provisions of this section.

Sec 152-7-22 Procedural Irregularities

(a) Validity Of Action:
Notwithstanding any provision of this chapter which sets forth a procedure for any matter herein, no action, inaction or recommendation regarding the matter which is the subject of the procedure shall be void or invalid or set aside by a court due to any error (including, but not limited to, any irregularity, informality, neglect or omission) which pertains to a petition, application, notice, finding, record, hearing, report, recommendation or any other procedural matter whatsoever unless:

(1) The procedure is required by state or federal law; and

(2) In an examination of the entire circumstances, including the evidence of record, the court is of the opinion that the procedural error complained of was prejudicial to a substantial right of the complainant as shown by the following:

a. Had the error not occurred the decision made pursuant to the procedure would have been different, and

b. Because of the error the complainant suffered an injury for which relief must be given.

(b) Assumption Of Validity:
The court shall presume that action taken pursuant to a procedure was done in good faith and shall not presume that an error is prejudicial or that an injury occurred. The complainant shall have the burden of the proof by a preponderance of the evidence to show that an error is prejudicial or that an injury occurred.

(c) Applicability:
All procedures within this chapter shall be subject to this section.

Sec 152-7-23 Grading Permit By Exception

Notwithstanding any other provision in this chapter to the contrary, the zoning administrator shall be authorized, upon an affirmative vote of the Hildale City council, to issue a grading permit for property not scheduled for immediate or reasonably imminent development upon such terms and conditions as may be deemed necessary by said city council to guarantee the protection of the property and neighboring properties against problems resulting from such grading, including, but not limited to, the accumulation of weeds, soil erosion, surface drainage and dust.

CHAPTER 8 NON-COMPLYING STRUCTURES, NON-CONFORMING USES AND LOTS

Sec 152-8-1 Purpose
Sec 152-8-2 Scope
Sec 152-8-3 Change In Non-Conforming Status
Sec 152-8-4 Non-Conforming Uses
Sec 152-8-5 Non-Complying Structures
Sec 152-8-6 Non-Conforming Lots
Sec 152-8-7 Other Nonconformities
Sec 152-8-8 Nonconformity Created By Public Action
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Sec 152-8-10 Determination Of Non-Conforming Status
Sec 152-8-11 Non-Conforming Uses Detrimental To Health And Safety
Sec 152-8-12 Extension Of Time For Recovery Of Investment
Sec 152-8-13 Billboards Exempt
Sec 152-8-14 Appeals

Sec 152-8-1 Purpose

The purpose of this chapter is to establish regulations governing legally established uses, structures, lots, and other circumstances that do not conform to applicable requirements of this title. The intent of this chapter is to control expansion of non-conforming conditions while recognizing the interests of property owners.

Sec 152-8-2 Scope

The provisions of this chapter shall apply to any use, structure, lot, or other circumstance governed by this chapter which was legally established but does not conform to the requirements of this chapter. Any non-complying structure, non-conforming use, lot, or other nonconformity may be continued only to the extent it was lawfully created, and as provided in this chapter. Any non-complying structure, non-conforming use, lot, or other nonconformity not authorized under a previously existing zoning ordinance, or which was illegal under such ordinance, shall remain unauthorized and illegal unless expressly authorized or permitted by the provisions of this chapter.

Sec 152-8-3 Change In Non-Conforming Status

A non-complying structure, non-conforming use, lot, or other nonconformity may not be changed except in conformance with the provisions of this chapter or as authorized by the board of adjustment. To the extent any non-complying structure, non-conforming use, lot, or other nonconformity becomes conforming, it shall not be changed back to the previously existing non-conforming condition.

Sec 152-8-4 Non-Conforming Uses

(a) Continuation:
A non-conforming use may be continued in essentially the same form as when it began, except as provided in this section.

(b) Expansion:
A non-conforming use existing within a portion of a building may be expanded to include the entire floor area of such building , and a non-conforming use may be extended into another structure on the same lot that was previously legally utilized for the same use, provided no structural alteration of the building is proposed or made for the purpose of such expansion, and such use otherwise complies with the provisions of this chapter.

(c) Non-Conforming Use Of Open Land:
A non-conforming use of open land may be continued provided such non-conforming use shall not be expanded or extended into any other portion of a conforming building or open land, and no structures, additions, alterations, or enlargements thereto shall be made thereon, except those required by law.

(d) Expansion Of Outdoor Non-Conforming Use:
A non-conforming use of a lot where the principal use is not enclosed within a building, such as a salvage yard or a motor vehicle sales lot, shall not be expanded except in conformity with the requirements of this chapter.

Sec 152-8-5 Non-Complying Structures

(a) Continuation:
A non-complying structure may be continued, except as provided in this section. If a non-complying structure is removed from the lot where it was located, each future structure on such lot shall comply with the provisions of this chapter.

(b) Maintenance And Repair:
A non-complying structure may be maintained. Repairs and structural alterations may be made to a non-complying structure within the existing footprint thereof provided the degree of noncompliance is not increased.

(c) Enlargement And Expansion:
Any expansion or enlargement of a non-complying structure that increases the degree of noncompliance is prohibited..

(d) Relocation:
If a non-complying structure is relocated within the city, it shall be placed only in a location where it fully complies with the requirements of this chapter.

(e) Alteration Where Parking Insufficient:
A building which is complying except for sufficient automobile parking, as required by this chapter, may be altered or enlarged provided additional automobile parking space is supplied to meet the requirements of this chapter for the non-complying portion of the old structure and the alteration or enlargement.

(f) Reconstruction Or Restoration:

(1) The reconstruction or restoration of a non-complying structure shall be prohibited, and the non-conforming use of a structure shall be terminated, if the structure is involuntarily destroyed in whole or in part due to fire or other calamity, and such structure or use has been abandoned.

(2) The reconstruction or restoration of a non-complying structure shall be prohibited, or the non-conforming use of a structure shall be terminated, if:

a. The structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within one (1) Year after written notice to the property owner that the structure is uninhabitable and that the non-complying structure or non-conforming use will be lost if the structure is not repaired or restored within one (1) year; or

b. The property owner has voluntarily demolished a majority of the non-complying structure or the building that houses the non-conforming use.

(g) Unsafe Structures:
Nothing in this section shall be construed to permit the continuing use of a structure found to be in violation of any applicable life safety or health code. The right to continue use of a non-complying structure shall be subject to the life safety requirements of applicable housing, building, health, and other life safety codes.

Sec 152-8-6 Non-Conforming Lots

(a) Continuation:
A non-conforming lot may continue to be occupied and used although it may not conform in every respect with the dimensional requirements of this chapter, subject to the provisions of this chapter.

(b) New Single-Family Dwelling:

A new single-family dwelling may be constructed on a legally established lot which is non-conforming as to area, width, or both, provided:

(1) The lot was legally non-conforming when the area or width requirements were changed;

(2) The use is for the sole purpose of a single-family dwelling;

(3) There is only one primary building on the lot or parcel; and

(4) The dwelling will conform to all other requirements of this chapter, such as lot frontage, yard setbacks, building height, and other applicable requirements, such as street improvements, fire protection, and building codes.

(c) Lot With Building:
If a non-conforming lot contains a building legally established before the effective date of this chapter, then the owner may continue the then existing use of such building and may expand the building in any way that does not increase the degree of nonconformity. An increase in building size shall not be deemed to increase the degree of nonconformity of the lot unless the building increases any encroachment into a required setback. Remodeling of a building within an existing footprint or expansion in compliance with this section shall not require a variance to lot requirements but shall be reviewed by the zoning administrator as though the lot conforms to the requirements of this chapter.

(d) Accessory Building:
An accessory building customarily incidental to a dwelling may be constructed on a non-conforming lot provided:

(1) The accessory building does not exceed one thousand (1,000) square feet in floor area nor exceed fifteen feet (15') in height.

(2) The use of the lot is primarily residential.

(3) The accessory building conforms to all other requirements pertaining to yard setbacks, fire protection, and building codes.

Sec 152-8-7 Other Nonconformities

This section shall apply to any other nonconformity including, but not limited to, fence height or location; lack of buffers or screening; lack of or inadequate landscaping; lack of or inadequate off street parking; and any other nonconformity not addressed by sections 152-8-4, 152-8-5, and 152-8-6 of this chapter.

(a) Non-Conforming Development With Approved Site Plan:
Non-conforming development that is consistent with a site plan approved before the effective date of this chapter shall be deemed to be in conformance with this chapter to the extent it is consistent with the approved site plan and to the extent such plan or conditions imposed thereon directly address the specific issue involved in a determination of conformity. A nonconformity other than one of those enumerated in sections 152-8-4, 152-8-5, and 152-8-6 of this chapter shall be brought into conformance upon the occurrence of any one of the following:

(1) Any increase of more than thirty percent (30%) in floor area or fifty percent (50%) of the value of the building or premises.

(2) For a lot located in a commercial, business, or industrial zone, any change in use to a more intensive use when a new certificate of occupancy is required.

(b) Compliance:
Because nonconformities addressed in this section involve less investment and are more easily

corrected than those addressed in sections 152-8-4, 152-8-5, and 152-8-6 of this chapter, the intent of the city is to eliminate such nonconformities as quickly as practicable. The extent of such nonconformities shall not be increased.

Sec 152-8-8 Nonconformity Created By Public Action

When area or setbacks of a legally created lot are reduced as the result of conveyance to a federal, state or local government and the remaining area or setback is at least seventy five percent (75%) of the required minimum in the zone where it is located, the lot shall be deemed to be in compliance with the minimum lot size and setback standards of this chapter without any need for a variance.

Sec 152-8-9 Abandonment

Any non-conforming use or other nonconformity which has been abandoned pursuant to the provisions of this subsection shall be terminated.

(a) Presumption Of Abandonment:
A non-conforming use, non-complying structure, or other nonconformity shall be presumed abandoned when any of the following occurs:

(1) A majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written agreement with the zoning administrator regarding an extension of the nonconforming use;

(2) The use has been discontinued for a minimum of one year; or

(3) The primary structure associated with the nonconforming use remains vacant for a period of one year.

(b) Overcoming Presumption Of Abandonment:
A presumption of abandonment may be rebutted upon evidence presented by the owner showing no intent to abandon the use, structure, or other nonconformity. Such evidence may include proof that during the alleged period of abandonment the owner has done either of the following:

(1) Maintained the lot and structure, if any, in accordance with the building code; or

(2) Has actively and continuously marketed the lot or structure for sale or lease.

Sec 152-8-10 Determination Of Non-Conforming Status

In all cases, the property owner shall have the burden of establishing that a non-complying structure, non-conforming lot, or use lawfully exists under this chapter.

Sec 152-8-11 Non-Conforming Uses Detrimental To Health And Safety

No provision of this chapter shall be construed to allow the continuance of any non-conforming use or non-complying structure when it is detrimental to the health, safety, or welfare of the public.

Sec 152-8-12 Extension Of Time For Recovery Of Investment

The zoning administrator may suspend any requirement that a non-complying structure, non-conforming use, lot, or other nonconformity come into compliance with the provisions of this chapter if the owner of the affected property demonstrates that he/she has not recovered or amortized the amount of his/her investment in the non-complying structure, non-conforming use, lot, or other nonconformity. Any extension of time must be renewed on an annual basis.

(a) Written Request For Extension Required:
A request for an extension of time needed to recover an investment in an affected property shall be submitted in writing to the zoning Administrator.

(b) Information Required:
The following information shall accompany the request:

(1) The amount of the owner's investment in the use, structure, lot, or other nonconformity from the time it became non-conforming;

(2) The amount of such investment that has been realized to date and an estimate of the amounts that will be realized on the date the time limit expires; and

(3) Evidence of any lease or purchase obligations undertaken in reliance on any previously issued licenses or permits applying to the use, structure, lot, or other nonconformity, including any contingency clauses therein permitting termination of such lease.

Sec 152-8-13 Billboards Exempt

The provisions of this chapter shall not apply to billboards. non-conforming billboards shall be terminated in accordance with applicable provisions of sections 10-9a-512 and 10-9a-513, Utah Code Annotated. In the event such provisions are repealed, non-conforming billboards shall be subject to the provisions of this chapter.

Sec 152-8-14 Appeals

Any person aggrieved by a decision of the zoning administrator or other official enforcing the provisions of this chapter may appeal for relief therefrom in accordance with the provisions of section 152-7-19 of this chapter.

CHAPTER 9 ENFORCEMENT

Sec 152-9-1 Purpose
Sec 152-9-2 Scope
Sec 152-9-3 Enforcement Authority
Sec 152-9-4 Issuance Of Permits
Sec 152-9-5 Types Of Violations
Sec 152-9-6 Remedies
Sec 152-9-7 Non-Conforming Use As Affirmative Defense
Sec 152-9-8 Enforcement Procedures
Sec 152-9-9 Other Enforcement Matters
Sec 152-9-10 Appeals

Sec 152-9-1 Purpose

The purpose of this chapter is to establish the remedies, penalties, and procedures for enforcement of this chapter.

Sec 152-9-2 Scope

The remedies, penalties, procedures, and other matters set forth in this chapter shall apply to any violation of the provisions of this chapter.

Sec 152-9-3 Enforcement Authority

This chapter shall be enforced by the zoning administrator.

Sec 152-9-4 Issuance Of Permits

Every official and employee of the city who is vested with the duty or authority to issue permits shall conform to the provisions of this chapter and shall issue no permit, certificate, or license for a use, building, or purpose in conflict with the provisions of this chapter. Any permit, certificate, or license issued in conflict with the provisions of this chapter, intentionally or otherwise, or which is issued upon a false statement of fact material to the issuance of the permit shall be void.

Sec 152-9-5 Types Of Violations

It shall be unlawful for any person to violate any provision of this chapter, cause the violation of any provision of this chapter, or fail or refuse to do some act required under this chapter, including any of the following acts:

(a) Development Or Use Without Permit:
To engage in any development, use, construction, remodeling, or other activity of any nature upon the land and improvements thereon subject to the jurisdiction of the city without all of the required permits, approvals, certificates, and other forms of authorization required by this chapter or other city ordinance in order to conduct or engage in such activity.

(b) Development Or Use Inconsistent With Permit:
To engage in any development, use, construction, remodeling, or other activity which is contrary to the terms and conditions of any permit, approval, certificate, or other form of authorization required to engage in such activity.

(c) Development Or Use Inconsistent With Conditions Of Approval:
To violate, by act or omission, any lawful term, condition, or qualification placed by the city council, planning commission, Hearing Officer, or officer of the city, as applicable, upon a required permit, certificate, or other form of authorization granted by the city council, planning commission, Hearing Officer, or other city officer allowing the use, development, or other activity upon land or improvements thereon.

(d) Development Or Use Inconsistent
With this chapter: To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building or structure, or to use any land in violation of this title.

(e) Making Lot Or Setback non-conforming:
To reduce or diminish any lot area so that setbacks or open spaces shall be smaller than prescribed by this chapter and the applicable final plat or plan.

(f) Increasing Intensity Of Use:
To increase the intensity of use of any land or structure, except in accordance with the procedural and substantive requirements of this chapter.

(g) Removing, Defacing, Or Obscuring Notice:
To remove, deface, obscure, or otherwise interfere with any notice required by this chapter.

(h) Continuing Violation:
To continue any of the above violations. Each day a violation occurs shall constitute a separate offense.

Sec 152-9-6 Remedies

Any violation of the provisions of this chapter shall be subject to the enforcement remedies and penalties provided by this chapter and by Utah law, including any of the following:

(a) Withhold Permits:

The city may deny or withhold all permits, certificates, or other forms of authorization pertaining to any land or improvements when an uncorrected violation exists pursuant to this chapter or to a condition or qualification of a permit, certificate, approval or other authorization previously granted by the city council, planning commission, Hearing Officer, or other city officer. The city may, instead of withholding or denying an authorization, grant such authorization subject to the condition that the violation be corrected. The provisions of this section shall apply regardless of whether the original applicant or current owner is responsible for the violation in question.

(b) Revoke Permits:
Any permit may be revoked when the zoning administrator determines that actions taken thereunder do not conform to plans, specifications, or conditions of the permit; that the same was procured by false representation or was issued by mistake; or that any provision of this chapter is being violated.

(1) Written notice of such revocation shall be served upon the owner, his or her agent, or contractor, or upon any person employed at the site of the building or structure for which such permit was issued, or shall be posted in a prominent location; and, thereafter, no such construction shall proceed.

(2) Upon revocation of a building or other permit issued by mistake, the owner shall meet with the zoning administrator to determine the nature of the mistake.

a. When plans are in conflict with ordinances, resolutions, regulations, or requirements, and when construction has not progressed to a stage where modification of the plans would require substantial alteration of the structures in place, the plans shall be modified to conform with applicable requirements.

b. When construction has progressed to a stage where compliance would require substantial alteration of construction in place, the owner shall meet with the city manager to negotiate possible changes in the plans which would more nearly conform to applicable requirements.

c. When a mistake has been made calculating the fee for any permit, the proper fee shall be charged.

(c) Stop Work:
In accordance with its power to stop work under the building code, the city may stop work, with or without revoking permits, on any building or structure on any land on which exists an uncorrected violation of a provision of this chapter or permit or other form of authorization issued hereunder.

(d) Revoke Plan Or Other Approvals:
Where a violation of this chapter involves failure to comply with approved plans or a condition upon which plan approval was subject, the city may, after notice to the applicant and other known parties in interest (including any holders of building permits affected) and after a hearing:

(1) Revoke the plan or other approval, or

(2) Condition its continuance on strict compliance, the provision of security, or such other conditions as the city may reasonably impose.

(e) Remove Signs:
When a sign is illegally located within a public right of way, on any city owned property, or in the case of an emergency or an identified hazard, the zoning administrator may, without notice, cause the immediate removal of such sign.

(1) Such action by the city shall be at the expense of the owner and shall include the actual cost of repair or removal of the sign, plus fifteen percent (15%) of such amount for administrative and overhead costs.

(2) If the owner fails to pay the amount due within thirty (30) days from the date of billing, the city may initiate legal action against the owner as provided by law to collect such costs and expenses, including interest at the legal rate and reasonable attorney fees.

(f) Injunctive Relief:
The city may seek an injunction or other equitable relief in the district court to stop any violation of this chapter, or a permit, certificate, or other form of authorization granted hereunder.

(g) Abatement:
The city may seek a court order from the district court in the nature of mandamus, abatement, or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition which existed prior to the violation.

(h) Penalty:
Any person violating, causing or permitting a violation of the provisions of this chapter shall be guilty of a class C misdemeanor. Such person shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this chapter is committed, continued or permitted by such person. Violation of any of the provisions of this chapter shall upon conviction be punishable as a class C misdemeanor.

(i) Other Remedies:
The city shall have such other remedies as are and as may be from time to time provided by Utah law or city ordinance for the violation of any provision of this chapter.

(j) Remedies Cumulative:
These remedies shall be cumulative.

Sec 152-9-7 Non-Conforming Use As Affirmative Defense

It shall be an affirmative defense to the enforcement of the provisions of this chapter that the action complained of is a legally non-complying structure, non-conforming lot, use, or other nonconformity as set forth in chapter 8 of this chapter. The property owner shall have the burden of establishing that a non-complying structure, non-conforming lot, or use lawfully exists under this chapter.

Sec 152-9-8 Enforcement Procedures

(a) Inspection Of Buildings, Structures, And Land Uses:
The zoning administrator is authorized to inspect all buildings and structures in the course of construction, modification, or repair and to inspect land uses to determine compliance with the provisions of this chapter.

(b) Right Of Entry:
Authorized city personnel shall have the right to enter any building for the purpose of determining compliance with the provisions of this chapter. Such right of entry shall be exercised only at a reasonable hour. In no case shall entry be made to any building in the absence of the owner or tenant thereof without consent of the owner or tenant, or a written order of a court of competent jurisdiction.

(c) Violation:
The zoning administrator shall investigate any purported violation of this chapter.

(d) Interference With Enforcement Personnel:
It shall be unlawful for any person to interfere with lawful enforcement activities.

(e) Other City Departments To Assist With Enforcement Activities:
At the request of the city manager, other city departments shall assist in the administration of enforcement activities authorized by this chapter.

(f) Notice:
In the case of violations not involving continuing construction or development, or any emergency situation, the zoning administrator shall give written notice of the nature of the violation to the owner of the land and to any person who is a party to any relevant permit, certificate, or approval. The persons receiving such notice shall have thirty (30) days to correct the violation before further enforcement action.

(g) Immediate Enforcement:
In the case of a violation involving either continuing construction or development, or an emergency situation, as reasonably determined by the zoning administrator, the city may use the enforcement powers and remedies available to it under this chapter without prior notice. In such case, the zoning administrator shall send the notice to the same parties set forth in the previous subsection simultaneously with the beginning of enforcement action.

(h) Enforcement And Abatement:
Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained; or any land, building, or premises used contrary to the provisions of this chapter is hereby declared to be unlawful and a public nuisance. The city attorney may commence action or proceedings for the abatement, removal, and enjoinment thereof in the manner provided by law. The city attorney may also take such other steps and may apply to such court as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm, or corporation from setting up, erecting, building, maintaining, or using any building, structure, or property contrary to the provisions of this chapter.

Sec 152-9-9 Other Enforcement Matters

(a) Other Powers:
In addition to the enforcement powers specified in this chapter, the city may exercise any and all enforcement powers granted to it by Utah law, as may be amended from time to time.

(b) Continuation:
Nothing in this chapter shall prohibit the continuation of previous enforcement actions, undertaken by the city pursuant to previous and valid resolutions, ordinances, and laws.

Sec 152-9-10 Appeals

Any person aggrieved by a decision of the zoning administrator or other official enforcing the provisions of this chapter may appeal for relief therefrom in accordance with the provisions of section 152-7-19 of this chapter.

CHAPTER 11 ZONES ESTABLISHED

Sec 152-11-1 Establishment Of Zones
Sec 152-11-2 Zone Purposes
Sec 152-11-3 Official Zoning Map
Sec 152-11-4 Rules For Locating Zone Boundaries
Sec 152-11-5 Clarification Of Zoning
Sec 152-11-6 Newly Annexed Territories

Sec 152-11-1 Establishment Of Zones

In order to accomplish the purposes of the Hildale general plan and this chapter, the following zones, along with their accompanying abbreviations, are hereby established as follows:

(a) Agricultural zones:

Agricultural 40 A-40
Agricultural 20 A-20
Agricultural 10 A-10
Agricultural 5 A-5

(b) Residential agriculture zones:

Residential-agricultural 1 RA-1
Residential-agricultural .5 RA-.5

(c) Residential zones:

Single-family residential 15 R1-15
Single-family residential 10 R1-10
Single-family residential 8 R1-8
Single-family residential 6 R1-6
Multiple-family residential 1 RM-1
Multiple-family residential 2 RM-2
Multiple-family residential 3 RM-3
Mobile home/RV park MH/RV

(d) Commercial zones:

Neighborhood commercial NC
General commercial GC
Highway commercial HC
Planned commercial PC
Pedestrian-oriented commercial POC
Mixed-Used MU

(e) Business and industrial zones:

Business/manufacturing park BMP
Professional office PO
Light industrial M-1
Heavy industrial M-2

(f) Open space and public facility zones:

Open space OS
Public facilities PF

(g) Special purpose and overlay zones:

Agriculture protection overlay APO
Historic district overlay HDO
Planned development overlay PDO
Sensitive lands overlay SLO
Runway protection RPZ
Recreation resort RR
Extraction industries overlay

Sec 152-11-2 Zone Purposes

In addition to the general purposes of this chapter as set forth in section 152-1-3 of this chapter, the various zones each serve more specific purposes as set forth below:

(a) Agricultural Zones:
Agricultural zones preserve and protect agricultural lands and related activities, permit activities normally and necessarily related to agricultural production, and prohibit land uses that may undermine continued agricultural activity.

(b) Residential Agriculture Zones:
Residential agriculture zones allow a mix of agricultural and residential uses on large lots. Limited agriculture activities, the keeping of limited numbers of animals, and the enjoyment of a "gentleman farmer" type neighborhood are the purpose of these zones.

(1) The purpose of the RA-1 and RA-.5 zones is to foster very low and low density development with little impact on its surroundings and municipal services; to preserve the character of the city's semi-rural areas; and to promote and preserve conditions favorable to large-lot family life, including the keeping of limited numbers of farm animals and fowl. The predominant use in these zones is intended to be large lot neighborhoods with detached single-family dwellings, protected from encroachment by commercial and industrial uses. Other major uses in these zones are small farms, hobby farms and agricultural developments. Ancillary uses include churches, schools, and parks to serve neighborhood areas.

(c) Residential Zones:
Residential zones allow a wide range of residential land uses at various densities. These zones protect the stability of neighborhoods and encourage, collectively, diverse types of desirable new residential development and protect existing residential uses.

(1) The purpose of the R1-15, R1-10, R1-8 and R1-6 zones is to permit development of detached single-family homes on individual lots at medium to high densities. Ancillary uses include churches, schools, and parks to serve neighborhood areas.

(2) The purpose of the RM-1, RM-2, and RM-3 zones is to permit well designed apartments, townhomes, twin homes, and condominiums at medium to high density that are appropriately buffered from and compatible with surrounding land uses. Ancillary uses include churches, schools, and parks to serve neighborhood areas.

(3) The purpose of the MH/RV zone is to provide locations where neighborhoods consisting of manufactured/mobile homes and recreational vehicle parks and subdivisions may be created, maintained, and preserved. Ancillary uses include churches, schools, and parks to serve neighborhood areas.

(d) Commercial Zones:
Commercial zones provide areas where a combination of business, commercial, entertainment, office, and related activities may be established, maintained and protected. Commercial zones are intended to provide a suitable environment for those commercial and service uses vital to the economic base of the city.

(1) The purpose of the NC zone is to provide areas where convenience buying outlets, having small trade areas, may be established to serve surrounding residential neighborhoods. This zone is intended to promote a combination of retail and service facilities that meet day to day needs of nearby residents and which are compatible in character and scale with adjacent development.

(2) The purpose of the GC zone is to accommodate a wide range of commercial uses developed without an overall plan or design scheme. Use of the GC zone for new commercial development should be avoided unless integrated shopping center development in another zone is not practical or desirable because of difficult size, shape, topography, or similar problems related to land otherwise deemed appropriate for

commercial use. Typical uses in this zone may include offices, retail stores, personal services, heavy commercial, and institutional uses.

(3) The purpose of the HC zone is to provide commercial areas with visibility and access from SR-59 and major arterial roads for the convenience of commuters and the traveling public. Typical uses include lodging facilities, personal services, travel plazas, restaurants and fast food facilities, and commuter parking.

(4) The purpose of the PC zone is to provide areas where a combination of destination oriented business, retail commercial, entertainment, and related uses may be established, maintained and protected to serve both residents and nonresidents of the city. Typical uses in this zone include large scale, master planned commercial centers with outlying commercial pads, big box stores, offices, and various types of high density residential uses.

(5) The purpose of the POC zone is to provide walkable commercial areas which are generally oriented toward local residents rather than out of town patrons. Uses typical of this zone include planned retail and office development and limited medium to high density residential uses that can be harmoniously mixed with commercial development.

(e) Business And Industrial Zones:
Business and industrial zones provide areas for conducting business, manufacturing and industrial activities.

(1) The purpose of the BMP zone is to provide aesthetically attractive planned developments having a mix of office, research and development, light manufacturing, and limited retail uses. Typical uses in this zone include offices, clean indoor manufacturing facilities, service retail, restaurants, athletic clubs, personal service shops, medical offices, office/warehouse buildings, and research facilities.

(2) The purpose of the PO zone is to provide locations primarily along arterial or major collector streets which will accommodate offices or laboratories for professional persons and other related uses. The zone is intended to provide availability of professional services conveniently to all neighborhoods in the city. Typical uses in this zone include offices for doctors, dentists, accountants, and other similar professions, medical and dental laboratories, and pharmacies.

(3) The purpose of the M-1 zone is to provide areas for uses involving processing and assembly of manufactured goods, warehousing, and material storage. Uses which generate excessive noise, vibration, odor, dust, and fumes are excluded from this zone.

(4) The purpose of the M-2 zone is to provide areas where uses involving industrial processes and natural resource extraction may be permitted without negatively impacting other areas of the city, especially when undertaken on a large scale.

(f) Open Space And Public Facility Zones:
Open space and public facility zones allow public or quasi-public uses.

(1) The purpose of the OS zone is to recognize on the official zoning map areas which are open and generally undevelopable due to government ownership, their sensitive environmental nature and/or the unavailability of adequate public facilities, such as conservation areas and national park land.

(2) The purpose of the PF zone is to provide areas for facilities owned by public and quasi-public entities and which utilize relatively large areas of land. This zone is intended to provide immediate recognition of such areas on the official zoning map. Typical uses in this zone are cemeteries, hospitals, open air theaters, public parks, public schools, and public utility facilities.

(g) Special Purpose And Overlay Zones:
Special purpose zones are intended to accomplish objectives unique to the particular zone. Overlay zones implement supplemental regulations that apply geographically, regardless of the underlying base zone. Whenever the regulations of a base zone and an overlay zone conflict, overlay zone regulations apply.

(1) The purpose of the APO zone is to protect and preserve existing agricultural areas from encroachment of development and to allow ongoing agricultural operations to continue without unreasonable regulations, except for those needed to protect public health and safety.

(2) The purpose of the HDO zone is to implement regulations designed to promote the preservation of structures and sites having historical, cultural, or architectural significance, and to foster economic development consistent with historic preservation plans adopted by the city.

(3) The purpose of the PDO zone is to permit a compatible, master planned mix of various uses in combination with open space components on land that has unique or unusual characteristics that warrant customized development requirements. Although development size may vary from location to location, each development is intended to consist of well designed, architecturally integrated structures which are appropriately landscaped and buffered from surrounding land uses.

(4) The SLO zone provides regulations to protect sensitive land areas such as hillsides, floodplains, and river parkway areas.

(5) The RPZ zone provides regulations to promote and protect the Hildale City airport.

(6) The recreation resort zone is established to designate certain areas within the city of Hildale where it is desirable and beneficial to the area economy to allow for a mix of limited commercial, public, and residential uses. Specifically, to authorize recreation and resort developments in which residential dwelling units may be occupied by the owners thereof on a full or part time basis, to authorize the rental of residential units on an overnight or short term basis by owners who reside elsewhere; and to authorize limited commercial and public uses that are incidental to and compatible with resort developments.

(7) The general purpose of the extraction industries overlay zone is to provide for the operation of extraction industries in Hildale City, while regulating the operation of such industrial uses particularly on properties in close proximity to residential districts and to provide regulatory standards and procedures to ensure the reclamation of the extraction industry sites upon completion of the extraction processes.

Sec 152-11-3 Official Zoning Map

(a) Zones:
The location and boundaries of the zones described in this chapter, including subsequent amendments, shall be shown on an official zoning map, entitled the Hildale City official zoning map, as provided in this section.

(1) The zones established by this chapter are intended to further the goals and policies of the Hildale general plan. Accordingly, not every zone established by this chapter need be included on the official zoning map unless and until the Hildale City council, in the exercise of its legislative discretion, determines that placing a particular property in a particular zone will further the goals and policies of the general plan.

(2) Each lot within the city shall be subject to the requirements of the zone, or zones, in which the lot is located as shown on the official zoning map.

(3) The official zoning map, including all boundaries, notations, and other data shown thereon, is hereby adopted by this reference.

(b) Amendments:
Amendments to the boundaries of a specific zone shown on the official zoning map shall be accomplished in accordance with the provisions set forth in section 152-7-7 of this chapter.

(c) Map Updates:
The zoning administrator shall update the official zoning map as soon as possible after amendments are adopted by the city council. Upon entering any such amendment on the map, the zoning administrator shall note on the map the date of the revision.

(d) Filing Of Ordinance And Map:
The ordinance codified herein and official zoning map shall be filed in the custody of the city recorder/clerk and may be examined by the public subject to any reasonable regulations established by the city council.

HISTORY
Amended by Ord. 2019-001 on 3/6/2019
Amended by Ord. 2019-004 on 5/1/2019
Amended by Ord. 2019-005 on 6/5/2019
Amended by Ord. 2019-006 on 6/5/2019
Amended by Ord. 2019-010 on 8/7/2019
Amended by Ord. 2019-011 on 8/7/2019
Amended by Ord. 2019-012 on 9/4/2019
Amended by Ord. 2019-013 on 10/2/2019
Amended by Ord. 2019-014 on 10/2/2019
Amended by Ord. 2019-015 on 10/2/2019
Adopted by Ord. 2020-001 on 9/22/2020
Adopted by Ord. 2020-008 on 9/22/2020
Adopted by Ord. 2020-007 on 9/22/2020
Adopted by Ord. 2020-004 on 9/22/2020
Adopted by Ord. 2020-003 on 9/22/2020

Sec 152-11-4 Rules For Locating Zone Boundaries

(a) Applicability:
Where uncertainty exists as to the boundary of any zone shown on the official zoning map, the provisions of this section shall apply to determine the location of such Boundary.

(b) Centerlines And Property Lines:
When a zone boundary is indicated as being approximately upon the centerline of a street, alley or block, or along a property line, then, unless otherwise definitely indicated on the official zoning map, the centerline of such street, alley or block or such property line, shall be construed to be the boundary of such zone.

(c) Waterways, Park And Public Land:
When a zone boundary is indicated as being approximately at the line of any river, irrigation canal or other waterway, public park or other public land, or any section line, then the center of the stream, canal or waterway, or the railroad right of way, or the boundary line of the public land or section line shall be deemed to be the boundary of the zone.

(d) Lot, Block, And Tract Lines:
Zone boundaries indicated as approximately following platted lot lines, or block or parcel tract boundaries shall be interpreted as following such lines.

(e) Street Vacations:
When a public road, street, or alley is officially vacated, such property shall have the same zoning as the adjacent property. In the event vacated property is adjacent to two (2) zones, each zone shall extend to the centerline of the vacated right of way.

(f) Uncertainties:
When a physical or cultural feature existing on the ground is at variance with one shown on the official zoning map, or in case any other uncertainty exists with respect to a zone boundary, the zoning administrator shall determine the boundary location, subject to appeal in accordance with the provisions of section 152-7-19 of this chapter.

(g) Zoning Administrator To Make Determination:
The zoning administrator shall have the authority to make all zone boundary clarifications and determinations subject to the rules above and appeal in accordance with the provisions of section 152-7-19 of this chapter .

Sec 152-11-5 Clarification Of Zoning

(a) Ambiguous Zone:
Any property which is not clearly zoned on the city's official zoning map shall be deemed to be in the most restrictive adjacent zone.

(b) Ambiguous Use:

(1) If ambiguity arises concerning the classification of a particular use within the meaning and intent of this chapter, the zoning administrator shall determine the proper use or development standard. The zoning administrator may refer the matter to the planning commission for a final determination, if the zoning administrator deems the use unusual enough to require special consideration. The planning commission's determination shall be final and is subject to appeal in accordance with the provisions of section 152-7-19 of this chapter.

(2) If a particular use does not appear in the permitted and conditional uses table for a given zone, the use shall be deemed not permitted in that zone.

Sec 152-11-6 Newly Annexed Territories

Territory which is annexed shall be deemed to be zoned A-20 immediately upon annexation or as otherwise expressly provided in an annexation agreement. This zoning shall be considered a holding zone and no zone change will be considered until a plan for development is presented.

CHAPTER 12 AGRICULTURAL ZONES

Sec 152-12-1 Purpose
Sec 152-12-2 Scope
Sec 152-12-4 Development Standards
Sec 152-12-5 Regulations Of General Applicability
Sec 152-12-6 Regulations For Specific Uses
Sec 152-12-7 Special Regulations

Sec 152-12-1 Purpose

See section 152-11-2 of this chapter.

Sec 152-12-2 Scope

The provisions of this chapter shall apply to any real property located in an agricultural zone as shown on the official zoning map. No building, structure or real property shall be used and no building or structure shall be hereafter erected, structurally or substantially altered, or enlarged except as set forth in this chapter. Such requirements shall not be construed to prohibit or limit other applicable provisions of this chapter, this code, or other laws. 152-12-3: USES ALLOWED:

(a) Permitted And Conditional Uses:
Permitted and conditional uses allowed within agricultural zones shall be as set forth in table 152-12-1 of this section. Permitted and conditional uses are indicated by a "P" or "C", respectively, in the appropriate column. Uses not permitted are indicated by "N". Any use not shown on table 152-12-1 of this section shall be prohibited unless the zoning administrator determines the use is substantially the same as a permitted or conditional use as provided in subsection 152-7-18E4 of this chapter.

TABLE 152-12-1 PERMITTED AND CONDITIONAL USES ALLOWED IN AGRICULTURAL ZONES

Agricultural Permitted Uses					
Use		Zones			
		A-40	A-20	A-10	A-5
Agricultural uses:					
	Accessory building	P	P	P	P
	Agricultural business	P	P	P	P
	Agricultural industry	P	P	P	P
	Agriculture	P	P	P	P
	Animal specialties	P	P	P	P
	Animals and fowl for recreation and family food production	P	P	P	P
	Stable, private	P	P	P	P
Residential uses:					
	Assisted living facility	P	P	P	P
	Building, accessory	P	P	P	P
	Dwelling, earth sheltered	P	P	P	P
	Dwelling, single-family	P	P	P	P
	Dwelling, single-family with accessory dwelling unit	P	P	P	P
	Dwelling, temporary	P	P	P	P
	Guesthouse	P	P	P	P
	Manufactured home	P	P	P	P
	Residential facility for elderly persons[1]	P	P	P	P
	Residential facility for persons with a disability[1]	P	P	P	P
	Residential facility for troubled youth	N	N	N	N

	Short term rental	N	N	N	N
Public and civic uses:					
	Auditorium or stadium	N	N	N	N
	Cemetery	P	P	P	P
	Church or place of worship	P	P	P	P
	Club or service organization	P	P	P	P
	Convalescent care facility	N	N	N	N
	Cultural service	P	P	P	P
	Golf course	N	N	N	N
	Hospital	N	N	N	N
	Park	P	P	P	P
	Protective service	P	P	P	P
	Reception center	C	C	C	C
	Stable, public	P	P	P	P
	Utility, minor	P	P	P	P
	Utility substation	P	P	P	P
Commercial uses:					
	Agricultural sales and service	P	P	C	C
	Animal hospital	P	P	P	P
	Bed and breakfast, INN	C	C	C	C
	Bed and breakfast, home	C	C	C	C
	Camping Hosting Facility	C	C	C	C
	Family child daycare facility[2]	P	P	P	P
	Licensed family child care[2]	C	C	C	C
	Residential certificate child care[2]	P	P	P	P
	Garden center	P	P	P	P
	Kennel, residential	P	P	P	P
	Media service	N	N	N	N
	Off-Road Recreational Vehicle Rental	C	C	C	C
	Personal care service, home based[2]	P	P	P	P
	Personal instruction service, home based[2]	P	P	P	P
	Produce stand	P	P	P	P
	Recreation and entertainment, outdoor	C	C	C	C
	Vehicle repair, limited	N	N	N	N

	Veterinary service	P	P	P	P
	Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title			

(b) Accessory Uses:
Permitted and conditional uses set forth in table 152-12-1 of this section shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.

(1) Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this chapter.

(2) No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.

(3) Accessory uses in agricultural zones shall include, but are not limited to, the following:
Garage sales, subject to applicable standards of chapter 48, "Temporary Uses", of this chapter. Garages, carports, and off street parking areas, subject to applicable standards of chapter 34, "Off Street Parking And Loading", of this chapter. Hobby activities when conducted by an occupant of the premises solely for personal enjoyment, amusement, or recreation and which does not conflict with any applicable provision of this code.
Home based businesses, subject to applicable standards of chapter 42, "Home Based Businesses", of this chapter. Household pets. Keeping of machinery, livestock, and farming equipment as needed for agricultural use. Nurseries and greenhouses. Playhouses, patios, porches, gazebos, and incidental storage buildings. Produce stands.
Swimming pools and hot tubs for use by residents and their guests.
Temporary real estate offices, subject to applicable standards of chapter 48, "Temporary Uses", of this chapter.

Sec 152-12-4 Development Standards

Development standards within agricultural zones shall be as set forth in table 152-12-2 of this section.

TABLE 152-12-2 DEVELOPMENT STANDARDS IN AGRICULTURAL ZONES

Agricultural Development Standards				
	Zones			
Development Standard	A-40	A-20	A-10	A-10
Lot standards:				
Minimum lot area	40 acres	20 acres	10 acres	5 acres
Minimum lot width	400 feet	400 feet	300 feet	300 feet
Building standards:				
Maximum height, main building[1]	35 feet	35 feet	35 feet	35 feet
Maximum height, accessory building	35 feet	35 feet	35 feet	35 feet
Setback standards - front yard:				
Any building[2]	30 feet	30 feet	30 feet	30 feet

Setback standards - rear yard:				
Main building	30 feet	30 feet	30 feet	30 feet
Accessory building	No requirement	No requirement	No requirement	No requirement
Setback standards - interior side yard:				
Main building	15 feet	15 feet	15 feet	15 feet
Accessory building of 100 square feet or less	No requirement	No requirement	No requirement	No requirement
Accessory building greater than 100 square feet	20 feet	20 feet	20 feet	20 feet
Setback standards - street side yard:				
Main building	20 feet	20 feet	20 feet	20 feet
Main building on corner lot with yard that abuts the side yard of another lot	20 feet	20 feet	20 feet	20 feet
Accessory building	Not permitted	Not permitted	Not permitted	Not permitted

Sec 152-12-5 Regulations Of General Applicability

The use and development of real property in agricultural zones shall conform to regulations of general applicability as set forth in the following chapters of this chapter:

(a) Design and compatibility standards: See chapter 33 of this chapter.

(b) Landscaping and screening: See chapter 32 of this chapter.

(c) Motor vehicle access: See chapter 35 of this chapter.

(d) Natural resource inventory: See chapter 31 of this chapter.

(e) Off street parking: See chapter 34 of this chapter.

(f) Signs: See chapter 36 of this chapter.

(g) Supplementary development standards: See chapter 37 of this chapter.

Sec 152-12-6 Regulations For Specific Uses

To the extent that use and development of real property includes any matter encompassed by a regulation for a specific use as set forth in Article VI of this chapter, such regulation shall apply in addition to the requirements of this chapter and shall prevail over any conflicting provision of this chapter.

Sec 152-12-7 Special Regulations

(a) Increased Height:
Notwithstanding the height limitations shown on table 152-12-2 in section 152-12-4 of this chapter a greater building height may be allowed in all agricultural zones pursuant to a conditional use permit.

CHAPTER 13 RESIDENTIAL ZONES

Sec 152-13-1 Purpose
Sec 152-13-2 Scope
Sec 152-13-3 Uses Allowed
Sec 152-13-4 Development Standards In Residential Zones
Sec 152-13-5 Regulations Of General Applicability
Sec 152-13-6 Regulations For Specific Uses
Sec 152-13-7 Special Regulations
Sec 152-13-8 Illustrations (Reserved)

Sec 152-13-1 Purpose

See section 152-11-2 of this chapter.

Sec 152-13-2 Scope

The provisions of this chapter shall apply to any real property located in a residential zone as shown on the official zoning map. No building, structure or real property shall be used and no building or structure shall be hereafter erected, structurally or substantially altered, or enlarged except as set forth in this chapter. Such requirements shall not be construed to prohibit or limit other applicable provisions of this chapter, this code, or other laws.

Sec 152-13-3 Uses Allowed

(a) Permitted And Conditional Uses:
Permitted and conditional uses allowed within residential zones shall be as set forth in table 152-13-1 of this section. Permitted and conditional uses are indicated by a "P" or "C", respectively, in the appropriate column. Uses not permitted are indicated by "N". Any use not shown on table 152-13-1 of this section shall be prohibited unless the zoning administrator determines the use is substantially the same as a permitted or conditional use as provided in subsection 152-7-18E4 of this chapter.

TABLE 152-13-1 PERMITTED AND CONDITIONAL USES ALLOWED IN RESIDENTIAL ZONES

PERMITTED AND CONDITIONAL USES ALLOWED IN RESIDENTIAL ZONES								
		Zones						
		R1-15	R1-10	R1-8	RM-1	RM-2	RM-3	MH/RV
Agricultural uses:								
	Accessory building	P	P	P	P	P	P	P
	Agricultural business	N	N	N	N	N	N	N
	Agricultural industry	N	N	N	N	N	N	N
	Agriculture	N	N	N	N	N	N	N
	Agriculture residential	P	P	P	P	P	P	P
	Animal specialties	P	P	N	N	N	N	N
	Animals and fowl for recreation and family food production	P^3/C	P^3/C	P^3	N	N	N	N
	Stable, private	N	N	N	N	N	N	N

Residential uses:								
	Assisted living facility	C	C	C	N	N	N	N
	Boarding house	N	N	N	N	N	N	N
	Building, accessory	P	P	P	P	P	P	P
	Dwelling, earth sheltered	P	P	P	P	P	P	N
	Dwelling, multiple-family	N	N	N	P	P	P	N
	Dwelling, single-family	P	P	P	P	P	P	P
	Dwelling, single-family with accessory dwelling unit	P	P	P	N	N	N	N
	Dwelling, temporary	P	P	P	P	P	P	P
	Dwelling, two-family	N	N	N	P	P	P	N
	Guesthouse or casita with direct access to main dwelling unit	P	P	P	N	N	N	N
	Guesthouse or casita without direct access to main dwelling unit	C	C	C	N	N	N	N
	Manufactured home	P	P	P	N	N	N	P
	Manufactured/mobile home park	N	N	N	N	N	N	P
	Manufactured/mobile home subdivision	N	N	N	N	N	N	P
	Protective housing facility	N	N	N	N	N	N	N
	Rehabilitation/treatment facility	N	N	N	N	N	N	N
	Residential facility for elderly persons[1]	P	P	P	P	P	P	P
	Residential facility for persons with a disability[1]	P	P	P	P	P	P	P
	Residential facility for troubled youth	N	N	N	N	N	N	N
	Short term rental[4]	P	P	P	N	N	N	N
	Transitional housing facility	N	N	N	N	N	N	N
Public and civic uses:								
	Airport	N	N	N	N	N	N	N
	Auditorium or stadium	N	N	N	N	N	N	N
	Bus terminal	N	N	N	N	N	N	N
	Cemetery	P	P	P	P	P	P	P
	Church or place of worship	P	P	P	P	P	P	P
	Club or service organization	N	N	N	N	N	N	N
	College or university	N	N	N	N	N	N	N
	Convalescent care facility	N	N	N	N	N	N	N
	Correctional facility	N	N	N	N	N	N	N

	Cultural service	N	N	N	N	N	N	N
	Golf course	P	P	P	P	P	P	P
	Government service	N	N	N	N	N	N	N
	Hospital	N	N	N	N	N	N	N
	Operations center	N	N	N	N	N	N	N
	Park	P	P	P	P	P	P	P
	Post office	N	N	N	N	N	N	N
	Protective service	P	P	P	P	P	P	P
	Reception center	N	N	N	N	N	N	N
	School, elementary, middle, high or private	P	P	P	P	P	P	P
	School, vocational	N	N	N	N	N	N	N
	Stable, public	N	N	N	N	N	N	N
	Utility, major	N	N	N	N	N	N	N
	Utility, minor	P	P	P	P	P	P	P
Commercial uses:								
	Agricultural sales and service	N	N	N	N	N	N	N
	Animal hospital	N	N	N	N	N	N	N
	Bail bond service	N	N	N	N	N	N	N
	Bank or financial institution	N	N	N	N	N	N	N
	Bed and breakfast, home (Less than or Equal to 2; Owner Occupied)	C	C	C	N	N	N	C
	Bed and breakfast inn (Between 3 and 10)	C	C	C	N	N	N	C
	Business equipment rental, services, and supplies	N	N	N	N	N	N	N
	Camping Hosting Facility	N	N	N	N	N	N	N
	Car wash	N	N	N	N	N	N	N
	Club, private	N	N	N	N	N	N	N
	Construction sales and service	N	N	N	N	N	N	N
	Convenience store	N	N	N	N	N	N	N
	Family child daycare facility[2]	P	P	P	P	P	P	P
	Licensed family child care[2]	C	C	C	C	C	C	C
	Residential certificate child care[2]	P	P	P	P	P	P	P
	Child care center	N	N	N	N	N	N	N
	Funeral home	N	N	N	N	N	N	N
	Garden center	N	N	N	N	N	N	N

	Gas and fuel, storage and sales	N	N	N	N	N	N	N
	Gasoline service station	N	N	N	N	N	N	N
	Hostel	N	N	N	N	N	N	N
	Hotel	N	N	N	N	N	N	N
	Kennel, commercial	N	N	N	N	N	N	N
	Kennel, residential	P	P	P	P	P	P	P
	Laundry or dry cleaning, limited	N	N	N	N	N	N	N
	Liquor store	N	N	N	N	N	N	N
	Media service	N	N	N	N	N	N	N
	Medical or dental laboratory	N	N	N	N	N	N	N
	Medical service	N	N	N	N	N	N	N
	Motel	N	N	N	N	N	N	N
	Office, general	N	N	N	N	N	N	N
	Off Road Recreational Vehicle Rental	C	C	C	N	N	N	N
	Parking garage, public	N	N	N	N	N	N	N
	Parking lot, public	N	N	N	N	N	N	N
	Pawnshop	N	N	N	N	N	N	N
	Personal care service, home based[2]	P	P	P	P	P	P	P
	Personal instruction service, home based[2]	P	P	P	P	P	P	P
	Printing and copying, limited	N	N	N	N	N	N	N
	Printing, general	N	N	N	N	N	N	N
	Produce stand	N	N	N	N	N	N	N
	Recreation and entertainment, indoor	N	N	N	N	N	N	N
	Recreation and entertainment, outdoor	N	N	N	N	N	N	N
	Recreational vehicle park	N	N	N	N	N	N	P
	Repair service	N	N	N	N	N	N	N
	Research service	N	N	N	N	N	N	N
	Residential hosting facility	P	P	P	N	N	N	N
	Restaurant, fast food	N	N	N	N	N	N	N
	Restaurant, general	N	N	N	N	N	N	N
	Retail, general	N	N	N	N	N	N	N
	Secondhand store	N	N	N	N	N	N	N
	Shopping center	N	N	N	N	N	N	N
	Tattoo establishment	N	N	N	N	N	N	N

	Tavern	N	N	N	N	N	N	N
	Temporary trailer	P	P	P	P	P	P	P
	Transportation service	N	N	N	N	N	N	N
	Vehicle and equipment rental or sale	N	N	N	N	N	N	N
	Vehicle and equipment repair, general	N	N	N	N	N	N	N
	Vehicle repair, limited	N	N	N	N	N	N	N
	Veterinary service	N	N	N	N	N	N	N
	Warehouse, self-service storage	N	N	N	N	N	N	N
	Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title						
Industrial uses:								
	Automobile wrecking yard	N	N	N	N	N	N	N
	Freight terminal	N	N	N	N	N	N	N
	Heavy industry	N	N	N	N	N	N	N
	Junk or salvage yard	N	N	N	N	N	N	N
	Laundry services	N	N	N	N	N	N	N
	Manufacturing, general	N	N	N	N	N	N	N
	Manufacturing, limited	N	N	N	N	N	N	N
	Mineral extraction	N	N	N	N	N	N	N
	Wholesale and warehousing, general	N	N	N	N	N	N	N
	Wholesale and warehousing, limited	N	N	N	N	N	N	N

Notes:

(1) See chapter 46 of this chapter.

(2) See chapter 42 of this chapter.

(3) See section 152-37-15 of this chapter for permitted animals and fowl.

(4) See licensing and operations requirements in title 11 of this code.

(b) Accessory Uses:
Permitted and conditional uses set forth in table 152-13-1 of this section shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.

(1) Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this chapter.

(2) No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.

(3) Accessory uses in residential zones shall include, but not be limited to, the following: Garage sales, subject to applicable standards of chapter 48, "Temporary Uses", of this

chapter. Garages and off street parking areas, subject to applicable standards of chapter 34, "Off Street Parking And Loading", of this chapter. Hobby activities when conducted by an occupant of the premises solely for personal enjoyment, amusement, or recreation and which does not conflict with any other city ordinance. Home based businesses, subject to applicable standards of chapter 42, "Home Based Businesses", of this chapter. Household pets. Nurseries and greenhouses, when used for family food production. Playhouses, patios, porches, gazebos, and incidental storage buildings. Swimming pools and hot tubs for use by residents and their guests.

Sec 152-13-4 Development Standards In Residential Zones

Development standards within residential zones shall be as set forth in table 152-13-2 of this section.

TABLE 152-13-2

DEVELOPMENT STANDARDS IN RESIDENTIAL ZONES							
		Zones					
Development Standard	R1-25	R1-15	R1-10	R1-8	RM-1	RM-2	RM-3
Lot standards:							
Average lot area[2]	15,000 sq. ft.	15,000 sq. ft.	10,000 sq. ft.	8,000 sq. ft.	n/a	n/a	n/a
Minimum lot area or acreage	12,000 sq. ft.	12,000 sq. ft.	8,000 sq. ft.	6,400 sq. ft.	10,000 sq. ft.	1 acre	1 acre
Minimum lot width and/or project frontage	89 ft.	90 ft.	80 ft.	70 ft.	80 ft. project	100 ft. project	200 ft. project
					30 ft. unit	30 ft. unit	30 ft. unit
/	n/a	n/a	n/a	n/a	6 units/lots	10 units/lots	15 units/lots
Building standards:							
Maximum height, main building[3]	34 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
Maximum height, accessory building[4]	19 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Maximum size, accessory building	1,200 sq. ft.	1,200 sq. ft.	1,200 sq. ft.	500 sq. ft.	1,000 sq. ft.	1,000 sq. ft.	500 sq. ft.
Building coverage: See subsection 10-37-12I of this title	50% of lot	50% of lot	50% of lot	50% of lot	50% of lot	50% of lot	50% of lot
Distance between buildings	No requirement	No requirement	No requirement	No requirement	20 ft.	20 ft.	20 ft.
Setback standards - front yard:							
Any building[5]	24 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.

Setback standards - rear yard:							
Main building	19 ft.	20 ft.	20 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Accessory building, including private garage[6]	19 ft.	20 ft.	20 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Setback standards - interior side yard:							
Main building	9 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Accessory building, including private garage	See note 6	See note 6	See note 6	See note 6	See note 6	See note 6	See note 6
Setback standards - street side yard:							
Main building[7]	19 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Accessory building	See note 6	See note 6	See note 6	See note 6	See note 6	See note 6	See note 6

Notes:

1. Duplex only permitted on first 10,000 square feet. Any additional units must meet density per acre standards.

2. "Average size" means the total acreage devoted to lots divided by the number of lots. Net density definition shall apply.

3. Except as otherwise permitted by subsection 152-13-7C of this chapter.

4. Except as otherwise permitted by subsection 152-13-7B of this chapter.

5. Except as modified by the provisions of subsection 152-37-12F, "Setback Measurement", of this chapter.

6. If located at least 10 feet from main building, 2 feet from the dripline of the roof. Otherwise, same as for main building.

7. When this side setback is required, rear setback may be reduced to 10 feet.

Sec 152-13-5 Regulations Of General Applicability

The use and development of real property in residential zones shall conform to regulations of general applicability as set forth in the following chapters of this chapter:

(a) Design and compatibility standards:
See chapter 33 of this title.

(b) Landscaping and screening:
See chapter 32 of this title.

(c) Motor vehicle access:
See chapter 35 of this title.

(d) Natural resource inventory:
See chapter 31 of this title.

(e) Off street parking:
See chapter 34 of this title.

(f) Signs:
See chapter 36 of this title.

(g) Supplementary development standards:
See chapter 37 of this title.

Sec 152-13-6 Regulations For Specific Uses

To the extent that use and development of real property includes any matter encompassed by a regulation for a specific use as set forth in Article VI of this chapter, such regulation shall apply in addition to the requirements of this chapter and shall prevail over any conflicting provision of this chapter.

Sec 152-13-7 Special Regulations

(a) Animals:
Within R1, RM, and MH/RV zones, where permitted by the zone, the keeping of animals shall normally be simultaneous with occupied residential use.

(b) Larger Accessory Buildings:
Notwithstanding the maximum building size limitation shown on table 152-13-2 in section 152-13-4 of this chapter, the maximum size of an accessory building may be increased pursuant to a conditional use permit.

(c) Increased Height:
Notwithstanding the height limitations shown on table 152-13-2 in section 152-13-4 of this chapter a greater building height may be allowed in residential zones pursuant to a conditional use permit.

(d) Visual Barriers:
Fencing or other method of providing privacy and a visual barrier to adjacent property shall be constructed around the perimeter of a multiple-family development.

(1) The height of such barrier shall be at least six feet (6').

(2) The barrier material and location shall be identified on an approved site plan.

(e) Open Space:
In multiple-family residential zones, common open space should equal or exceed the ground floor area of all buildings on site. Projects greater than one story should provide common open space equivalent to the ground floor area plus fifty percent (50%) of all additional floor area.

Sec 152-13-8 Illustrations (Reserved)

CHAPTER 14 RESIDENTIAL AGRICULTURE ZONES

Sec 152-14-1 Purpose
Sec 152-14-2 Scope
Sec 152-14-3 Uses Allowed
Sec 152-14-4 Development Standards In Residential Agricultural Zones
Sec 152-14-5 Regulations Of General Applicability
Sec 152-14-6 Regulations For Specific Uses
Sec 152-14-7 Special Regulations

Sec 152-14-1 Purpose

See section 152-11-2 of this chapter.

Sec 152-14-2 Scope

The provisions of this chapter shall apply to any real property located in a residential agriculture zone as shown on the official zoning map. No building, structure or real property shall be used and no building or structure shall be hereafter erected, structurally or substantially altered, or enlarged except as set forth in this chapter. Such requirements shall not be construed to prohibit or limit other applicable provisions of this chapter, this code, or other laws.

Sec 152-14-3 Uses Allowed

(a) Permitted And Conditional Uses:
Permitted and conditional uses allowed within residential agriculture zones shall be as set forth in table 152-14-1 of this section. Permitted and conditional uses are indicated by a "P" or "C", respectively, in the appropriate column. Uses not permitted are indicated by "N". Any use not shown on table 152-14-1 of this section shall be prohibited unless the zoning administrator determines the use is substantially the same as a permitted or conditional use as provided in subsection 152-7-18E4 of this chapter.

TABLE 152-14-1 PERMITTED AND CONDITIONAL USES ALLOWED IN RESIDENTIAL AGRICULTURE ZONES

PERMITTED AND CONDITIONAL USES ALLOWED IN RESIDENTIAL AGRICULTURE ZONES			
		Zones	
Agricultural uses:		RA-1	RA-.5
	Agricultural business	P	N
	Agricultural industry	N	N
	Agriculture	P	P
	Animal specialties	P	P
	Animals and fowl for recreation and family food production	P	P[3]
	Stable, private	P	P
Residential uses:			
	Assisted living facility	P	P
	Boarding house	N	N
	Building, accessory	P	P
	Dwelling, earth sheltered	P	P
	Dwelling, multiple-family	N	N
	Dwelling, single-family	P	P
	Dwelling, single-family with accessory dwelling unit	P	P
	Dwelling, temporary	P	P
	Dwelling, two-family	N	N
	Guesthouse	P	P

	Manufactured home	P	P
	Manufactured/mobile home park	N	N
	Manufactured/mobile home subdivision	N	N
	Protective housing facility	P	P
	Residential facility for elderly persons[1]	P	P
	Residential facility for persons with a disability[1]	P	P
	Residential facility for troubled youth	C	C
	Short term rental[4]	P	P
Public and civic uses:			
	Auditorium or stadium	N	N
	Cemetery	P	P
	Church or place of worship	P	P
	Club or service organization	N	N
	Convalescent care facility	N	N
	Cultural service	P	P
	Golf course	P	P
	Hospital	N	N
	Park	P	P
	Protective service	P	P
	Reception center	N	N
	Stable, public	P	N
	Utility, minor	P	P
	Utility substation	P	P
Commercial uses:			
	Agricultural sales and service	N	N
	Animal hospital	P	P
	Bed and breakfast, home	C	C
	Bed and breakfast inn	C	C
	Camping Hosting Facility	N	N
	Family child daycare facility[2]	P	P
	Licensed family child care[2]	C	C
	Residential certificate child care[2]	P	P
	Garden center	N	N
	Kennel, residential	P	P

	Media service	N	N
	Off Road Recreational Vehicle Rental	C	C
	Personal care service, home based[2]	P	P
	Personal instruction service, home based[2]	P	P
	Produce stand	P	P
	Recreational vehicle park	N	N
	Residential hosting facility	P	P
	Temporary trailer	P	P
	Veterinary service	N	N
	Warehouse, self-service storage	N	N
	Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title	

Notes:

(1) See chapter 46 of this chapter.

(2) See chapter 42 of this chapter.

(3) See section 152-37-15 of this chapter for permitted animals and fowl.

(4) See licensing and operations requirements in title 11 of this code.

(b) Accessory Uses:
Permitted and conditional uses set forth in table 152-14-1 of this section shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.

(1) Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this chapter.

(2) No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.

(3) Accessory uses in residential agriculture zones shall include, but not be limited to, the following: Garage sales, subject to applicable standards of chapter 48, "Temporary Uses", of this chapter. Garages and off street parking areas, subject to applicable standards of chapter 34, "Off Street Parking And Loading", of this chapter. Hobby activities when conducted by an occupant of the premises solely for personal enjoyment, amusement, or recreation and which does not conflict with any other city ordinance. Home based businesses, subject to applicable standards of chapter 42, "Home Based Businesses", of this chapter. Household pets.Nurseries and greenhouses. Playhouses, patios, porches, gazebos, and incidental storage buildings. Swimming pools and hot tubs for use by residents and their guests.

Sec 152-14-4 Development Standards In Residential Agricultural Zones

Development standards within residential agriculture zones shall be as set forth in table 152-14-2 of this section.

TABLE 152-14-2

DEVELOPMENT STANDARDS IN RESIDENTIAL AGRICULTURE ZONES		
Development Standard	Zones	
	RA-1	RA-.5
Lot standards:		
Average lot area[1]	1 acre	0.5 acre
Minimum lot area[2]	0.8 acre	0.4 acre
Minimum lot width	100 feet	100 feet
Building standards:		
Maximum height, main building[3]	35 feet	35 feet
Maximum height, accessory building	20 feet	20 feet
Maximum size, accessory building[4]	2,000 square feet	2,000 square feet
Building coverage	50% of lot (see subsection 10-37-12I of this title)	
Distance between buildings	No requirement	No requirement
Setback standards - front yard:		
Any building[5]	25 feet	
Setback standards - rear yard:		
Main building	30 feet	30 feet
Accessory building, including private garage	If located 10 feet from main building: 2 feet. If not, same as main building	
Setback standards - interior side yard:		
Main building	10 feet one side and 20 feet other side	10 feet
Accessory building, including private garage	If located 10 feet from main building: 2 feet. If not, same as main building	
Setback standards - street side yard:		
Main building	20 feet	20 feet
Accessory building	Not permitted	Not permitted

Notes:

1. "Average size" means the total acreage devoted to lots divided by the number of lots. Net density definition shall apply.

2. The indicated number is 80 percent of average lot area requirement.

3. Except as otherwise permitted by subsection 152-14-7C of this chapter.

4. Except as otherwise permitted by subsection 152-14-7B of this chapter.

5. Except as modified by the provisions of subsection 152-37-12F, "Setback Measurement", of this chapter.

Sec 152-14-5 Regulations Of General Applicability

The use and development of real property in residential agriculture zones shall conform to regulations of general applicability as set forth in the following chapters of this chapter:

(a) Design and compatibility standards: See chapter 33 of this chapter.

(b) Landscaping and screening: See chapter 32 of this chapter.

(c) Motor vehicle access: See chapter 35 of this chapter.

(d) Natural resource inventory: See chapter 31 of this chapter.

(e) Off street parking: See chapter 34 of this chapter.

(f) Signs: See chapter 36 of this chapter.

(g) Supplementary development standards: See chapter 37 of this chapter.

Sec 152-14-6 Regulations For Specific Uses

To the extent that use and development of real property includes any matter encompassed by a regulation for a specific use as set forth in Article VI of this chapter, such regulation shall apply in addition to the requirements of this chapter and shall prevail over any conflicting provision of this chapter.

Sec 152-14-7 Special Regulations

(a) Animals:
Within RA-1 and RA-.5 zones, where permitted by the zone the keeping of animals shall normally be simultaneous with occupied residential use.

(b) Larger Accessory Buildings:
Notwithstanding the maximum building size limitation shown in section 152-14-4, table 152-14-2 of this chapter, the maximum size of an accessory building may be increased pursuant to a conditional use permit.

(c) Increased Height:
Notwithstanding the height limitations shown in section 152-14-4, table 152-14-2 of this chapter a greater building height may be allowed in residential zones pursuant to a conditional use permit.

CHAPTER 15 COMMERCIAL ZONES

Sec 152-15-1 Purpose
Sec 152-15-2 Scope
Sec 152-15-3 Uses Allowed In Commercial Zones
Sec 152-15-4 Development Standards In Commercial Zones
Sec 152-15-5 Regulations Of General Applicability
Sec 152-15-6 Regulations For Specific Uses
Sec 152-15-7 Special Regulations

Sec 152-15-1 Purpose

See section 152-11-2 of this chapter.

Sec 152-15-2 Scope

The provisions of this chapter shall apply to any real property located in a commercial zone as shown on the official zoning map. No building, structure or real property shall be used and no building or structure shall be hereafter erected, structurally or substantially altered, or enlarged except as set forth in this chapter. Such requirements shall not be construed to prohibit or limit other applicable provisions of this chapter, this Code, or other laws.

Sec 152-15-3 Uses Allowed In Commercial Zones

(a) Permitted And Conditional Uses:
Permitted and conditional uses allowed within commercial zones shall be as set forth in table 152-15-1 of this section. Permitted and conditional uses are indicated by a "P" or "C", respectively, in the appropriate column. Uses not permitted are indicated by "N". Any use not shown on table 152-15-1 of this section shall be prohibited unless the Zoning Administrator determines the use is substantially the same as a permitted or conditional use as provided in subsection 152-7-18E4 of this chapter.

TABLE 152-15-1

PERMITTED AND CONDITIONAL USES ALLOWED IN COMMERCIAL ZONES						
		Zones				
		NC	GC	HC	PC	POC
Residential uses:						
	Building, accessory	P	N	N	P	P
	Dwelling, multiple-family[4]	C	N	N	P	P
	Dwelling, single-family[4]	C	N	N	P	N
	Dwelling, temporary	C	N	N	N	N
	Dwelling, two-family[4]	C	N	N	P	P
	Manufactured home	N	N	N	N	N
	Manufactured/mobile home park	N	N	N	N	N
	Protective housing facility	N	N	N	N	N
	Rehabilitation/treatment facility	N	P	P	P	P
	Residential facility for elderly persons[1]	P	N	N	P	P
	Residential facility for persons with a disability[1]	P	N	N	P	P
	Residential facility for troubled youth	N	N	N	N	N
	Transitional housing facility	N	N	N	N	N
Public and civic uses:						
	Auditorium or stadium	N	P	P	P	N
	Bus terminal	N	P	P	P	N
	Cemetery	P	P	P	P	P
	Church or place of worship	P	P	P	P	P

	Club or service organization	P	P	P	P	P
	Convalescent care facility	N	P	P	P	N
	Cultural service	P	P	P	P	P
	Golf course	P	P	P	P	P
	Government service	N	P	P	P	N
	Hospital	N	P	P	P	N
	Operations center	N	P	P	P	P
	Park	P	P	P	P	P
	Post office	P	P	P	P	P
	Protective service	P	P	P	P	P
	Reception center	C	P	P	P	P
	Utility, major[3]	N	N	N	C	C
	Utility, minor[3]	P	P	P	P	P
	Utility substation[3]	P	P	P	P	P
Commercial uses:						
	Agricultural sales and service	N	P	P	P	N
	Animal hospital	P	P	P	P	N
	Bail bond service	N	P	P	P	N
	Bank or financial institution	P	P	P	P	P
	Bed and breakfast, home	C	N	N	N	N
	Bed and breakfast inn	C	P	P	P	N
	Business equipment rental, services, and supplies	P	P	P	P	P
	Car wash	P	P	P	P	P
	Club, private	N	P	P	P	N
	Construction sales and service	N	P	P	N	N
	Convenience store	P	P	P	P	P
	Family child daycare facility[2]	P	N	N	N	N
	Licensed family child care[2]	P	N	N	N	N
	Residential certificate child care[2]	P	N	N	N	N
	Child care center	P	P	P	P	P
	Funeral home	N	P	P	P	N
	Garden center	P	P	P	P	P
	Gas and fuel, storage and sales	N	N	N	N	N

	Gasoline service station	P	P	P	P	N
	Hostel	N	P	P	P	N
	Hotel	N	P	P	P	N
	Kennel, commercial	C	P	C	C	C
	Kennel, residential	P	N	N	N	N
	Laundry or dry cleaning, limited	P	P	P	P	P
	Liquor store	N	P	P	P	N
	Media service	P	P	P	P	P
	Medical or dental laboratory	N	P	P	P	N
	Medical service	P	P	P	P	P
	Motel	N	P	P	P	N
	Office, general	P	P	P	P	P
	Parking garage, public	N	P	P	P	P
	Parking lot, public	N	P	P	P	P
	Pawnshop	N	N	P	P	N
	Personal care service	P	P	P	P	P
	Personal instruction service	P	P	P	P	P
	Printing and copying, limited	P	P	P	P	P
	Printing, general	N	P	P	P	P
	Produce stand	P	P	P	N	P
	Recreation and entertainment, indoor	P	P	P	P	P
	Recreation and entertainment, outdoor	N	P	P	P	N
	Recreational vehicle park	N	N	P	P	N
	Repair service	P	P	P	P	P
	Research service	N	P	P	P	N
	Restaurant, fast food	P	P	P	P	P
	Restaurant, general	P	P	P	P	P
	Retail, general	P	P	P	P	P
	Secondhand store	P	P	P	P	P
	Shopping center	P	P	P	P	P
	Takeoff and landing of aircraft	N	N	N	N	N
	Tattoo establishment	P	P	P	N	N
	Tavern	P	P	P	P	P
	Temporary trailer	P	P	P	P	P

	Transportation service	N	P	P	P	N
	Vehicle and equipment rental or sale	N	P	P	P	N
	Vehicle and equipment repair, general	N	P	P	N	N
	Vehicle repair, limited	N	P	P	P	P
	Veterinary service	P	P	P	N	N
	Warehouse, self-service storage	P	P	N	N	N
	Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title				
Industrial uses:						
	Laundry services	N	N	N	P	N
	Wholesale and warehousing, general	N	N	N	P	N
	Wholesale and warehousing, limited	N	N	N	N	N

Notes:

(1) See chapter 46 of this chapter.

(2) See chapter 42 of this chapter.

(3) See chapter 45 of this chapter.

(4) In the area designated as Downtown District on the General Plan map, existing single family residential uses may continue as permitted residential uses. Use and development standards for an R-1-8 Zone shall apply. Existing approved multi-family and two family uses may continue as permitted residential uses. Use and development standards for an RM-2
Zone would apply. No new residential uses are permitted.

(b) Accessory Uses:
Permitted and conditional uses set forth in table 152-15-1 of this section shall be deemed to include accessory uses and activities that are necessarily and customarily
associated with and incidental and subordinate to such uses.

(1) Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this chapter.

(2) No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.

(3) Accessory uses in commercial zones shall include, but not be limited to, the following: Accessory dwelling units attached to a commercial permitted use structure or on the same lot and under same ownership as a permitted use structure. Accessory dwelling units for security and maintenance personnel. Cafeterias, dining halls and similar food service facilities when located within the main use and operated primarily for the convenience of employees, residents, clients, or visitors to the main use. Garages and off street parking areas, subject to applicable standards of chapter 34, "Off Street Parking And Loading", of this chapter. Recreational areas and facilities for the use of employees. Recycling collection stations. Refreshment stands and food and beverage sales located in uses involving public assembly. Temporary uses, subject to applicable standards of chapter 48, "Temporary Uses", of this chapter.

Sec 152-15-4 Development Standards In Commercial Zones

Development standards within commercial zones shall be as set forth in table 152-15-2 of this section.

TABLE 152-15-2

DEVELOPMENT STANDARDS IN COMMERCIAL ZONES					
Development	Zones				
Standard	NC	GC	HC	PC	POC
Lot standards:					
Minimum lot area	No requirement	No requirement	No requirement	5 acres	5 acres
Minimum lot width	No requirement	No requirement	No requirement	No requirement	No requirement
Building standards:					
Maximum height, main building[1]	35 feet	35 feet	35 feet	55 feet	55 feet
Maximum height, accessory building	20 feet	20 feet	20 feet	20 feet	20 feet
Setback standards - front yard:					
All buildings[2]	20 feet	20 feet	20 feet	20 feet	20 feet
Setback standards - rear yard:					
Main building	New building on a lot abutting an existing agricultural or residential use: 10 feet				
Accessory building	Otherwise: No requirement				
Setback standards - interior side yard:					
Main building	New building on a lot abutting an existing agricultural or residential use: 10 feet				
Accessory building	Otherwise: No requirement				
Setback standards - street side yard:					
Main building	20 feet	20 feet	20 feet	20 feet	20 feet
Accessory building	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted

Notes:

1.Except as otherwise permitted by subsection 152-15-7A of this chapter.

2.Except as modified by the provisions of subsection 152-37-12F, "Setback Measurement", of this chapter.

Sec 152-15-5 Regulations Of General Applicability

The use and development of real property in commercial zones shall conform to regulations of general applicability as set forth in the following chapters of this chapter:

(a) Design and compatibility standards: See chapter 33 of this chapter.

(b) Landscaping and screening: See chapter 32 of this chapter.

(c) Motor vehicle access: See chapter 35 of this chapter.

(d) Natural resource inventory: See chapter 31 of this chapter.

(e) Off street parking: See chapter 34 of this chapter.

(f) Signs: See chapter 36 of this chapter.

(g) Supplementary development standards: See chapter 37 of this chapter.

Sec 152-15-6 Regulations For Specific Uses

To the extent that use and development of real property includes any matter encompassed by a regulation for a specific use as set forth in Article VI of this chapter, such regulation shall apply in addition to the requirements of this chapter and shall prevail over any conflicting provision of this chapter.

Sec 152-15-7 Special Regulations

(a) Increased Height:
Notwithstanding the height limitations shown in section 152-15-4, table 152-15-2 of this chapter a greater building height may be allowed in a commercial zone for a commercial use pursuant to a conditional use permit.

(b) Use Within An Enclosed Building:
Each use specified in section 152-15-3, table 152-15-1 of this chapter shall be conducted completely within a completely enclosed building, except for the parking of motor vehicles and services to persons therein.

(c) Dust, Odor, Smoke, Noise, And Vibration:
Each use specified in section 152-15-3, table 152-15-1 of this chapter shall be free from objectionable dust, odor, smoke, noise, and vibration.

(d) Highway Commercial Zone Location:
For property abutting SR-59, the Highway Commercial Zone shall begin at the highway right-of-way line and shall extend a distance of five hundred feet (500') from the State highway right-of-way line, except as otherwise depicted by the zoning map.

(e) Vendor Carts:
Vendor carts are subject to the following definitions, rules and limitations:

(1) Definitions:

a. LONG TERM VENDOR CART: A vendor cart that is not removed from its site and is properly stored when not in use.

NEXT QUALIFIED APPLICANT: An applicant for a vendor cart business license who has submitted a complete application for a specific location and paid the applicable application fee based on the date application fee was paid and determination of a complete application made, whichever shall be last.

SEASONAL VENDOR CART: A vendor cart meeting all the requirements of this

section which is permitted for a specific season, either summer or winter. Summer seasonal permits allow operation from April 1 to September 30 and winter seasonal permits allow operation from October 1 to March 31. The holder of a seasonal vendor cart permit may renew up to thirty (30) days prior to the first date of the season if the location where the permit is sought is not occupied by another seasonal vendor cart and the seasonal vendor cart business license has been renewed.

SHORT TERM VENDOR CART: A vendor cart that is removed from its site and properly stored out of public view each day.

SPECIAL EVENT CART: A wagon, cart, booth, or similar temporary structure designed and used for the sale of goods and services at a special event for which the City has issued a special event permit pursuant to title 11, chapter 112 of this Code.

VENDOR CART: A temporary structure in the form of a wagon, cart trailer, truck, or other mobile structure designed and intended for the sale of goods and services. The term "vendor cart" includes a long term vendor cart, or a short term vendor cart.

(2) Rules And Limitations:

a. Vendor Cart Locations:
Long term vendor carts and short term vendor carts are permitted only in those land use zones where commercial uses are an allowed or conditional land use. Special event vendor carts are permitted anywhere within the City if authorized by a special event permit issued by the City or at a special event sponsored by the City.

b. Vendor Cart General Design Standards: Long term vendor carts and short term vendor carts are subject to the following general design standards:

1. All long term vendor carts and short term vendor carts must be constructed of a professional quality for use as a vending cart.

2. All long term vendor carts and short term vendor carts must be in good working condition, with no broken or rusty parts. All exterior materials must be kept clean and in neat appearance. Metal and/or wood may be used as exterior finishes. Metal surfaces shall be suitable for long term use in an exterior location. Metal vendor cart exteriors must have finished edges, concealed seams, and overlapping joints. Wood details and finishes must be suitable for long wear in an exterior location and finished in a craftsmanlike manner.

3. Siding and other compatible materials used on a vendor cart must wrap all sides of the vendor cart.

4. Long term vendor carts must be windproof, waterproof and locked when not in operation.

5. Vendor cart must be on wheels.

c. Additional Requirements For All Vendor Carts:

1. Vendor carts must be located on private property except food vendors granted space by permit at city owned recreation sites if such permit is

established.

2. Vendor cart owners shall improve the immediate area around their business through the installation of pavers, landscaping, awnings, and/or short term decks to help the vendor carts to look less temporary, and to blend into the surrounding character.
3. When a vendor cart is independently connected to the city's culinary or irrigation water systems, power system or the sewer system, all applicable fees must be paid.
4. Generators are prohibited for vendor carts, except for use as an emergency source of power when the permanent source of power to the vendor cart is temporarily unavailable.
5. Property owner and/or vendor shall maintain the premises and the cart in a clean, safe, and orderly condition at all times.
6. Operators of vendor carts must obtain and maintain in full force and effect throughout the permit a valid city of Hildale business license.
7. Customer seating for a vendor cart is limited to a maximum of either four (4) seats or one picnic table not to exceed eight feet (8') in length or diameter. Additionally, vendor carts may have one condiment table.
8. The operator of a vendor cart shall comply with all applicable health regulations.
9. All storage boxes, cartons, and coolers used in connection with the operation of a vendor cart shall be hidden from public view.
10. Short term vendor carts must be removed from the site and properly stored out of public view each day.
11. Umbrellas or shade structures may be used on a vendor cart. Tents on or at vendor carts are prohibited.
12. All signage must be attached to a vendor cart. Freestanding signage on or for a short term vendor cart is prohibited except for one two foot by three foot (2' x 3') A-frame sign that may be displayed when the vendor cart is in operation. Said sign may not be located on a public sidewalk.
13. A vendor cart site must not create a public safety hazard. Accordingly, no aboveground pipes are permitted. Extension cords may be used only if the cord is located outside an area where the public has access.
14. Vendor carts must comply with regulations for grease traps and waste disposal must be at an approved facility.

d. Special Event Carts:
Special event carts may be approved only in connection with and pursuant to the procedures for the review and approval of an event permit issued by the city pursuant to title 11, chapter 112 of this code or at a special event sponsored by the city or at an event held at Maxwell Park. Special event carts are subject to the applicable terms and conditions of the event permit. The provisions of this chapter do not apply to special event vendor carts.

e. Limitation On Number Of Vendor Cart Permits:

1. The total number of vendor carts permits that may be issued by the city under this chapter are seven (7) for all areas of the city, limited to four (4)

year round permits and three (3) seasonal permits for each season. Two (2) additional full time permits may be issued in the gateway industrial area.

2. The limitations of subsection E2e(1) of this section do not require the closure or removal of any vendor cart operating within the city as of the effective date of this section, pursuant to a valid business license.

3. If the holder of a vendor cart business license is not operating the vendor cart at the licensed location such that the vendor cart is not open for business for at least fifty percent (50%) of the normal operating hours for a continuous period of ninety (90) days, the license shall be revoked and the next qualified applicant for a vendor cart business license shall be issued a permit. Use of the cart at special events does not constitute operation of a vendor cart.

4. If the total number of vendor carts permitted by the city ever drops below the cap number established in subsection E2e(1) of this section, the zoning administrator shall authorize a new vendor cart permit submitted by the next qualified applicant to be processed. A qualified applicant must have: a) submitted a completed application; and b) paid the required application fee. If the next qualified applicant is not issued a business license within thirty (30) days of notice they are eligible for a vendor cart permit, the applicant will be moved to the bottom of the list and the next qualified applicant notified.

(f) Right To Continue:
On the effective date of this section, all vendor carts for which a valid business license exists may continue to be operated under the terms and conditions of their existing approved site plan and business license until the first to occur of:

(1) the business license is revoked by city in accordance with its procedures;

(2) the business license is voluntarily surrendered or expires;

(3) the lease on the property is not renewed by the landowner; or

(4) the vendor cart is otherwise required to be closed or removed for any lawful reason. Upon the occurrence of any event described in the preceding section, the owner or operator of the vendor cart that was previously permitted must obtain a new approval and in connection therewith must be brought into compliance with the requirements of this section.

(g) Conditions Of Approval:
The zoning administrator may impose reasonable conditions when approving a vendor cart permit under this section. Such conditions may include, if appropriate, the requirement that the permittee provide a monetary guarantee to the city, in a form acceptable to the city attorney, ensuring the complete removal of the vendor cart, site cleanup, and site revegetation, when the vendor cart license expires without being renewed, or is revoked.

CHAPTER 16 BUSINESS AND INDUSTRIAL ZONES
Sec 152-16-1 Purpose
Sec 152-16-2 Scope
Sec 152-16-3 Uses Allowed In Commercial Zones
Sec 152-16-4 Development Standards In Commercial Zones
Sec 152-16-5 Regulations Of General Applicability

Sec 152-16-6 Regulations For Specific Uses
Sec 152-16-7 Special Regulations

Sec 152-16-1 Purpose

See section 152-11-2 of this chapter.

Sec 152-16-2 Scope

The provisions of this chapter shall apply to any real property located in a business or industrial zone as shown on the official zoning map. No building, structure or real property shall be used and no building or structure shall be hereafter erected, structurally or substantially altered, or enlarged except as set forth in this chapter. Such requirements shall not be construed to prohibit or limit other applicable provisions of this chapter, this code, or other laws.

Sec 152-16-3 Uses Allowed In Commercial Zones

(a) Permitted And Conditional Uses:
Permitted and conditional uses allowed within business and industrial zones shall be as set forth in table 152-16-1 of this section. Permitted and conditional uses are indicated by a "P" or "C", respectively, in the appropriate column. Uses not permitted are indicated by "N". Any use not shown on table 152-16-1 of this section shall be prohibited unless the zoning administrator determines the use is substantially the same as a permitted or conditional use as provided in subsection 152-7-18E4 of this chapter.

TABLE 152-16-1

PERMITTED AND CONDITIONAL USES ALLOWED IN BUSINESS AND INDUSTRIAL ZONES					
		Zones			
		BMP	PO	M-1	M-2
Agricultural uses:					
	Accessory building	P	P	P	P
	Agricultural business	N	N	N	N
	Agricultural industry	N	N	P	N
	Agriculture	N	N	N	N
	Agriculture residential	N	N	N	N
	Animal specialties	N	N	P	N
	Animals and fowl for recreation and family food production	N	N	N	N
	Stable, private	N	N	N	N
Residential uses:					
	Accessory building	P	P	P	P
	Assisted living facility	N	N	N	N
	Boarding house	N	N	N	N
	Dwelling, earth sheltered	N	N	N	N
	Dwelling, multiple-family	N	N	N	N

	Dwelling, single-family	N	N	N	N
	Dwelling, single-family with accessory apartment	N	N	N	N
	Dwelling, two-family	N	N	N	N
	Guesthouse	N	N	N	N
	Manufactured and mobile home park	N	N	N	N
	Manufactured and mobile home subdivision	N	N	N	N
	Manufactured home	N	N	N	N
	Protective housing facility	N	N	N	N
	Rehabilitation/treatment facility	P	P	P	P
	Residential facility for elderly persons[1]	P	P	N	N
	Residential facility for persons with a disability[1]	P	N	N	N
	Residential facility for troubled youth	N	N	P	N
	Transitional housing facility	N	N	P	N
Public and civic uses:					
	Airport	N	N	N	N
	Auditorium or stadium	N	N	N	N
	Bus terminal	P	N	N	N
	Cemetery	N	N	N	N
	Church or place of worship	P	P	N	N
	Club or service organization	P	P	N	N
	College or university	P	P	N	N
	Convalescent care facility	P	N	N	N
	Correctional facility	N	N	N	N
	Cultural service	P	P	N	N
	Golf course	N	N	N	N
	Government service	P	P	N	N
	Hospital	P	P	N	N
	Operations center	P	N	P	P
	Park	P	P	P	P
	Post office	P	P	P	P
	Protective service	P	P	P	P
	Reception center	P	P	N	N
	School, elementary, middle, or high	N	N	N	N
	School, vocational	P	P	P	P
	Stable, public	N	N	N	N

	Utility, major[3]	N	N	P	P
	Utility, minor[3]	P	P	P	P
Commercial uses:					
	Agricultural sales and service	P	N	P	P
	Animal hospital	P	P	N	N
	Bail bond service	P	P	P	P
	Bank or financial institution	P	P	N	N
	Bed and breakfast, home	N	N	N	N
	Bed and breakfast inn	N	N	N	N
	Business equipment rental, services, and supplies	P	N	P	N
	Club, private	P	N	N	N
	Construction sales and service	P	N	P	P
	Convenience store	P	N	P	P
	Family child daycare facility[2]	N	N	N	N
	Licensed family child care[2]	N	N	N	N
	Residential certificate child care[2]	N	N	N	N
	Child care center	P	N	P	N
	Funeral home	P	N	N	N
	Garden center	P	N	N	N
	Gas and fuel, storage and sales	N	N	P	P
	Gasoline service station	P	N	P	P
	Hostel	P	N	N	N
	Hotel	P	N	N	N
	Kennel, commercial	P	P	P	P
	Kennel, residential	N	N	N	N
	Laundry or dry cleaning, limited	P	N	N	N
	Liquor store	P	P	P	P
	Media service	P	P	P	P
	Medical or dental laboratory	P	P	P	P
	Medical service	P	P	N	N
	Motel	P	N	N	N
	Office, general	P	P	N	N
	Parking garage, public	P	P	P	P
	Parking lot, public	P	P	P	P
	Pawnshop	P	N	N	N
	Personal care service	P	P	N	N
	Personal instruction service	P	P	N	N

	Printing and copying, limited	P	P	P	N
	Printing, general	P	N	P	P
	Produce stand	N	N	N	N
	Recreation and entertainment, indoor	P	N	N	N
	Recreation and entertainment, outdoor	P	N	N	N
	Recreational vehicle park	N	N	N	N
	Repair service	P	N	P	N
	Research service	P	P	P	P
	Restaurant, fast food	P	N	N	N
	Restaurant, general	P	P	N	N
	Retail, general	P	N	N	N
	Secondhand store	P	N	N	N
	Shopping center	P	N	N	N
	Tattoo establishment	P	N	N	N
	Tavern	P	P	P	P
	Temporary trailer	P	P	P	P
	Transportation service	P	N	P	P
	Vehicle and equipment rental or sale	P	N	N	N
	Vehicle and equipment repair, general	P	N	P	P
	Vehicle repair, limited	P	N	P	P
	Vehicle wash	P	N	P	P
	Veterinary service	P	N	N	N
	Warehouse, self-service storage	P	N	P	P
	Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title			
Industrial uses:					
	Automobile wrecking yard	N	N	C	C
	Freight terminal	N	N	P	P
	Heavy industry	N	N	N	P
	Junk or salvage yard	N	N	N	N
	Laundry services	P	N	P	P
	Manufacturing, general	P	N	P	P
	Manufacturing, limited	P	N	P	P
	Mineral extraction	N	N	N	P
	Wholesale and warehousing, general	P	N	P	P
	Wholesale and warehousing, limited	P	N	P	P

Notes:

(1) See chapter 46 of this chapter.

(2) See chapter 42 of this chapter.

(3) See chapter 45 of this chapter.

(b) Accessory Uses:
Permitted and conditional uses set forth in table 152-16-1 of this section shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.

(1) Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this chapter.

(2) No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.

(3) Accessory uses in business and industrial zones shall include, but not be limited to, the following: Cafeterias, dining halls and similar food service facilities when located within the main use and operated primarily for the convenience of employees, residents, clients, or visitors to the main use. Dwelling units for security and maintenance personnel. Garages and off street parking areas, subject to applicable standards of chapter 34, "Off Street Parking And Loading", of this chapter. Recreational areas and facilities for the use of employees. Recycling collection stations. Temporary uses, subject to applicable standards of chapter 48, "Temporary Uses", of this chapter.

Sec 152-16-4 Development Standards In Commercial Zones

Development standards within business and industrial zones shall be as set forth in table 152-16-2 of this section.

TABLE 152-16-2

DEVELOPMENT STANDARDS IN BUSINESS AND INDUSTRIAL ZONES				
Development	Zones			
Standard	BMP	PO	M-1	M-2
Lot standards:				
Minimum lot area	2 acres	2 acres	No requirement	No requirement
Minimum lot width	No requirement	No requirement	No requirement	No requirement
Building standards:				
Maximum height, main building[1]	35 feet	35 feet	60 feet	60 feet
Maximum height, accessory building	20 feet	20 feet	No requirement	No requirement
Setback standards - front yard:				
All buildings[2]	20 feet	20 feet	Building on lot abutting nonindustrial zone: Same setback as abutting zone	
			Otherwise: No requirement	
Setback standards - rear yard:				

Main building	New building on a lot abutting an existing agricultural or residential use: 10 feet			
Accessory building	Otherwise: No requirement			
Setback standards - interior side yard:				
Main building	New building on a lot abutting an existing agricultural or residential use: 10 feet			
Accessory building	Otherwise: No requirement			
Setback standards - street side yard:				
Main building	New building on a lot abutting an existing agricultural or residential use: 10 feet			
	Otherwise: No requirement			
Accessory building	Not permitted	Not permitted	Not permitted	Not permitted

Notes:

1.Except as otherwise permitted by subsection 152-16-7A of this chapter.

2.Except as modified by the provisions of subsection 152-37-12F, "Setback Measurement", of this chapter.

Sec 152-16-5 Regulations Of General Applicability

The use and development of real property in business and industrial zones shall conform to regulations of general applicability as set forth in the following chapters of this chapter:

(a) Design and compatibility standards: See chapter 33 of this chapter.

(b) Landscaping and screening: See chapter 32 of this chapter.

(c) Motor vehicle access: See chapter 35 of this chapter.

(d) Natural resource inventory: See chapter 31 of this chapter.

(e) Off street parking: See chapter 34 of this chapter.

(f) Signs: See chapter 36 of this chapter.

(g) Supplementary development standards: See chapter 37 of this chapter.

Sec 152-16-6 Regulations For Specific Uses

To the extent that use and development of real property includes any matter encompassed by a regulation for a specific use as set forth in Article VI of this chapter, such regulation shall apply in addition to the requirements of this chapter and shall prevail over any conflicting provision of this chapter.

Sec 152-16-7 Special Regulations

(a) Increased Height:
Notwithstanding the height limitations shown in section 152-16-4, table 152-16-2 of this chapter a greater building height may be allowed in a business or industrial zone pursuant to a conditional

use permit. Provided, however, that within one hundred feet (100') of the boundary of an adjoining agricultural, residential, or commercial zone, no building shall exceed the greater of:

(1) The height limit established by such zone; or

(2) The height limit permitted by a conditional use permit for a building on an abutting lot within such zone.

(b) Processing Within An Enclosed Building:
All processing and/or assembly of goods shall be conducted completely within a completely enclosed building, unless otherwise specified in section 152-16-3, table 152-16-1 of this chapter.

(c) Outdoor Storage:
Outdoor storage of materials, or finished or semifinished goods shall be located at least one hundred feet (100') from any residential zone boundary.

CHAPTER 17 OPEN SPACE AND PUBLIC FACILITY ZONES

Sec 152-17-1 Purpose
Sec 152-17-2 Scope
Sec 152-17-3 Uses Allowed In Open Space And Public Facility Zones
Sec 152-17-4 Development Standards
Sec 152-17-5 Regulations Of General Applicability
Sec 152-17-6 Regulations For Specific Uses
Sec 152-17-7 Special Regulations

Sec 152-17-1 Purpose

See section 152-11-2 of this chapter.

Sec 152-17-2 Scope

The provisions of this chapter shall apply to any real property located in an Open Space or Public Facility Zone as shown on the official zoning map. No building, structure or real property shall be used and no building or structure shall be hereafter erected, structurally or substantially altered, or enlarged except as set forth in this chapter. Such requirements shall not be construed to prohibit or limit other applicable provisions of this chapter, this Code, or other laws.

Sec 152-17-3 Uses Allowed In Open Space And Public Facility Zones

(a) Permitted And Conditional Uses:
Permitted and conditional uses allowed within open space or public facility zones shall be as set forth in table 152-17-1 of this section. Permitted and conditional uses are indicated by a "P" or "C", respectively, in the appropriate column. Uses not permitted are indicated by "N". Any use not shown on table 152-17-1 of this section shall be prohibited unless the Zoning Administrator determines the use is substantially the same as a permitted or conditional use as provided in subsection 152-7-18E4 of this chapter.

TABLE 152-17-1

PERMITTED AND CONDITIONAL USES ALLOWED IN OPEN SPACE AND PUBLIC FACILITY ZONES		
	Zones	
	OS	PF

Agricultural uses:			
	Agricultural business	P	N
	Animal specialties	P	N
	Animals and fowl for recreation and family food production	P	N
	Stable, private	P	N
Public and civic uses:			
	Airport	N	P
	Auditorium or stadium	N	P
	Cemetery	N	P
	Church or place of worship	N	N
	Club or service organization	N	N
	College or university	N	P
	Cultural service	N	P
	Golf course	N	P
	Hospital	N	P
	Park	P	P
	Post Office	N	P
	Protective service	N	P
	Reception center	N	P
	School, elementary, middle, or high	N	P
	School, vocational	N	P
	Utility, major[2]	P	P
	Utility, minor[2]	P	P
	Utility substation[2]	P	P
Commercial uses:			
	Animal hospital	N	N
	Child care center[1]	N	P
	Club, private	N	N
	Licensed family child care[1]	N	N
	Parking lot, public	N	P
	Recreation and entertainment, outdoor	N	P
	Research service	N	N
	Residential certificate child care[1]	N	N

	Temporary trailer	N	P
	Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title	
Industrial uses:			
	Mineral extraction	N	N

Notes:

(1) See chapter 42 of this chapter.

(2) See chapter 45 of this chapter.

(b) Accessory Uses: Permitted and conditional uses set forth in table 152-17-1 of this section shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.

(1) Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this chapter.

(2) No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.

(3) Accessory uses in public facility zones shall include, but not be limited to, the following: Cafeterias, dining halls and similar food service facilities when located within the main use and operated primarily for the convenience of employees, residents, clients, or visitors to the main use. Garages and off street parking areas, subject to applicable standards of chapter 34, "Off Street Parking And Loading", of this chapter. Gift shops, newsstands, and similar commercial activities operated primarily for the convenience of employees, residents, clients, or visitors to the main use. Recreational areas and facilities. Refreshment stands and food and beverage sales located in uses involving public assembly. Temporary uses, subject to applicable standards of chapter 48, "Temporary Uses", of this chapter.

Sec 152-17-4 Development Standards

(Rep. by Ord. 2018-01, 2-15-2018)

Sec 152-17-5 Regulations Of General Applicability

The use and development of real property in Open Space and Public Facility Zones shall conform to regulations of general applicability as set forth in the following chapters of this chapter:

(a) Design and compatibility standards:
See chapter 33 of this chapter.

(b) Landscaping and screening:
See chapter 32 of this chapter.

(c) Motor vehicle access:
See chapter 35 of this chapter.

(d) Off street parking:
See chapter 34 of this chapter.

(e) Signs:
See chapter 36 of this chapter.

(f) Supplementary development standards: See chapter 37 of this chapter.

Sec 152-17-6 Regulations For Specific Uses

To the extent that use and development of real property includes any matter encompassed by a regulation for a specific use as set forth in Article VI of this chapter, such regulation shall apply in addition to the requirements of this chapter and shall prevail over any conflicting provision of this chapter.

Sec 152-17-7 Special Regulations

(a) Increased Height: A greater building height may be allowed in Open Space or Public Facility Zones pursuant to a conditional use permit.

CHAPTER 21 AGRICULTURE PROTECTION OVERLAY ZONE

Sec 152-21-1 Purpose; Established
Sec 152-21-2 Definitions
Sec 152-21-3 Proposal For Creation Of Agricultural Protection Area
Sec 152-21-4 Planning Commission Review Of Proposal
Sec 152-21-5 City Council Review And Action
Sec 152-21-6 Criteria In Evaluating Proposals
Sec 152-21-7 Adding, Removing Land From Area
Sec 152-21-8 Review Of Areas
Sec 152-21-9 Protection Of Land

Sec 152-21-1 Purpose; Established

(a) To protect and preserve the existing agricultural areas within the city from the encroachment of development, and to allow the ongoing agricultural operations to proceed without unreasonable restriction unless there is a direct relationship to public health or safety.

(b) An agriculture protection overlay zone is established which shall be an overlay zone of the zoning classification in this chapter.

Sec 152-21-2 Definitions

For the purpose of this chapter, the following terms shall have the meanings set forth below and shall apply in addition to the terms defined in chapter 3 of this chapter:

ADVISORY BOARD: The agriculture protection area advisory board of Washington County.

AGRICULTURE PRODUCTION: Production for commercial purposes of crops, livestock, and livestock products, including processing or retail marketing of any crops, livestock and livestock products when more than fifty percent (50%) of the processed or merchandised products are produced by the farm operator.

AGRICULTURE PROTECTION AREAS OR OVERLAY ZONE: A geographic area created under the authority of this chapter that is granted the specific legal protections contained in this Chapter.

CROPS, LIVESTOCK AND LIVESTOCK PRODUCTS:

(a) Land devoted to the raising of useful plants and animals with a reasonable expectation of profit, including forages and sod crops; grains and feed crops; livestock; trees and fruits; or vegetables,

nursery, floral and ornamental stock; or

(b) Land devoted to and meeting the requirements and qualifications for payments or other compensation under a crop-land retirement program with an agency of the state or federal Government.

POLITICAL SUBDIVISION: A city, school district or special district.

PROPOSED SPONSORS: The owners of land in agricultural production who are sponsoring the proposal for creating an agricultural protection area.

STATE AGENCY: Each department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel or other administrative unit of the state.

Sec 152-21-3 Proposal For Creation Of Agricultural Protection Area

(a) Filing:
Any owner of land in agricultural production may file a proposal for creation of an agricultural protection area with the planning commission.

(b) Content:
The proposal shall identify:

(1) The land in agricultural production that the proposal sponsors wish to become part of an agriculture protection area;

(2) Any limits on the types of agriculture production to be allowed within the agriculture protection area; and

(3) For each parcel of land:

a. The owners of the land contained within the parcel;

b. The tax parcel number or account number of each parcel; and

c. The number or account number of acres as listed on the parcel tax records.

(c) Documents Required: The proposal shall include:

(1) A plat from the county recorder's office showing each parcel of land with each outlined in color to identify proposed area.

(2) Application fee as outlined on the city fee schedule, available from the city recorder/clerk.

(d) Minimum Acreage:
A minimum area of five (5) contiguous acres shall be included in an agriculture protection area.

Sec 152-21-4 Planning Commission Review Of Proposal

(a) Required:
After fifteen (15) days from the date of the notice, the planning commission shall refer the proposal and any proposed modifications and objections to the proposal to the advisory board for their review, comments and recommendations.

(b) Report;
Recommendation:

(1) Within forty five (45) days after receipt of the proposal, the planning commission shall submit a report to the city council that:

a. Identifies the effect of the creation of the proposed area on the city's planning policies and objectives;

b. Analyzes and evaluates the proposal by applying the criteria contained in section 152-21-6 of this chapter;

c. Recommends any modifications to the proposal;

d. Recommends any limits on the types of agriculture production to be allowed in the agriculture protection area;

e. Analyzes and evaluates any objections to the proposal; and

f. Includes a recommendation to the city council to either accept, accept and modify, or reject the proposal.

(2) Within forty five (45) days after receipt of the proposal, the advisory board shall submit a report to the city council that:

a. Recommends any modifications to the proposal;

b. Recommends any limits on the types of agriculture production to be allowed in the agriculture protection area;

c. Analyzes and evaluates the proposal by applying the criteria contained in section 152-21-6 of this chapter;

d. Analyzes and evaluates any objections to the proposal; and

e. Includes a recommendation to the city council to either accept, accept and modify, or reject the proposal.

(c) Failure To Submit Report:
If the planning commission or the advisory board fail to submit a report within forty five (45) days, the city council shall consider their failure to report as an approval of the proposal.

Sec 152-21-5 City Council Review And Action

(a) Procedure:
City council review and procedures are the same as for a zone change as set forth in section 152-7-7 of this chapter.

(b) Filing Executed Documents:
In order to give constructive notice of the existence of an agriculture protection area to all persons who have, may acquire or may seek to acquire an interest in land in or adjacent to an agriculture protection area, within ten (10) days of the creation of an agriculture protection area, the city council shall file an executed document containing a legal description of the agriculture protection area with the county recorder of deeds and the planning commission.

(c) Written Notice:
Within ten (10) days of the recording of an agriculture protection area, the city council shall send written notification to the commissioner of agriculture that the agriculture protection area has been created.

The following shall be included in the notification:

(1) The number of landowners owning land within the agriculture protection area;

(2) The total acreage of the area;

(3) The date of approval of the area; and

(4) The date of recording.

Sec 152-21-6 Criteria In Evaluating Proposals

In evaluating a proposal and in determining whether or not to create or recommend the creation of an agriculture protection area, the advisory board, planning commission and city council shall apply the following criteria:

(a) Use Of Land:
Whether or not the land is currently being used for agriculture production;

(b) Zoning:
Whether or not the land is zoned for agricultural use;

(c) Viability:
Whether or not the land is viable for agricultural production;

(d) Improvements:
The extent and nature of existing or proposed farm improvements; and

(e) Trends Anticipated:
Anticipated trends in agricultural and technological conditions.

Sec 152-21-7 Adding, Removing Land From Area

(a) Adding:

(1) Any owner may add land to an existing agriculture protection area by:

a. Filing a proposal with the city council; and

b. Obtaining approval of the city council for the addition of the land to the area.

(2) The city council shall comply with the provisions for creating an agriculture protection area in determining whether or not to accept the proposal.

(b) Removal:

(1) Any owner may remove land from an agriculture protection area by filing a petition for removal of the land from the agriculture protection area with the city council;

(2) The city council shall:

a. Grant the petition for removal of land from an agriculture protection area even if removal of the land would result in an agriculture protection area of less than the number of acres established by this chapter as the minimum; and

b. In order to give constructive notice of the removal to all persons who have, may acquire or may seek to acquire an interest in land in or adjacent to the agriculture protection area and the land removed from the agriculture protection area, file a legal description of the revised agriculture protection area with the county recorder of deeds and the planning commission.

c. The remaining land in the agriculture protection area is still an agriculture protection area.

Sec 152-21-8 Review Of Areas

(a) Required:
The city council shall review any agriculture protection area created under the authority of this chapter in the twentieth calendar year after it is created.

(b) Action:

(1) In the twentieth year, the city council shall:

a. Request the planning commission and advisory board to submit recommendations about whether the agriculture protection area should be continued, modified or terminated;

b. At least one hundred twenty (120) days before the end of the calendar year, hold a public hearing to discuss whether the agriculture protection area should be continued, modified or terminated;

c. Give notice of the hearing using the same procedures required by subsection 152-21-5B of this chapter; and

d. After the public hearing, continue, modify or terminate the agriculture protection area.

(2) If the city council modifies or terminates the agriculture protection area, it shall file an executed document containing the legal description of the agriculture protection area with the county recorder of deeds.

(c) Failure To Act:
If the city council fails to affirmatively continue, modify or terminate the agriculture protection area in the twentieth calendar year, the agriculture protection area is considered to be reauthorized for another twenty (20) years.

Sec 152-21-9 Protection Of Land

(a) Property Taxes:
Any land placed in an agriculture protection area shall be subject to the provisions of Utah Code Annotated, title 59, chapter 2, part 5, farmland assessment act.

(b) Limitations On Local Regulations:

(1) It shall be the policy of the city to encourage the continuity, development and viability of agriculture within the area by not enacting local laws, ordinances or regulations that would unreasonably restrict farm structures or farm practices within the area unless those laws, ordinances or regulations bear a direct relationship to public health or safety.

(2) The city council may not change the zoning designation of land within an agriculture protection area unless it receives written approval for the change from all the landowners within the agriculture protection area.

(c) Nuisances:

(1) To the extent deemed necessary or desirable, the city council shall ensure that any of its

laws or ordinances that define or prohibit a public nuisance exclude from the definition or prohibition any agricultural activity or operation within an agriculture protection area conducted using normal farming methods unless that activity or operation bears a direct relationship to public health or safety.

(2) In a civil action for nuisance involving agriculture activities, it is a complete defense if:

a. The agriculture activities were conducted within an agriculture protection area; and

b. The agriculture activities were not in violation of any federal, state or local law or regulation relating to the alleged nuisance, and were conducted according to sound agricultural practices.

(3) For each new subdivision development located in whole or in part within three hundred feet (300') of the boundary of an agriculture protection area, the owner of the development shall provide notice on any plat filed with the county recorder the following notice: Agriculture Protection Area

This property is located in the vicinity of an established agriculture protection area in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on property included in the agriculture protection area. The use and enjoyment of this property is expressly conditioned on acceptance of annoyance or inconvenience which may result from such normal agricultural uses and activities.

(d) Eminent Domain Restrictions:

(1) Approval Required:
A political subdivision having or exercising eminent domain powers may not condemn for any purpose any land within an agriculture protection area that is being used for agriculture production unless it has obtained approval of the city council and the advisory board according to the procedures and requirements of this section.

(2) Notice:
Any condemner wishing to condemn property within an agriculture protection area shall file a notice of condemnation with the city council and the agriculture protection area's advisory board at least thirty (30) days before filing an eminent domain complaint.

(3) Actions Required Of Council And Board:
The city council and the advisory board shall:

a. Hold a joint public hearing on the proposed condemnation;

b. Publish notice of the time, date, place and purpose of the public hearing in a newspaper of general circulation within the city; and

c. Post notice of the time, date, place and purpose of the public hearing in three (3) conspicuous public places within the city.

(4) Approval Conditions:

a. If the condemnation is for highway purposes or for the disposal of solid or liquid waste materials, the city council and the advisory board may approve the condemnation only if there is no reasonable and prudent alternative to the use of the land within the agriculture protection area for the project.

b. If the condemnation is for any other purpose, the city council and the advisory board may approve the condemnation only if:

1. The proposed condemnation would not have an unreasonably adverse effect upon the preservation and enhancement of agriculture within the agriculture protection area; or
2. There is no reasonable and prudent alternative to the use of the land within the agriculture protection area for the project.

(5) Decision; Failure To Act:

a. Within sixty (60) days of receipt of the notice of condemnation, the city council and the advisory board shall approve or reject the proposed condemnation.

b. If the city council and the advisory board fail to act within the sixty (60) days, the condemnation shall be considered approved.

(6) Violations Prohibited; Action To Enjoin:
The city council or the advisory board may request the city attorney to bring an action to enjoin any condemner from violating any provisions of this subsection.

(e) Restrictions On State Development Projects:

(1) Each state agency that plans any development project that might affect land within an agriculture protection area shall submit its development plan to the Utah commissioner of agriculture and the agriculture protection area's advisory board for their review.

(2) The Utah commissioner of agriculture and the agriculture protection area's advisory board shall:

a. Review the state agency's proposed development plan; and

b. Recommend any modifications to the development project that would protect the integrity of the agriculture protection area or that would protect the agriculture protection area from nonfarm encroachment.

CHAPTER 23 PLANNED DEVELOPMENT OVERLAY ZONE

Sec 152-23-1 Purpose And Objectives
Sec 152-23-2 Scope
Sec 152-23-3 Minimum Acreage
Sec 152-23-4 Use In Combination With Underlying Zone
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Sec 152-23-10 Protection Of Common Areas

Sec 152-23-1 Purpose And Objectives

(a) Purpose:
The planned development overlay zone is a floating zone that is unmapped until applied to specific property in accordance with the provisions of this chapter. It is intended to allow development design flexibility, integration of mutually compatible uses, consolidation of open spaces, clustering of dwelling units, and optimum land planning with greater efficiency, convenience and amenity than is possible under conventional zone regulations. To achieve these purposes, a planned development should be planned as one complex land use with a

common architectural design theme that provides variety with architectural compatibility, rather than as an aggregation of individual, unrelated buildings located on separate, unrelated lots.

(b) Objectives:
Objectives to be accomplished under the provisions of this chapter include:

(1) Create more attractive and desirable environments within the city.

(2) Allow a variety of housing types in one development project.

(3) Encourage variety in physical development patterns, including flexibility in building location.

(4) Preserve open space for visual enjoyment and recreational use.

(5) Encourage development on a large scale, since the purposes of a planned development can be best realized in large scale developments.

Sec 152-23-2 Scope

The requirements of this chapter shall apply to any planned development within the city. Such requirements shall not be construed to prohibit or limit other applicable provisions of this chapter, this code, or other laws except to the extent such provisions are altered by the requirements of this chapter.

Sec 152-23-3 Minimum Acreage

The planned development overlay zone shall be applied only to projects consisting of at least one and one half acres.

HISTORY
Amended by Ord. 2019-008 on 6/5/2019

Sec 152-23-4 Use In Combination With Underlying Zone

The planned development overlay zone may be used in combination with any zone set forth in chapters 12, 13, and 14 of this chapter, subject to the requirements of this chapter.

(a) Provisions Supplementary:
The provisions of the planned development overlay zone shall be supplementary to the provisions of the zone with which it is combined and shall not be applied to any land area as an independent zone.

(b) Zone Designation:
The planned development overlay zone designation shall be shown on the official zoning map in parentheses as a suffix to the zone designation with which it is combined. For example, if the planned development overlay zone were being combined with the residential agriculture (RA-1) zone, it would be designated on the official zoning map as "RA-1 (PD)".

Sec 152-23-5 Uses Allowed

Uses allowed in a planned development overlay zone shall be limited to those permitted or conditional uses set forth in the zone with which the planned development overlay zone is combined and the uses set forth in this section. Any conditional use shall be subject to the issuance of a conditional use permit as set forth in this chapter.

(a) Density:
Multiple-family dwellings shall be a permitted use in a planned development overlay zone

provided total density in a particular planned development project does not exceed the greater of:

(1) The density permitted by the underlying zone in which the project is situated; or

(2) The density authorized by a density bonus pursuant to subsection 152-23-8C of this chapter.

(b) Accessory Uses:
Accessory uses located in a common main building may be permitted. Accessory uses may include recreational facilities and structures, daycare centers, personal services, and RV parking.

(c) Commercial Uses:
Any commercial use shown on table 152-15-1 in subsection 152-15-3A of this chapter may be permitted within a planned unit development provided such use is:

(1) Specifically authorized as part of a site plan approved pursuant to the provisions of this chapter; and

(2) Designed as an integral element of the planned development, including building and landscaping design which is consistent with design elements of the development.

Sec 152-23-6 Variations From Development Standards

(a) Variations from applicable development standards of an underlying zone and chapter 39 of this chapter may be approved as part of a preliminary site plan for a planned development pursuant to the provisions of this chapter.

(b) A variation from the yard requirements set forth in subsection 152-23-9D of this chapter may be approved if the city council, after receiving a recommendation from the planning commission, finds such variation meets the approval criteria set forth in subsection 152-23-7B of this chapter and as set forth below. Any such variation shall be explicitly noted in the approval of a preliminary site plan and shall be shown on the approved plan.

(1) Variations from the development standards set forth in this chapter are intended to be rare and shall be approved by at least four (4) members of the city council.

(2) The applicant shall bear the burden of persuasion with regard to any request for a variation under this subsection B. Such burden shall include demonstrating that:

a. A proposed project which includes a variation is the result of a substantial amount of advanced planning;

b. Any adverse conditions which may result from the variation will be mitigated; and

c. The variation will result in a substantial benefit not only to persons who will live or work within the project, but also to the city and its citizens generally.

Sec 152-23-7 Approval Of Planned Development Overlay Zone

(a) Approval Procedure: Land shall be placed in a planned development overlay zone pursuant to a zoning map amendment as set forth in section 152-7-7 of this chapter. The following shall be submitted in conjunction with an application for a zoning map amendment:

(1) A natural resource inventory as required by chapter 31 of this chapter, and

(2) A preliminary site plan as provided in subsection 152-7-10D2 of this chapter.

(b) Approval Criteria:
Submittal of an application for a planned development overlay zone does not guarantee that the zone or a preliminary site plan will be approved. A zoning map amendment and preliminary site plan may be approved only if the city council, after receiving a recommendation from the planning commission, finds:

(1) The proposed planned development overlay zone and associated preliminary site plan:

a. Does not conflict with any applicable policy of the Hildale City general plan;

b. Meets the spirit and intent of this chapter as set forth in section 152-23-1 of this chapter;

c. Will allow integrated planning and design of the property and, on the whole, better development than would be possible under conventional land use regulations;

d. Meets the use limitations and other requirements of the zone with which the planned development overlay zone is combined, except as otherwise allowed by this chapter;

e. Meets the density limitations of the underlying zone, unless a density bonus is granted pursuant to the provisions of this chapter; and

f. If a density bonus is authorized, provides superior site design and increased amenities, as provided in subsection 152-23-8C of this chapter, which ameliorate the potential impact of increased density; and

(2) The applicant has:

a. Sufficient control over the property to be developed to ensure development will occur as approved;

b. The financial capability to carry out the planned development project; and

c. The capability to start construction within one year of final plan approval.

(c) Imposition Of Conditions:
In order to make findings necessary to approve a planned development overlay zone, conditions of approval may be imposed on a preliminary site plan to assure the planned development will:

(1) Accomplish the purpose of this chapter;

(2) Be developed as one integrated land use rather than as an aggregation of individual and unrelated buildings and uses; and

(3) Meet the requirements of the zone in which the proposed development is located except as such requirements are modified by this chapter and as shown on an approved preliminary site plan for the planned development.

(d) Site Plan Approval:
Within twelve (12) months after approval of a planned development overlay zone and a corresponding preliminary site plan, and before the issuance of any building permit, an applicant shall obtain approval of a site plan pursuant to section 152-7-10 of this chapter.

(1) A planned development may be constructed in phases as shown on an approved preliminary site plan. In such case, a site plan shall be submitted for each phase.

(2) At its discretion and for good cause, the planning commission may extend for twelve (12) months for one time only the period for filing a site plan, or in the case of a phased planned development, a site plan for the first phase. If these time requirements are not

met, the preliminary site plan approval shall be deemed revoked and the property may be rezoned to remove the planned development overlay zone.

(e) Subdivision Requirements:
An application for subdivision approval may proceed concurrently with an application for a planned development. Compliance with the requirements of this chapter does not exempt any applicant from meeting the requirements of chapter 39 of this chapter except as may be amended by the provisions of this chapter.

(f) Construction Limitations:
Upon approval of a site plan for a planned development, construction shall proceed in accordance with approved plans and specifications, and in conformity with any conditions associated with preliminary plan or site plan approval. No permit shall be issued for any proposed building, structure or use within a planned development unless such building, structure or use accords with the approved preliminary plan and site plan and with any conditions imposed in conjunction with such approvals.

(g) Amendments:
Amendments to approved plans and specifications shall be obtained by following the procedure required for preliminary plan approval.

Sec 152-23-8 Density

(a) Base Density:
Base density for a planned development shall be determined as set forth in subsection B of this section. Provided, however, that base density shall not exceed the density permitted in the underlying zone in which the planned development will be situated.

(b) Base Density Calculation:
Base density shall be determined by calculating the number of dwelling units that could be developed on lots in a conventional subdivision under the provisions of the underlying zone where the planned development will be located (referred to as the "yield plan").

(1) The yield plan shall be prepared as a conceptual plan based on requirements of this code that pertain to a conventional subdivision and shall reflect the dimensional (lot area, frontage, width, setbacks, etc.) and other standards of the underlying zone in which the proposed planned development will be located.

(2) The yield plan shall take into consideration the site's natural and cultural features as shown on a natural resource inventory prepared for the property and shall demonstrate that sensitive lands identified in the natural resource inventory can be successfully included within open space areas or as part of residential lots without disturbing the health or safety of present or future city residents. At least one-half (1/2) of the minimum area required for each lot shall be exclusive of wetlands, floodplains, and slopes exceeding thirty percent (30%).

(3) The yield plan shall be drawn to scale, but need not be based on a field survey. Each yield plan shall, however, exhibit a realistic layout reflecting a development pattern that could reasonably be expected to be implemented, taking into account the presence of wetlands, floodplains, steep slopes, existing easements and other encumbrances on the property identified by the natural resource inventory and the requirements of this chapter, and any other regulatory requirements applicable to the property.

(c) Density Bonus:
The city council, after receiving a recommendation from the planning commission, may authorize a density bonus of up to twenty percent (20%) above the base density for a planned

development. The purpose of a density bonus is to provide an incentive to an applicant to provide amenities that are not required by this chapter or the applicable underlying zone, and which otherwise would not be provided.

(1) The basis for granting a density bonus shall be included in the findings required to approve a planned development set forth in subsection 152-23-7B of this chapter.

(2) A density bonus may be authorized based upon provision of one or more of the following amenities. The maximum density bonus granted for any one class of amenities shall not exceed the percentage indicated.

a. Enhanced overall design theme (up to 5 percent):

1. Landscaping is designed and installed along all streets of the development according to a theme which provides overall design unity;
2. Theme lighting is used throughout the development for street lighting, walkway lighting, parking areas, entrances, and building exteriors;
3. Perimeter fencing is used throughout the project that matches building design, such as, masonry columns or piers using the same brick or stone as the buildings; and
4. Special features such as fountains, streams, ponds, sculptures, buildings or other elements which establish a strong design theme for the development and are utilized in highly visible locations.

b. Improved building design (up to 5 percent):

1. Seventy five percent (75%) of the front exterior of each dwelling, exclusive of windows or doors, consists of brick or stone;
2. Required parking for each unit is provided within a garage.

c. Improved energy efficiency (up to 5 percent):

1. Dwellings and main buildings have insulation greater than R-19 in walls and R-38 in ceilings; and
2. Dwellings are designed with an active or passive solar feature, including, but not limited to, solar water heaters, Trombe walls, earth insulation of building walls.

d. Parking upgrades (up to 5 percent):

1. Parking lots are screened from public view by means of increased berming or landscaping around the parking lot perimeter;
2. Parking lots have landscaped islands beyond the minimum required by this chapter;
3. Additional and/or larger trees that will shade fifty percent (50%) of the parking area upon tree maturation; and
4. Provision of screened recreational vehicle parking areas.

e. Provision of usable open space (up to 5 percent):

1. Open space is integrated into the entire development and is connected to developed areas by a system of trails and walkways; and

2. Stormwater detention facilities are designed, landscaped, and used for multiple purposes that are consistent with the overall design of the planned development and which reduce the perception of the area as a stormwater detention pond.

f. Provision of recreational facilities (up to 5 percent):

1. The planned development includes recreational amenities primarily for the use by residents of the development, including swimming pools, sports courts, spas, barbecue and picnic facilities;
2. Development of one or more common buildings used for meetings, indoor recreation, daycare, or other common uses; and
3. Dedication and improvement of land for a publicly accessible park or trail system, subject to acceptance by the city.

g. Increased landscaping (up to 5 percent):

1. Planting more than the minimum number of trees, shrubs, and other landscaping required by this chapter; and
2. Use of landscaping to soften the appearance of wood or masonry fences and walls.

h. Utilization of recommended design and compatibility guidelines set forth in chapter 33 of this chapter (up to 5 percent).

Sec 152-23-9 Development Standards

The development standards set forth in this section shall apply to any planned development and shall prevail over any contrary standard established in chapters 12, 13, and 14 of this chapter.

(a) Residential Use Types:
Residential use types within a planned development shall be shown on an approved site plan and may include one or more of the following:

(1) Single-family detached dwelling:
This dwelling type consists of a single-family dwelling located on a privately owned lot which is not attached to another dwelling unit and has a private yard on all four (4) sides of the dwelling.

(2) Single-family lot line dwelling:
This dwelling type consists of a single-family dwelling located on or within less than five feet (5') of a lot line and which is designated on an approved site plan as such. Windows, doors, and other similar openings shall be prohibited in the dwelling wall located on or adjacent to a lot line. When a single-family lot line dwelling is placed on a lot line, an easement shall be provided which allows the dwelling owner to enter the adjoining property in order to maintain the dwelling.

(3) Twin home:
This dwelling type consists of a single-family dwelling which has one common wall with another dwelling.

(4) Townhouse dwelling:
This dwelling type consists of three (3) or more dwelling units where each unit has its own

front and rear exterior access, no unit is located above or below another unit, and each unit is separated from any other dwelling unit by one or more common walls.

(5) Multiple dwelling:
This dwelling type consists of single-family dwelling units arranged in a variety of configurations including back to back, side to side, or vertically. However, no more than twelve (12) units shall be located in any single building.

(b) Lot Area And Width:
A planned development shall not be subject to the lot width and lot area requirements of the underlying zone in which the development is located. The area and widths of lots shall be shown on an approved site plan.

(c) Lot And Dwelling Location Requirements:
Where possible, dwelling lots should be accessed from interior streets rather than from roads bordering a planned development.

(d) Required Yards:
Minimum required yards shall be as follows:

(1) Front yard:

a. Dwellings: Nineteen feet (19') from back of curb.

b. Uncovered porches: Ten feet (10').

c. Garages with doors facing the street: At least twenty feet (20') from back of sidewalk to accommodate cars parked in driveways.

(2) Side yard:

a. Single-family dwelling: Five feet (5').

b. Accessory buildings under five hundred (500) square feet: Three feet (3') from a property line and ten feet (10') from a dwelling.

c. All other uses: Ten feet (10').

(3) Aggregate side yard (on the same lot):

a. Single-family dwelling: Fifteen feet (15').

b. All other uses: Thirty feet (30').

(4) Rear yard:

a. Single-family dwelling: Ten feet (10').

b. Garages and accessory buildings adjacent to alleys: Five feet (5').

c. All other uses: Fifteen feet (15').

(e) Distance Between Buildings:
The minimum distance between main buildings shall be ten feet (10'). The minimum distance between accessory buildings, such as garages, may be four feet (4') if the accessory building is located at least ten feet (10') from a main building.

(f) Tract Perimeter Setback And Buffer Requirements:
Structures shall be situated so as to maintain a minimum setback from any tract property line equivalent to the front yard setback of the underlying zone.

(g) Walls And Fences:
Walls and fences may be required around the perimeter of a planned development where the development abuts an adjacent zone.

(h) Height Of Buildings:
The maximum building height permitted in the underlying zone shall apply.

(i) Common Areas:

(1) Areas intended for public use shall be freely accessible from streets and/or other common areas that have unrestricted entry. Areas intended for restricted use shall be interspersed within residential development so as to convey a sense of openness within the planned development. Residential development may not totally exclude open space from fronting onto streets at appropriate intervals.

(2) Common areas shall include all jointly used recreation areas and related landscaping provided for the use and/or visual enjoyment of the residents of the project. Common recreation areas shall be located and improved so they may be readily accessed and used by residents of the dwelling units they are intended to serve. Where necessary, walls or landscaping may be required to protect the privacy of adjoining residents.

(3) Common areas may include:

a. Natural areas of undisturbed vegetation or areas replanted with vegetation after development.

1. Use and maintenance shall be limited to removal of litter and accumulated plant material.

2. Natural waterways and drainage channels shall be maintained as free flowing and devoid of debris.

3. Stream channels shall conform to the city stormwater management requirements and be maintained so as not to alter floodplain levels.

b. Agricultural uses where conditions are suitable for agricultural production. Minimum areas for agricultural use designation shall be five (5) acres.

c. Garden plots for use by residents.

d. Greenways, including pedestrianways, bike paths and equestrian trails linking residential areas with other open space uses.

e. Recreation areas designed for specific recreational activities such as children's play areas, playing fields, tennis courts, and similar facilities.

f. Stormwater control and management areas that are designed, landscaped, and used for multiple purposes that are consistent with the overall design of the planned development and which reduce the perception of the area as a stormwater detention pond.

g. Roads, buildings and other impervious surfaces as needed to support common open space use. A determination as to whether the roads, buildings or other impervious surfaces may function as common open space shall be made in conjunction with approval of a preliminary site plan.

(j) Public And Community Facilities:
In addition to dwellings, a planned development may include areas for schools, churches, public or private recreation buildings, and other similar community facilities.

(k) Required Improvements:

(1) All streets shall be public streets and shall be established according to public street standards adopted by the city.

(2) Curb and gutter shall be required along each side of all streets except:

a. Where an approved stormwater management system eliminates the necessity of the curb and gutter function, and

b. Where the roadway is approved for construction according to city street standards.

(3) Sidewalks shall be installed along both sides of all streets except where alternate pedestrianways are provided as part of an approved preliminary site plan.

(4) Stormwater shall be controlled and managed according to a plan approved by the city.

(5) Water and sewer systems shall be provided in accordance with standards of chapter 39, "Subdivisions", of this chapter.

(6) Irrigation water, street signs, street lighting, fencing, and any other required improvements shall be provided in accordance with city standards.

(7) Other utilities and improvements shall be provided and installed in accordance with city standards.

Sec 152-23-10 Protection Of Common Areas

(a) Maintenance Of Common Areas:
If common areas are provided within a planned development, adequate guarantees shall be provided to protect such common areas from future development. No certificate of occupancy shall be issued for any structure in a planned development until all required guarantees have been submitted to and approved by the city. The developer of a planned development may elect any of the following to preserve common areas:

(1) Fee Simple Donation:
A fee simple donation of any portion of common area land may be made to the city so long as the city agrees to accept such donation. Upon receipt of such donation the city shall impose a conservation easement on such land.

(2) Condominium Association:
Common areas and facilities may be controlled by a condominium association as provided in the Utah condominium ownership act. All common area land and facilities shall be held as a "common element".

(3) Homeowners' Association:
Common area land and facilities may be owned by a homeowners' association, subject to applicable provisions of state law. The developer shall provide the city with a description of the organization of the proposed association, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for common facilities. The proposed association shall be established by the owner or applicant and shall be operating (with a financial subsidy from the developer if necessary) before the sale of any dwelling units in the planned development. The association documents shall include the following provisions:

a. Membership in the association shall be mandatory for each owner and its grantees, successors and assigns.

b. Restrictions concerning common open space and/or facilities shall run with the

land and not for a period of years.

c. The association shall be responsible for the maintenance of all common open space and/or facilities, liability insurance on all common open spaces and/or facilities and paying general property taxes on all common open spaces and/or facilities.

d. In the event the association does not maintain private common open space areas and facilities as shown on an approved site plan, the city may perform any required maintenance and may thereafter recover all costs incident to performing the required maintenance from the association and/or each of its members.

e. Members of the association shall pay their pro rata share of costs of upkeep, maintenance, and operation of common open space and/or facilities and/or improvements not dedicated to the city. The association bylaws shall confer legal authority on the association to place a lien on the real property of any member whose dues become delinquent. The bylaws shall also provide that such delinquent dues and all accrued interest shall be paid before the lien may be removed.

f. Written notice to all association members and to the city shall be provided no less than sixty (60) days prior to any proposed transfer of any common area land or facility, or the assumption of maintenance for common area land or facility. No such transfer shall be effective unless approved by the city, which approval shall not be unreasonably withheld so long as it is consistent with the provisions of this chapter and applicable law.

(4) Private Conservation Organization Or The City:
Fee simple title of common area land or conservation easements may be transferred to a private nonprofit conservation organization or to the city having jurisdiction where the land is located.

(5) Grant Of Easements To The City:
The city may, but shall not be required to, accept easements for public use of any portion of common area land or facilities. Such land shall be subject to a satisfactory maintenance agreement between the developer and the city.

(6) Noncommon Private Ownership:
Common area land and facilities may be located on one or more privately owned lots of at least five (5) acres provided that the lot is restricted from future development through a conservation easement, except uses allowed by an approved site plan.

(b) Protective Covenants:
A declaration of building use restrictions (protective covenants) shall be required for each planned development and phase thereof. The declaration in original form bearing appropriate signatures and certifications shall be submitted to the city for approval, which approval shall not be unreasonably withheld. Such protective covenants shall include provisions that:

(1) An architectural control committee shall approve plans for all buildings proposed for erection, placement, or alteration with the planned development. The city may require that building permit applications show evidence that the architectural control committee has approved each building plan.

(2) No person, firm or entity shall change, modify or amend any of the conditions of a recorded declaration of building use restrictions for a planned development without first obtaining city approval. No change shall be approved which would be contrary to the requirements of this chapter or an approved preliminary plan.

CHAPTER 22 HISTORIC AREA OVERLAY ZONE (Reserved)

CHAPTER 24 SENSITIVE LANDS

Sec 152-24-1 Purpose
Sec 152-24-2 Sensitive Lands Defined
Sec 152-24-3 Determination Of Applicability
Sec 152-24-4 Procedure
Sec 152-24-5 Hillsides And Ridge Areas
Sec 152-24-6 Hillsides And Ridge Areas; General Development Standards
Sec 152-24-7 Special Area Development Standards
Sec 152-24-8 Grading, Drainage And Street Development Standards
Sec 152-24-9 APPENDIX: List Of Diagrams And Exhibits

Sec 152-24-1 Purpose

To further the peace, health, safety and welfare of the inhabitants of the city, development within hillside areas must be accomplished in a manner that minimizes potential flooding and erosion; provides protection from other hazards; and encourages preservation of natural scenic beauty. The objectives to be achieved include the following:

(a) Preserve unique geologic features, ridgelines and hillsides; and maintain open space.

(b) Minimize the amount of grading and earthwork including street excavation and site grading.

(c) Design and construct roads to minimize scars from cuts and fills and avoid permanent scarring of hillsides.

(d) Stabilize steep hillsides, retain moisture, prevent erosion, and preserve the beauty of unique landscape.

(e) Encourage street right of way, lot layout and structure designs that minimize grading, excavation, and land disturbance generally.

(f) Encourage density transfers and cluster type development to minimize disturbance of steep or sensitive terrain and important archaeological sites.

(g) Maintain scenic qualities by minimizing the visual impact of manmade structures on the natural environment while allowing reasonable land use.

(h) Protect property rights through application of the "takings review" procedure set forth in section 152-7-21 of this chapter.

Sec 152-24-2 Sensitive Lands Defined

For the purposes of this chapter, the following lands are "sensitive lands" and shall be subject to the requirements of this chapter:

(a) Any area where there is a change in elevation which is equal to or greater than ten percent (10%) (1 foot of vertical grade change for every 10 feet of horizontal run) for a distance of one hundred feet (100') or more, and where said grade change covers an area of at least two (2) contiguous acres, or an entire parcel if said parcel is less than two (2) acres. (See section 152-24-9, appendix diagram A, of this chapter.)

(b) Any area within one hundred feet (100') of the edge of a bluff. The "edge of a bluff" means an area where there is a substantial abrupt change in slope along the edge of a predominantly flat area of land. The slope of the land below the abrupt edge typically has a grade that is near or

exceeds thirty percent (30%) or greater, and has a vertical elevation change of at least one hundred feet (100') or greater, and lies within sensitive lands described in subsection A of this section. (See section 152-24-9, appendix diagram B, of this chapter.)

(c) The boundaries of all areas within one hundred (100) vertical feet of a ridgeline. A "ridgeline" means the junction of a rising steep slope on one side and a descending slope that may be gentle or steep on the opposite side. (See section 152-24-9, appendix diagram C, of this chapter.)

Sec 152-24-3 Determination Of Applicability

(a) Application Of Chapter:
The regulations contained in this chapter shall apply to land development which includes any of the following:

(1) Any grading not associated with an approved project of the types listed in subsection A3 of this section, when such grading will:

a. Disturb ten thousand (10,000) square feet or more of land area;

b. Create a cut or fill over three feet (3') in height; or

c. Create trenching over two hundred feet (200') in length.

(2) Any activity associated with a building permit, including grading on a vacant lot or parcel not previously approved in accordance with the provisions of this chapter, but excluding any lot or parcel located in a subdivision which received preliminary plat approval prior to the effective date of this chapter.

(3) Any preliminary plat, planned development, site plan review, conditional use permit and any other land use development permit authorized by this code.

(4) Hillside and ridge areas as set forth in subsection 152-24-5A of this chapter.

(b) Support Information:
An applicant may provide information to support a determination that the project is not located on sensitive lands. Further on site investigation from licensed professionals may be necessary to conclude whether or not a project is located on sensitive lands.

(c) Zoning Administrator Determination:
If additional information is provided by an applicant, the zoning administrator shall review the information and make a final determination whether or not the project is subject to this chapter. The zoning administrator may also review the project on site and may determine the project is not located on sensitive lands and therefore not subject to this chapter. The decision of the zoning administrator may be appealed in accordance with the provisions of section 152-7-19 of this chapter.

(d) Other Applications:
In most instances the application required by this chapter is intended to be submitted as a parallel application with another land use application such as a preliminary plat under chapter 39, "Subdivisions", of this chapter and processed simultaneously.

(e) Conflicting Provisions:
This chapter sets forth provisions that may affect other chapters of this chapter and subdivision regulations set forth in chapter 39, "Subdivisions", of this chapter. In the event of conflict, the more restrictive provisions shall apply unless the less restrictive provision specifically provides otherwise.

(f) Zone Change Requests On Sensitive Lands:
Any application to change the zone designation on sensitive lands shall be consistent with the Hildale general plan.

(g) Exceptions:
Exceptions to the provisions of this chapter may be granted by the city council upon recommendation from the planning commission when:

(1) An alternative solution is proposed for the protection of the sensitive land, based on sound and generally accepted engineering and land development principles, and said alternative will result in equal or better protection than development under the standards of this chapter; and is consistent with the purposes of this chapter. The alternative shall also be consistent with the general plan policies affecting sensitive lands;

(2) The size of the parcel existing before the effective date of the adoption of this chapter is determined by the planning commission to be too small to effectively apply the provisions of this chapter, and conditions can be added to the project to minimize safety and general welfare concerns.

(3) The parcel is zoned for a nonresidential use and the planning commission determines the site requires grading inconsistent with the provisions of this chapter, and conditions can be added to the project to minimize safety and general welfare concerns.

Sec 152-24-4 Procedure

(a) Preliminary Activities:
The following requirements shall govern any preliminary activity such as surveying, testing, or design related activities conducted on sensitive lands subject to the provisions of this chapter for the purpose of exploring, evaluating and/or establishing locations for any development, when such preliminary activity may result in:

*Physical disturbance of the site of more than ten thousand (10,000) square feet;

*Cuts or fills more than three feet (3') in depth; or

*Trenching more than two hundred feet (200') in length.

(1) Proposals for preliminary activities shall be submitted to the zoning administrator for review and approval. Areas of proposed disturbance shall be staked at the applicant's expense. Following staking, city representatives shall have a reasonable opportunity to observe the staking. Prior to granting a permit for preliminary activities, depending on the scale of the activity, the zoning administrator may request written input from the city engineer.

(2) After observation of a proposed development site, the zoning administrator and the city engineer may authorize issuance of a permit for preliminary activity. The permit shall be limited to the staked areas of proposed disturbance and may include conditions for the following:

a. Implementation of adequate erosion control measures to protect affected areas. Supplemental erosion control measures may also be required between initial disturbance and either construction of permanent improvements, or restoration of disturbed areas.

b. Limitations on cuts and fills to ensure that such cuts and fills are made only where necessary to obtain access for required testing, and that no safety problems will be created.

c. Requirements for restoration of disturbed areas where permanent improvements are not constructed within a reasonable time following the disturbance.

d. Any other reasonable condition necessary to avoid unnecessary land disturbance and to protect adjoining property.

(3) Approvals from state or federal agencies that have jurisdiction over development action on the site shall be required before permit issuance.

(4) Following the completion of any preliminary surveying, testing, or design related activities in accordance with this subsection, any permanent improvements subsequently developed or installed shall conform to the provisions of this chapter.

(b) Development Project And Permit Review Authority:
The designated authority for the review and approval of projects subject to the provisions of this chapter is as follows:

(1) Planning Commission Responsibility:
Any proposal for development other than building and grading permits for a single-family dwelling shall be reviewed by the planning commission to determine compliance with requirements of this chapter. A development plan required for a project subject to chapter 39, "Subdivisions", of this chapter shall be reviewed and approved by the planning commission at the preliminary plat stage. Appeals of a planning commission decision on sensitive land issues shall be made in accordance with the provisions of section 152-7-19 of this chapter.

(2) Zoning Administrator Responsibility:
The zoning administrator is responsible for applying the provisions of this chapter to single-family building permits and grading permits for single-family dwellings on parcels not associated with a project previously approved by the planning commission, and approving these permits when found to be consistent with this chapter. Appeals of the zoning administrator's decision shall be heard in accordance with the provisions of section 152-7-19 of this chapter.

(3) City Council Responsibility:
Following receipt of a recommendation from the planning commission, or on appeal, the city council shall hold a public hearing on the application. Following a public hearing the city council may approve, approve with conditions, or deny the proposed development plan.

(4) Final Approval:
Final approval shall require satisfactory compliance with all of the requirements of the development plan and compliance with any companion application conditions, i.e., preliminary plat, conditional use permit, zoning map change, or other applicable requirements of this code.

Sec 152-24-5 Hillsides And Ridge Areas

(a) Applicability:
The following procedures, submittal requirements and standards shall apply to those projects located on lands identified as having at least one of the following characteristics:

(1) Slopes over ten percent (10%) which are:

a. Identified through computer generated programs capable of calculating slopes on topographic maps prepared with two foot (2') contour interval accuracy; or

b. Established by profile lines drawn perpendicular to contour lines at intervals no greater than one hundred fifty feet (150') apart, when the slope, measured along any one hundred foot (100') segment of the profile line is ten percent (10%) or greater. (See section 152-24-9, appendix diagram A, of this chapter.)

c. A slope shall be subject to this chapter only when a contiguous identified area of ten percent (10%) or greater exceeds two (2) acres, or if the site is less than one acre and the entire site is ten percent (10%) or greater.

(2) Lands located within one hundred (100) vertical feet of a ridgeline measured perpendicular from the ridgeline; and

(3) Lands located within one hundred feet (100') of an edge of a bluff.

(b) Conceptual Review:
At the option of the applicant, a concept plan may be submitted for review by either city staff and/or the planning commission. The purpose of conceptual review is to determine general consistency of the concept plan with this chapter. While comments may be offered, no approval or denial action on the concept plan will occur. The submittal of the concept plan should include the information set forth in subsections B1 and B2 of this section. While not mandatory, the submittal of all data listed will enable the staff and planning commission to provide more thorough comments on the concept plan.

(1) A development plan map, drawn to a scale of one inch equals one hundred feet (1" = 100') or larger, which shows:

a. Two foot (2') contour intervals where slopes are zero to twenty nine percent (0 - 29%); and five foot (5') contour intervals where slopes are thirty percent (30%) or greater. Contour maps based on interpolation of maps with larger contour intervals are not acceptable.

b. Natural slopes having grades of ten to twenty nine percent (10 - 29%) and natural slopes of thirty percent (30%) or greater shall be color shaded clearly showing the difference between the two (2) categories.

c. Proposed development layout of lots, roads, schools, churches, parks, open space, fire stations, commercial, cut or fill slopes or area of disturbances, and any other proposed land use.

d. The grades of all existing or proposed roads.

(2) A report which indicates:

a. Total development area;

b. Total number of lots and dwelling units;

c. Proposed density, and/or density to be transferred, including applicable bonus if any;

d. Percentage of each use, such as residential, commercial, recreational, roads, etc.; and

e. The justification for the project design, which includes a statement on how the project is consistent with the general plan and this chapter, emphasizing how mitigation has been applied to reduce impact on sensitive lands, or how sensitive lands have been avoided.

(c) Development Plan Submittal:
Following conceptual review, if such was requested by the applicant, development plan approval shall be obtained. The following information and reports along with any fee established by the city's schedule of fees, shall be submitted as part of an application for development plan approval, and may be in addition to information required for preliminary plat approval for a subdivision:

(1) Development Plan:
A development plan which clearly shows:

a. Two foot (2') contours. The contour map shall be prepared and certified by a licensed professional civil engineer or surveyor drawn at a scale no smaller than one inch equals one hundred feet (1" = 100'). Contour maps based on interpolation of maps with larger contour intervals are not acceptable.

b. Field surveys may be required of the applicant by the city to verify the accuracy of the contour lines shown on the contour map.

c. Slopes having grades of ten to twenty nine percent (10 - 29%) and natural slopes of thirty percent (30%) or greater shall be color shaded clearly showing the difference between the two (2) categories. This contour information shall either be computer based, or based on profile lines drawn perpendicular to contours at intervals no less than one hundred fifty feet (150') apart, nor greater than seventy five feet (75') from an existing or proposed property line. Grades shall then be determined by calculating the slope along one hundred foot (100') segments of the profile. (See section 152-24-9, appendix diagram A, of this chapter.)

d. To determine required minimum lot size (subsection 152-24-6B of this chapter) the average natural grade of each proposed parcel shall be calculated, and indicated on the development plan. The average grade shall be determined by calculating the grade of the natural slope between two (2) opposing property lines, based on profiles taken perpendicular to the contours, no less than one hundred fifty feet (150') apart, nor greater than seventy five feet (75') from an existing or proposed property line. Small washes or rock outcrops which have slopes distinctly different from surrounding property may be excluded from slope determination, if the exclusion of such small areas from slope determination will not be contrary to the overall purpose of this chapter, as reasonably determined by the zoning administrator.

e. The proposed development layout of lots, roads, proposed road grades, open space, area of disturbances, and existing native vegetation.

(2) Soils Investigation Report:
A soils investigation report which contains the following information:

a. Nature, distribution and classification (unified soil classification) of existing soils to the appropriate depth of influence by the proposed development, but not less than ten feet (10') deeper than the proposed excavations or to bedrock.

b. Strength of existing soils, bearing capacity of supporting soils, settlement estimates, collapse and shrink-swell characteristics, lateral pressures and trench excavation limitations.

c. Groundwater levels that may affect development and estimated elevation of high groundwater levels.

d. Appropriate laboratory testing for classification, consistency, strength and consolidation conditions.

e. Slope stability.

f. A written statement by the geotechnical engineer, civil engineer, or geologist preparing the soils report describing the general suitability of the site for the owner's intended use. The report shall identify soil constraints to development and shall state the professional opinion of the author as to whether the proposed development plan will mitigate and/or eliminate said constraints in a manner as to prevent hazard to life, hazard to property, and adverse effects. If the soil report prepared for a subdivision shows the presence of critically expansive soils, high water table, organic soils, liquefiable soils, collapsible soils, or other soil problems which, if not corrected, would lead to structural defects of the proposed buildings, damage to the building from the water, or premature deterioration of the public improvements, a soil investigation of each lot in the subdivision shall be required by the city.

(3) Geotechnical Report:
A geotechnical and geological report subject to the standards and requirements provided therein.

(4) Grading And Drainage Plan:
A grading and drainage plan report which includes stormwater management, erosion, and grading plans describing the methods by which surface water, natural drainage, erosion and sedimentation loss, and hydrologic hazards that will be controlled during and after construction. The plan shall include the following information:

a. The grading plan shall show present topography, including the location and depth of all proposed fills and cuts of finished earth surfaces, and/or use of retaining walls including height, using a contour interval of two feet (2') when grades are zero to twenty nine percent (0 - 29%) and five foot (5') contours when grades thirty percent (30%) and over.

b. The proposed area to be graded shall be clearly delineated on the plan.

c. All calculations and proposed details used for design and construction of debris basins, impoundments, diversions, dikes, waterways, drains, culverts and other water management or soil erosion control measures shall be shown. Drainage calculations shall determine runoff volume and peak discharge using the "rational method", "SCS curve number method", or appropriate equivalent. Data provided should include:

1. Rainfall depth, duration and distribution;

2. Watershed slope and drainage area delineation;

3. Land condition of watershed surface;

4. Topography of drainage area; and

5. Soil descriptions in watershed. Erosion calculations shall employ predictions of soil loss sheet erosion using the universal soil loss equation or equivalent. Data to be provided should include factors of:

i. Rainfall intensity and duration;

ii. Soil erodibility;

iii. Land slope and length of slope or topography;

iv. Condition of the soil surface and land management practices in use; and

v. Surface cover, grass, pavements, etc.

(5) License Required:
All required reports shall be prepared by persons licensed to practice their specialty or expertise in the state of Utah, if such license for practice is required.

(6) Expert Advice:
In reviewing technical reports, calculations, and plans which may be required, the city staff or city engineer may find it necessary to obtain the advice of other experts regarding the adequacy of the reports submitted, and the validity of the conclusions and recommendations reached in the reports. In such cases the city staff or city engineer may consult with such experts, with the reasonable costs of these consultations to be borne by the developer prior to any public hearing. The planning commission or city council may require payment by the developer of the costs of such consultations a condition of preliminary or final plat approval.

Sec 152-24-6 Hillsides And Ridge Areas; General Development Standards

(a) Unbuildable Slopes:
Except as may be allowed by an exception as set forth in subsection 152-24-3G of this chapter, slopes of thirty percent (30%) or greater shall be undisturbed. Such areas shall be designated as a nonbuildable area if part of a residential lot, or at the election of the owner, these slopes may be offered to the city or a duly created nonprofit conservation organization. Slopes of thirty percent (30%) or greater, if included within a lot, shall not be considered as lot area contributing to the minimum area required in subsection B of this section. (See section 152-24-9, appendix diagram D, of this chapter.) Slopes thirty percent (30%) and greater, but not exceeding forty percent (40%), may be used for street location purposes when needed to provide two (2) ways of access to the project, when the planning commission finds that:

(1) No significant harm will result and the roadway can be provided without creating an obviously visible scar on the hillside;

(2) The proposed modification will result in a more functional and improved plan; and

(3) The developer/builder agrees to comply with any conditions or requirements imposed by the planning commission to mitigate any adverse effects which may result from the proposed roadway.

(b) Subdivision Lot Size:

(1) The following minimum lot sizes shall be required unless the existing base zone district requires a larger lot area. Lots with slopes averaging less than ten percent (10%) shall be subject to the lot size requirement of the base zone district.

Average Slope (Percent)	Minimum Lot Area (Square Feet)	Estimated Net Density[1] (Units Per Acre)
10	15,000	2.32
11	16,500	2.11
12	18,000	1.94
13	19,500	1.79

14	21,000	1.66
15	22,500	1.55
16	24,000	1.45
17	25,500	1.37
18	27,000	1.29
19	28,500	1.22
20	30,000	1.16
21	31,500	1.11
22	33,000	1.06
23	34,500	1.01
24	36,000	0.97
25	37,500	0.93
26	39,000	0.89
27	40,500	0.86
28	42,000	0.83
29	43,500	0.8

Note:

(1) Based on the assumption that approximately 20 percent of the project area will be streets, the net density shown expresses the estimated yield per acre. As lots increase in size, the actual street percentage will typically decline resulting in a slight increase in net density.

(c) Density Limitations:

(1) The maximum number of units allowed within a project site shall not exceed the lesser of the following:

a. The maximum units allowed by the existing zone district on the project site, plus any bonus allowed by subsection D of this section;

b. The maximum number of units resulting from the application of the minimum lot size standards of subsection B of this section, plus any bonus units allowed by this chapter; and

c. The maximum number of units allowed by the general plan, plus any bonus units allowed by this chapter.

(2) To determine the maximum number of allowed units for a project as limited by subsection C1 of this section, the following methods shall be applied:

a. The maximum density of a zone district is calculated as follows:

1. When all proposed streets are known, the acreage of the total project site shall be reduced by the acreage of existing and proposed streets. This resulting net acreage factor is converted to total square feet and is then

divided by the minimum parcel size in single-family zone districts to yield the number of permitted dwelling units. In multiple-family districts the total net acreage shall be divided by the allowed number of units per acre as prescribed by the applicable zone district.

2. When the acreage of proposed streets has not been determined, the total acreage of the project site shall be reduced by twenty percent (20%) to accommodate streets, and the resulting net acreage factor is converted to square feet and then divided by the minimum parcel size in single-family zone districts to yield the number of permitted dwelling units. In multiple-family districts the total net acreage shall be divided by the allowed number of units per acre as prescribed by the applicable zone district.

Example 1 - Acreage of streets is known:	
	R1-10 zone
	Total site acres = 100 net acres (not including street acreage)
	100 acres x 43,560 square feet = 4,356,000 square feet total
	4,356,000 square feet divided by 10,000 square foot lots = 436 lots
Example 2 - Acreage of streets is unknown:	
	R1-10 zone
	Total site acres = 100 acres
	100 acres x .80 = 80 net acres
	80 x 43,560 square feet = 3,484,800 square feet total
	3,484,800 square feet divided by 10,000 square foot lots = 348 lots

b. If densities are calculated using the minimum lot size provisions of subsection B of this section, the total net acreage of each slope category shall be divided by the allowed minimum parcel size of the applicable slope category. Total net acreage shall be determined by reducing total acreage within a slope category by the acreage of existing and proposed streets, or by the twenty percent (20%) street factor using the applicable method of either subsection C2a(1) or C2a(2) of this section. The minimum parcel size allowed by the applicable slope category shall then be divided into the net acreage to determine the dwelling unit yield for the slope category. This calculation shall be done for each slope category of ten percent (10%) or greater on the project site to determine the total allowable number of dwelling units on the project site.

c. The general plan densities noted on the future land use map shall be gross densities. Therefore, the maximum number of units permitted by the general plan is determined by dividing the total acreage of the project site (including the acreage of proposed streets if known), by the maximum density (units per acre) as allowed by the applicable general plan land use category.

(3) Any proposed rezoning in sensitive land areas shall be consistent with the general plan and the densities shown on the future land use map.

(4) If the planned development overlay zone is applied, density may exceed the base zone density to the extent allowed in chapter 23 of this chapter, subject to provisions therein. However, if the density transfer option noted in subsection D of this section is requested in combination with the density bonus provisions of chapter 23 of this chapter, the combination of planned development and density transfer bonuses shall not exceed twenty five percent (25%).

(d) Density Transfer:
A density transfer from steep slopes (generally greater than 20 percent) and ridge areas to moderate slopes (generally less than 20 percent) on or off site is encouraged and allowed through the processing of a planned development, providing the purposes of this chapter and the general plan are maintained. A density transfer bonus may be allowed as follows:

Slope		Bonus Factor[1]	
10 - 14%		1.25	
15 - 20%		1.5	
21 - 25%		2	
26 - 29%		2.5	
30% or greater		No bonus is permitted, but density may be transferred at a rate of 1 dwelling unit for each 10 acres	

Note:

(1) The allowable transfer including the bonus shall be determined by multiplying the density allowed based on the percent of slope as provided in subsection B of this section by the bonus factor. (Example: In a 26 percent slope area, based on an estimated net density of 0.89 units per acre, applying the bonus [0.89 units per acre x 2.5 bonus factor] a total of 2.23 units per acre of 26 percent slope area may be transferred.)

(e) Maximum Impervious Material Coverage:
The maximum allowable lot coverage by impervious material (roofs, driveways, walks, patios) shall not exceed fifty percent (50%) maximum coverage on slopes ten to fourteen and nine-tenths percent (10 - 14.9%), and shall not exceed thirty five percent (35%) maximum coverage on slopes fifteen percent (15%) or greater. Areas of impervious material shall be estimated and included in the total impervious surface area calculation for stormwater design purposes.

Sec 152-24-7 Special Area Development Standards

(a) The standards identified below for each special area shall be applied in addition to the other requirements of this chapter when applicable. It is recognized sensitive lands may be developed in alternative ways that will reduce hazards and preserve aesthetic qualities as effectively as the standards listed below. Therefore, an applicant may propose alternative standards through the "exception" process as permitted by subsection 152-24-3G of this chapter. (See section 152-24-9, "Appendix", of this chapter, for the location of these special areas.)

(1) Area A - Reserved

(2) Area B - Reserved

(3) Area C - Reserved

(4) Area D - Reserved

(5) Area E - Reserved

(6) Area F -Reserved

(7) Area G -Reserved

(8) Area H - Reserved

(9) Area I - Reserved

Sec 152-24-8 Grading, Drainage And Street Development Standards

(a) Grading, Drainage And Erosion:
The total watershed area shall be used to determine the amount of stormwater runoff generated before and after construction.

(1) A grading and drainage report shall be prepared in which the developer shall describe the methods intended to be employed to control the increased erosion during construction.

(2) The developer shall be responsible for interim stabilization of all disturbed areas during construction to prevent erosion, and for final stabilization when construction is completed.

(3) The "SCS curve number method", "rational method", or other stormwater computation method as approved by the city engineer shall be used in computing runoff.

(4) Maps of the development site at a scale of one inch equals two hundred feet (1" = 200') shall be provided by the developer to the city engineer defining the boundaries of any floodplain and the limits of the watershed.

(5) Existing drainage and floodway channels shall remain as historically located except that roads and utilities may be installed across such channels as approved by the planning commission and the city council. Where these channel modifications are planned, the developer shall obtain permits from the Utah division of water rights and U.S. army corps of engineers when required by these agencies. The developer shall provide evidence of such permits to the city prior to issuance of a grading permit. Structures and/or lots shall be arranged so as to ensure adequate setbacks from all drainage and floodway channels. The 100-year storm shall be that basis for calculating setbacks.

(6) Facilities for the collection of stormwater runoff shall be required to be constructed on development sites according to the following requirements:

a. Such facilities shall be the first improvements or facilities constructed on the development site.

b. Such facilities shall be designed so as to detain safely and adequately the maximum expected stormwater runoff for a minimum 152-year storm, while allowing an off site discharge not to exceed one-tenth (0.1) cubic foot per second per acre. Regardless, stormwater mitigation shall limit runoff volumes and flows so they do not exceed predevelopment levels.

c. Such facilities shall be so designed as to divert surface water away from cut faces or sloping surfaces of a fill.

d. The existing natural drainage system shall be utilized to the extent possible in its unimproved state.

e. Where drainage channels are required, wide shallow swales lined with grass, rock, or other approved material shall be used instead of cutting narrow, deep

drainage ditches.

f. Flow retarding devices, such as detention ponds, check dams, and recharge berms, shall be used where practical to minimize increases in runoff volume and peak flow rate due to development.

(7) Erosion control measures on a development site and a drainage design system to control stormwater erosion during and after construction shall be contained in a grading and drainage report submitted by the developer.

(8) No grading or stripping shall be permitted except as part of a development plan approved in advance by the planning commission, or when such is a preliminary investigative action and is subject to subsection 152-24-4A of this chapter.

(9) A description of any hydrologic hazards associated with the proposed development site and adjacent area shall be required. Hydrologic hazards may include high water table, surface water impoundments, gradient of the property, floodplains, etc.

(b) Cut And Fill Slopes:
Development standards for cuts and fill follow:

(1) Cut and fill slopes regulated by the building code shall comply with the following unless more restrictive standards are otherwise recommended in an approved soils and geology report:

a. Cut and fill slopes shall not exceed sixteen feet (16') in vertical height. Proposed slopes that are separated by less than fifty feet (50') of horizontal distance shall be considered a single slope, and their combined height shall not exceed sixteen feet (16'). (See section 152-24-9, appendix diagram L, of this chapter.) The fifty foot (50') spacing standard shall apply to slopes on the same lot or within fifty feet (50') of a slope on an adjacent lot.

b. Benching and terracing may only occur as a means to reduce the appearance of a slope sixteen feet (16') or less in height (i.e., creating 2 8-foot slopes instead of a single 16 foot slope).

c. Cut and fill slopes shall not exceed a slope ratio of two feet (2') horizontal to one foot (1') vertical, except as follows:

1. A cut slope is proposed in a stable rock based material and the steeper cut would be preferable over the use of a retaining wall or the revegetation of a larger two to one (2:1) slope, and when the erosion potential will not be increased. Such determination shall be made by a licensed civil engineer or geologist.

d. The following additional slope standards shall apply:

1. No slopes shall be cut steeper than the bedding plane, fracture, fault or joint in any formation where the cut slope lies on the dip of the strike line of the fracture, bedding plane, fault or joint.

2. No slopes shall be cut in an existing landslide, mudflow or other form of naturally unstable slope.

3. If the material of a slope is of such composition and character as to be unstable under the anticipated maximum moisture conditions, the slope angle shall be reduced to a stable value or increased through retention using a method approved by the city engineer and certified as to its stability by a professional soils engineer.

e. Any cut or fill slope composed of loose material (i.e., not cut into solid rock) shall be revegetated and a permanent irrigation system provided.

(2) Fill slopes shall not be constructed on natural slopes steeper than two feet (2') horizontal to one foot (1') vertical.

(3) A roadway cut and fill slope located outside a dedicated public right of way shall be located within a recorded easement providing for slope protection and preservation. The easement shall be in a form acceptable to the city.

(c) Retaining And Stacked Rock Walls:
The following standards shall be applied to retaining walls:

(1) The maximum height of a retaining or stacked rock wall shall not exceed sixteen feet (16'). Retaining or stacked rock walls separated by less than fifty feet (50') of horizontal distance shall be considered as a single wall, and their combined height shall not exceed sixteen feet (16'). (See section 152-24-9, appendix diagram L, of this chapter.) The fifty foot (50') spacing standard applies to walls or slopes on the same lot and when the wall or slope is within fifty feet (50') of a wall or slope on an adjacent lot.

(2) The vertical height of the retaining wall or stacked rock wall when combined with a cut or fill slope shall be considered part of the allowed slope height (i.e., a 6 foot retaining wall adjacent to a 10 foot cut slope totals 16 feet, and is therefore maximum height of the allowed slope).

(3) Wherever possible the material and/or color of the retaining or stacked rock wall shall be earth tones indigenous to the area.

(4) The use of retaining and stacked rock walls to reduce earth and vegetation disturbance is encouraged, especially when revegetation is not practical and the slope would be visible to the public.

(5) The design of retaining walls and stacked rock walls over four feet (4') in height require engineering design and shall conform to building code requirements.

(d) Streets And Rights Of Way:
The following street standards shall apply:

(1) The city's street standards and specifications shall apply to all development, except where conditions related to proper development of sensitive land areas necessitate altering these standards as described below and elsewhere in this chapter and as may be otherwise approved by the city.

(2) Street grade requirements:

Normal Permissible Exception
Maximum grade 8 percent 12 percent
Maximum grade street
Intersections
5 percent As determined by the planning commission

(3) Streets, roadways and private accessways shall follow as nearly as possible the natural terrain.

(4) Two (2) points of access to a through road shall be provided for emergency and firefighting equipment access for residential projects containing thirty (30) or more lots or

residential units. The second access may be temporary when the planning commission finds:

a. The access road is developed to a grade, width, structural standard and surface capable of accommodating emergency vehicles and two-way traffic; and

b. Permanent secondary access will be provided in the future as other phases of the project are developed, and/or there is reasonable expectancy the development of adjacent lands in the foreseeable future will provide the second permanent access.

(5) All fill slopes shall be contained within a public right of way, or shall be located within recorded easements providing for slope protection and preservation. The easements shall be in a form acceptable to the city.

(6) Variations of street design standards developed to solve sensitive land and functional problems may be presented to the planning commission for consideration. Examples of such variations may be the use of split roadways to avoid deep cuts, one-way streets, modifications of surface drainage for curb, gutter and sidewalk design and other innovative designs for sensitive lands development.

(7) The provisions of this chapter shall not apply to streets or rights of way already constructed or which have heretofore been approved by the city.

(e) On Site Development:
The property owner or developer shall be fully responsible for making all improvements in accordance with the development site approval, e.g., streets, utilities, drainage, erosion, walls and vegetation requirements.

(f) Bond:
In addition to the provisions requiring the posting of a bond as set forth in chapter 39 of this chapter, the developer or property owner shall be required to guarantee the stabilization of grading sites, cuts and fills, and construction of stormwater runoff facilities, and the construction of recreation space as may be required in this chapter. Such bond shall be in an amount equal to one hundred ten percent (110%) of the cost of construction of such work and shall continue for eighteen (18) months after the completion date of such.

Sec 152-24-9 APPENDIX: List Of Diagrams And Exhibits

(a) Slope determination

(b) Bluff

(c) Ridgeline

(d) Nonbuildable area

(e) Density clustered on lower one-third of slope

(f) Bluff trail

(g) Sullivan's Knoll

(h) Ridge top setback

(i) Special areas

(j) Typical profile Hildale Cliff

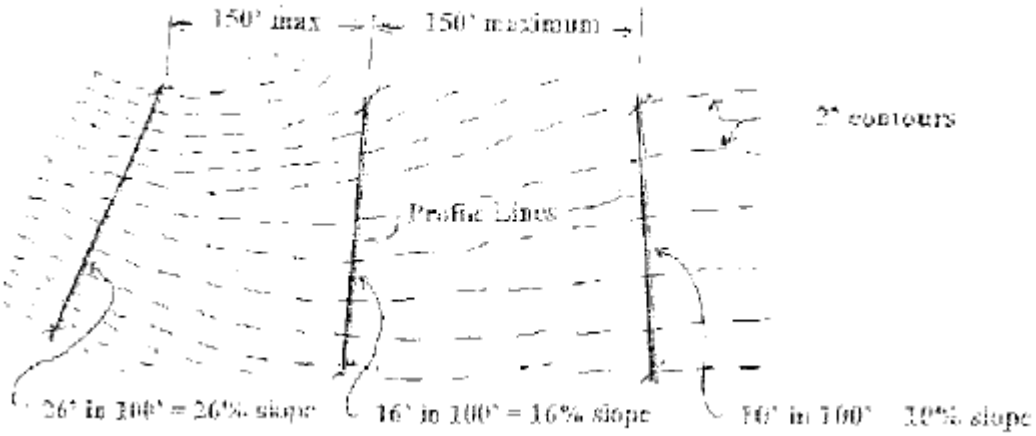
(k) Bluff setback point

(l) Maximum allowed cut/fill/retaining walls

(m) Maximum building height on Hildale Cliff

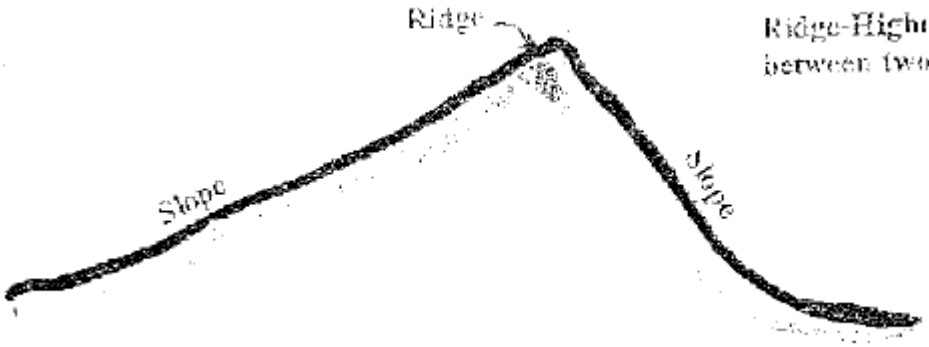
Diagrams:

A - Slope determination



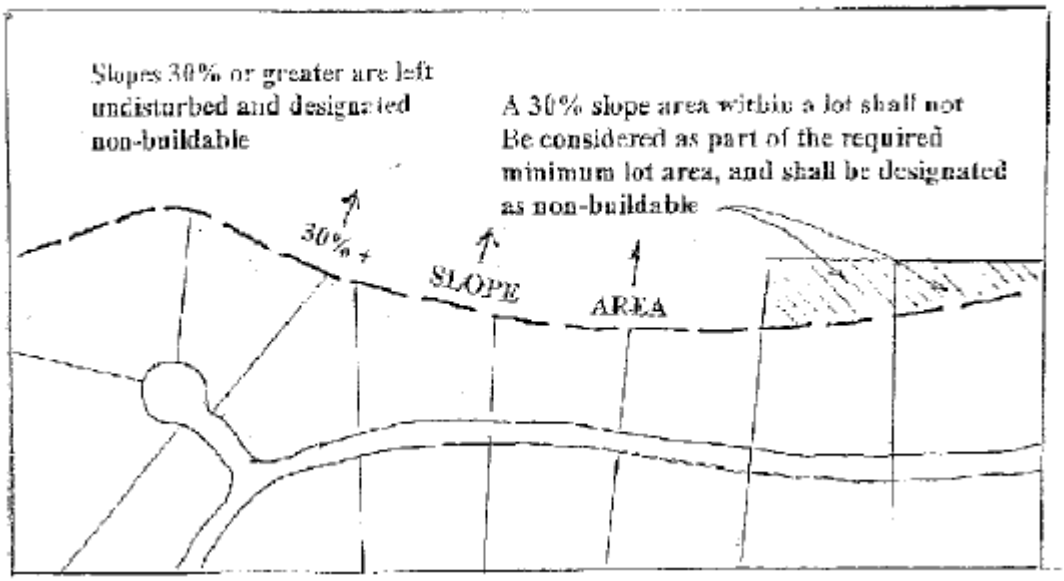
Substantial abrupt change in slope along the edge of a predominantly flat area. The slope below the flat area typically exceeds 30% and the vertical elevation change is at least 100 feet.

B - BLUFF

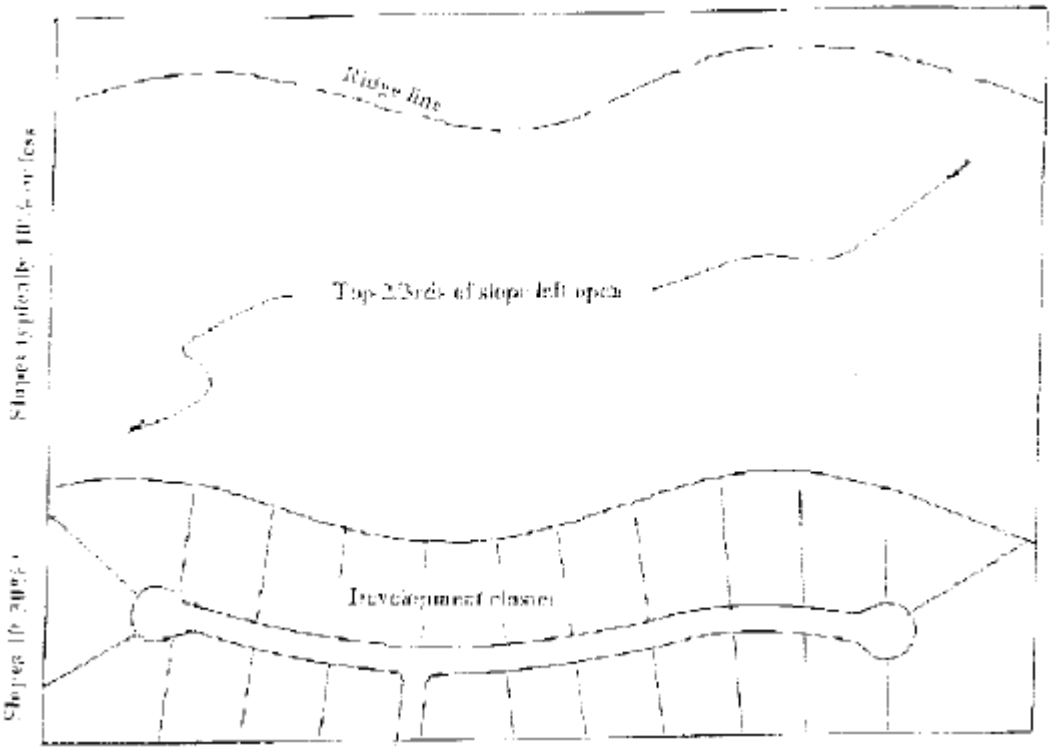


Ridge-Highest point between two slopes

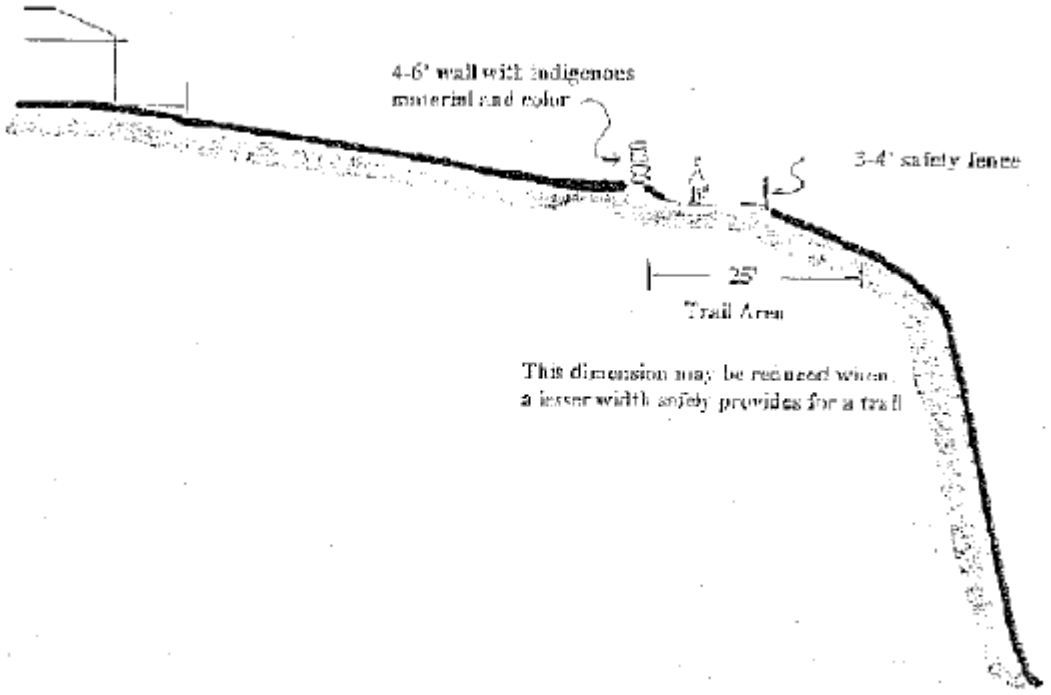
C - RIDGELINE



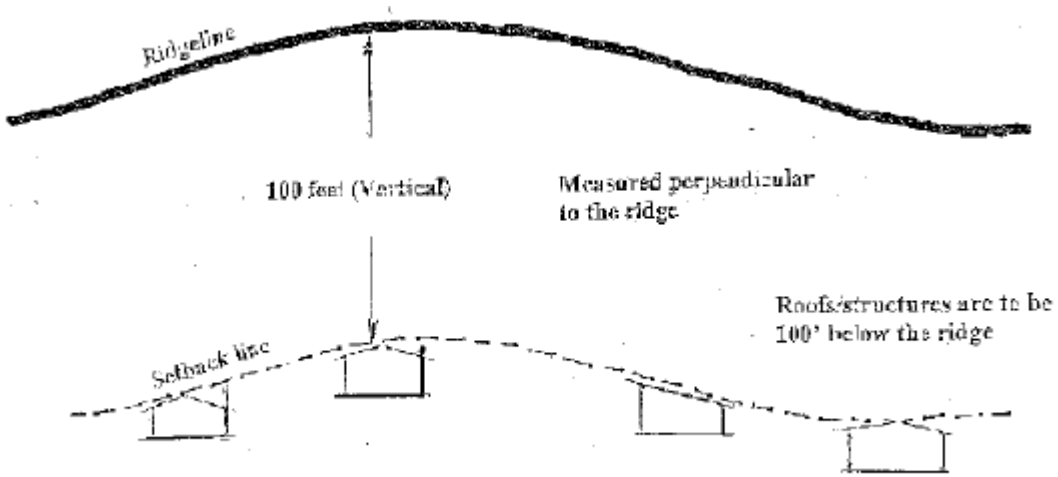
D - NONBUILDABLE AREA



E - DENSITY CLUSTERED ON LOWER ONE-THIRD OF SLOPE



F - BLUFF TRAIL



H - RIDGE TOP SETBACK

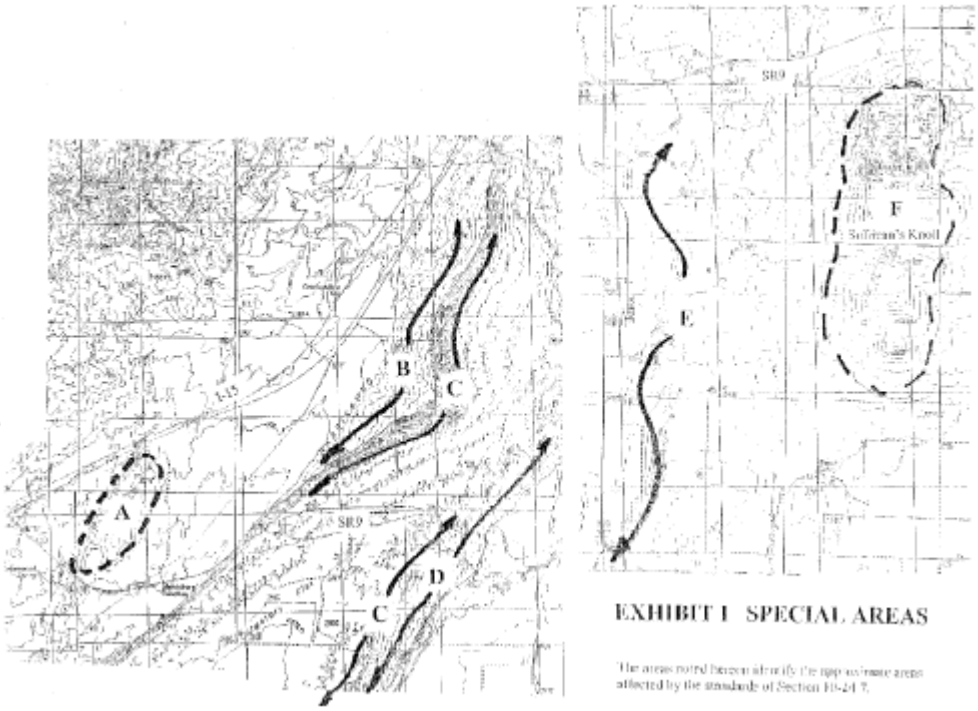


EXHIBIT I SPECIAL AREAS

The areas noted hereon identify the approximate areas affected by the standards of Section 10-24-7.

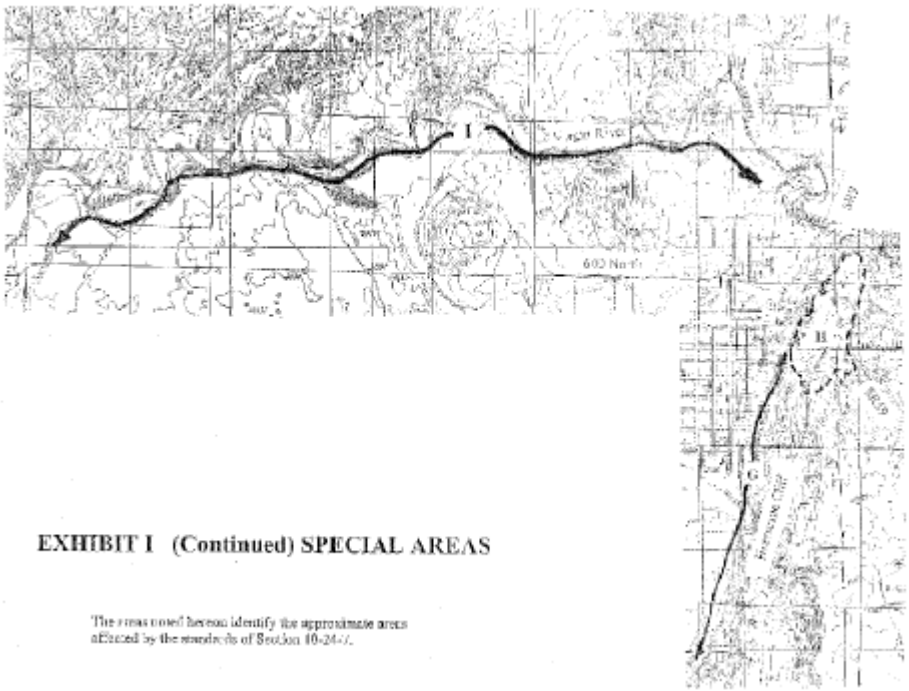
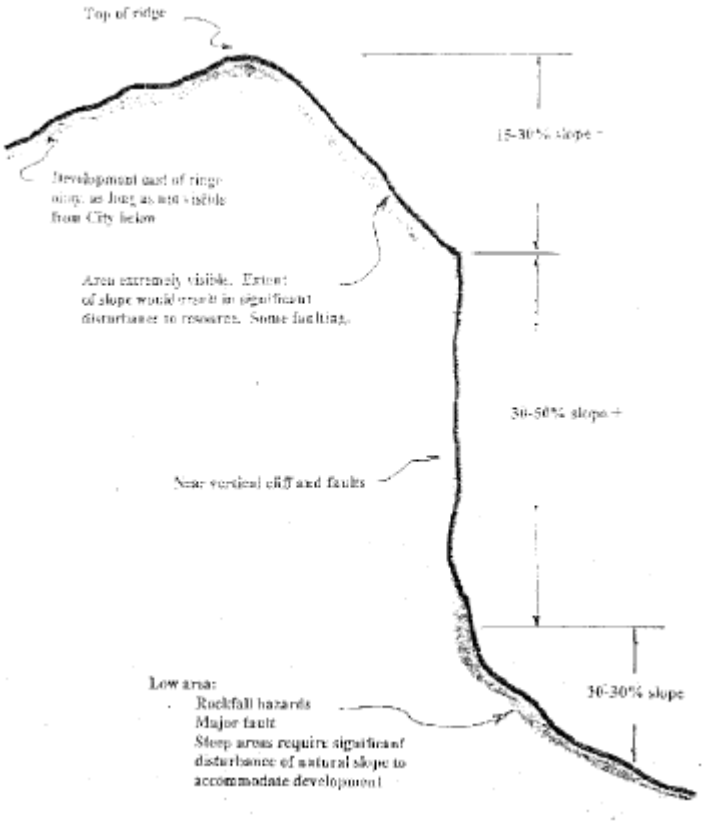
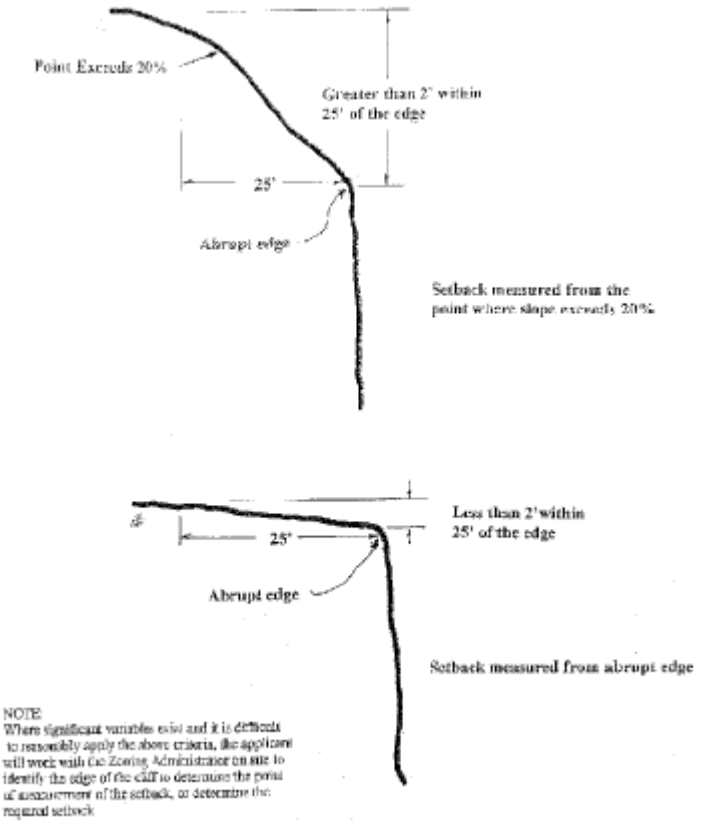


EXHIBIT I (Continued) SPECIAL AREAS

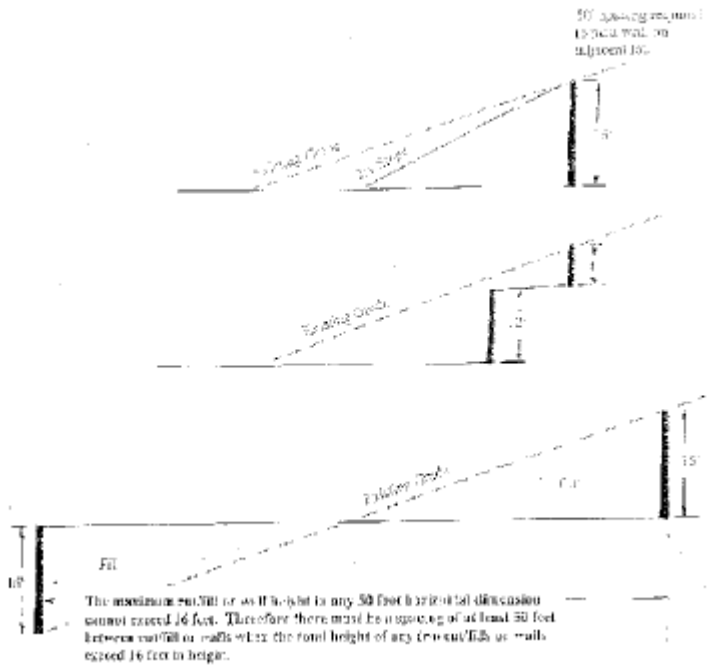
The areas noted hereon identify the approximate areas affected by the standards of Section 10-24-7.



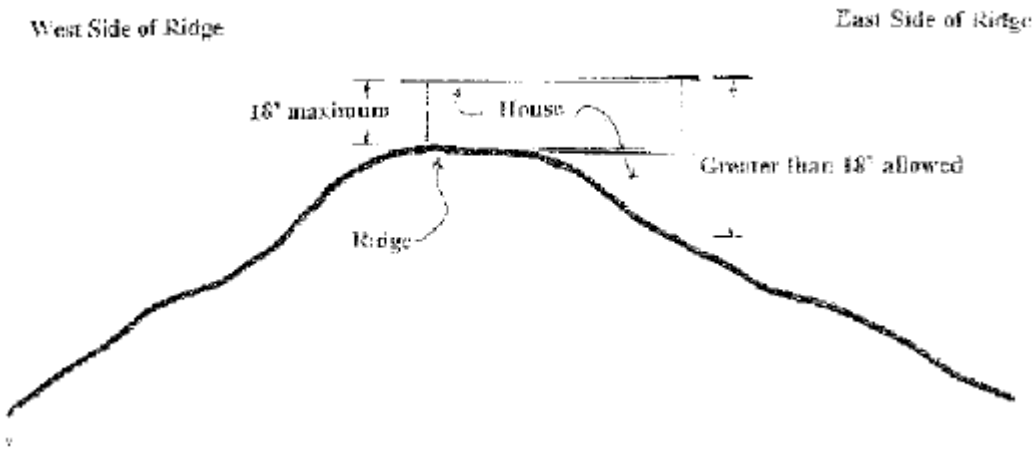
J - TYPICAL PROFILE HURRICANE CLIFF



K - BLUFF SETBACK POINT



L - MAXIMUM ALLOWED CUT/FILL/RETAINING WALLS



M - MAXIMUM BUILDING HEIGHT ON HURRICANE CLIFF

CHAPTER 26 RECREATION RESORT ZONE
Sec 152-26-1 Purpose And Objectives
Sec 152-26-2 Scope
Sec 152-26-3 Minimum Acreage
Sec 152-26-4 Site Location
Sec 152-26-5 Uses Allowed
Sec 152-26-6 Development Standards For Recreational Resort
Sec 152-26-7 Regulations Of General Applicability

Sec 152-26-1 Purpose And Objectives

(a) Purpose:
The recreation resort zone is established to designate certain areas within the city of Hildale where it is desirable and beneficial to the area economy to allow for a mix of limited commercial, public, and residential uses. Specifically, to authorize recreation and resort developments in which residential dwelling units may be occupied by the owners thereof on a full or part time basis, to authorize the rental of residential units on an overnight or short term (30 days or less) basis by owners who reside elsewhere; and to authorize limited commercial and public uses that are incidental to and compatible with resort developments.

(b) Objective:
The objective of the recreation resort zone is to allow full service resort developments with short and long term residential use combined with those commercial and public facilities necessary to create a desirable resort atmosphere.

Sec 152-26-2 Scope

The requirements of this chapter shall apply to any recreation resort zone within the city. Such requirements shall not be construed to prohibit or limit other applicable provisions of this title, this code, or other laws except to the extent such provisions are provided by this chapter.

Sec 152-26-3 Minimum Acreage

The recreation resort zone shall be applied only to projects consisting of at least five (5) acres.

Sec 152-26-4 Site Location

The recreation resort zone shall only be allowed on collector or higher street classification. However a lower street classification may be considered if the applicant can demonstrate that the development would have no negative affect to adjoining properties.

Sec 152-26-5 Uses Allowed

All uses must be shown on a preliminary site plan presented with the application to change an area on the zoning map to recreation resort.

(a) Permitted Uses:
Permitted uses allowed within the recreation resort zone are as follows:

(1) Single and multiple dwelling unit residential, including condominium and townhouse complexes. Unit and/or complex owners may reside in the dwelling units or offer them for rent or lease either long term or short term.

(2) Any commercial use related to the support or servicing of those uses referred to in subsection A1 of this section and the facilities related thereto including, but not limited to:

Childcare facilities.
Indoor and outdoor recreation facilities.
On site property management.
Personal care services.
Professional office space related to property management.
Restaurant and outdoor dining.
Retail stores.
Sales and rental offices.

(3) Motel, hotel, bed and breakfast inn, or boarding house.

(b) Prohibited Uses:
Any use not listed shall be prohibited unless the zoning administrator determines the use is substantially the same as a permitted or conditional use as provided in subsection 152-7-18E4 of this chapter.

(c) Accessory Uses:
Permitted and conditional uses set forth above shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses.

(1) Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this chapter.

(2) No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.

(3) Accessory uses in residential zones shall include, but not be limited to, the following:
Hobby activities when conducted by an occupant of the premises solely for personal enjoyment, amusement, or recreation and which does not conflict with any other city ordinance.Household pets.Nurseries and greenhouses, when used for resort landscape or food production.Playgrounds, patios, porches, gazebos, and incidental storage buildings in accordance with the approved site plan for the zone.Short term storage and parking areas and facilities for recreational vehicles, boats, and trailers which are incidental and otherwise related to other approved uses.Swimming pools and hot tubs; tennis and other sport courts; clubhouses; and other common recreation or sport facilities for use by residents and their guests.

Sec 152-26-6 Development Standards For Recreational Resort

(a) Recreation resort zones shall be established on the city zoning map and may be amended from time to time by ordinance. The recreation resort zone is intended only for resort development directly providing the following minimum facilities and services:

(1) a swimming pool and clubhouse and

(2) an on site rental or property manager. Those resort developments in which full time/permanent residential use is authorized or contemplated shall be subject to covenants, conditions, and restrictions and governed by a property owners' association or other similar governing body.

(b) Development standards within the recreational resort shall be set forth in table 152-26-1 of this section.

TABLE 152-26-1

Lot standards:		
	Average lot area	n/a
	Minimum lot area or acreage	
	Minimum lot width and/or project frontage	300 feet project 30 feet unit
	Maximum density per acre	15 units or lots
Building standards:		

	Maximum height, main building[1]	35 feet
	Maximum height, accessory building[1]	20 feet
	Building coverage	50 percent per site plan
	Distance between buildings	20 feet
Setback standards - front:		
	Any building - pedestrian entrance	15 feet from back of sidewalk
Garage or parking building[3]		25 feet from back of sidewalk
Setbacks - rear:		
	Main building	10 feet
	Accessory building, including private garage[2]	10 feet
Setback standards - interior side yard:		
	Main building	10 feet
	Accessory building, including private garage[2]	10 feet
Setback standards - street side yard:		
	Main building	20 feet
	Accessory building	Not permitted
	Parking	See note 3

Notes:

(1) Except a greater height may be approved subject to a conditional use permit.

(2) If located at least 10 feet from main building, 2 feet.

(3) If alternate parking, such as underground parking facilities or parking structure is provided, garage setbacks may be altered by the planning commission.

(c) An application for a zone map change to recreation resort zone shall be accompanied by a completed preliminary site plan application as set forth in section 152-7-10 of this chapter. An approved final site plan shall be required before construction or site work in a recreation resort zone.

Sec 152-26-7 Regulations Of General Applicability

The use and development of real property in the recreation resort zone shall conform at a minimum to regulations of general applicability as set forth in the following chapters of this chapter:

(a) Design and compatibility standards:
See chapter 33 of this chapter.

(b) Landscaping and screening:
See chapter 32 of this chapter.

(c) Motor vehicle access:
See chapter 35 of this chapter.

(d) Natural resource inventory:
See chapter 31 of this chapter.

(e) Off street parking:
See chapter 34 of this chapter.

(f) Signs:
See chapter 36 of this chapter.

(g) Supplementary development standards:
See chapter 37 of this chapter.

CHAPTER 27 EXTRACTION INDUSTRIES OVERLAY ZONE

Sec 152-27-1 Purpose And Intent
Sec 152-27-2 Scope
Sec 152-27-3 Zoning Districts
Sec 152-27-4 Use Regulations
Sec 152-27-5 Extraction Site Plan
Sec 152-27-6 Site Development Plan
Sec 152-27-7 Reclamation Plan Requirements
Sec 152-27-8 Building And Equipment Removal
Sec 152-27-9 Excavation Material Removal
Sec 152-27-10 Plan Modification
Sec 152-27-11 Security For Completion
Sec 152-27-12 Progress Report; Notice
Sec 152-27-13 Standards For Operation
Sec 152-27-14 Approval Process
Sec 152-27-15 Standards For Approval

Sec 152-27-1 Purpose And Intent

The general purpose of the extraction industries overlay zone is to provide for the operation of extraction industries in Hildale City, while regulating the operation of such industrial uses particularly on properties in close proximity to residential districts and to provide regulatory standards and procedures to ensure the reclamation of the extraction industry sites upon completion of the extraction processes.

(a) Standards for development contained herein are intended specifically to accomplish the following purposes:

(1) To minimize the adverse effects of development and operation of extraction industries on neighboring properties;

(2) To preserve and/or reclaim visual and aesthetic qualities of properties in which the extraction industries will operate which are vital to the aesthetic quality of the city and quality of life of its residents; and

(3) To ensure adequate security is posted to ensure the successful and timely reclamation of properties in which extraction industries operate at the conclusion of such development and operation.

(b) The underlying zoning shall control the property once the extraction industry work is completed and the extraction industries overlay zone has been removed.

Sec 152-27-2 Scope

This extraction industries overlay zone will provide for the excavation of clay, soil, granite, flagstone, slate, shale, limestone, sand, or gravel and other similar extraction of natural resources from the land by excavating, stripping, leveling, or other compatible extraction processes; and further allow for and regulate the processing of extracted materials on or off site within Hildale City for commercial purposes.

Sec 152-27-3 Zoning Districts

The extraction industries overlay zone may be applied to all zoning districts as established in this land use code.

Sec 152-27-4 Use Regulations

The following are permitted uses within an approved extraction industries overlay zone: Accessory uses and buildings, customarily incidental and subordinate to a permitted use. Sand, gravel, rock, clay and similar natural resources extraction mining, and quarry activities.

Sec 152-27-5 Extraction Site Plan

An extraction site plan is required for a zone change to the extraction industries overlay zone. The site plan and reclamation plan may include any conditions the city council, with the recommendation of the planning commission, deems reasonable and necessary to accomplish the purposes of this chapter. An annual review for compliance of the approved site plan will be made by the city council. The city staff will conduct all necessary inspections to assist the city council with its annual review and evaluation process.

(a) An application for an extraction industries overlay zone shall be accompanied by a site development plan and reclamation plan prepared in accordance with the provisions of this chapter and submitted to the zoning administrator in a form established by the administrator along with any fee established by the city. The application shall include at least the following information:

(1) Name, address, and telephone number of the applicant (property owner) and applicant's agent (if any);

(2) A legal description and map of the property to be subject to the overlay zone;

(3) A statement of the current land use and zoning; and

(4) Name, address, and telephone number of the firm retained to undertake the extraction operation, if different from the applicant.

Sec 152-27-6 Site Development Plan

(a) Drawings:
All drawings required below shall be prepared by a professional engineer, licensed in the state of Utah.

(b) Plan Requirements:

(1) General Site Plan:
All property included in the proposed overlay showing any existing or proposed buildings, parking areas, and roadways.

(2) Excavation Map:
This should be a topographic map, at a scale of one inch equals two hundred feet (1" = 200') to a maximum contour interval of four feet (4'). This map shall include a general depiction of the area at least five hundred feet (500') beyond the proposed excavation

and show the location of the operations and proposed haul roads. This map shall identify the phases of the excavation, the planned depth and the location of stockpiles, mine tailings, milling and processing systems, and cross sections of the excavation site in areas of greatest material displacement. The number of required cross sections shall be dependent upon the size and topography of the excavation site.

(3) Development Schedule:
A text summary of the estimated development schedule and time frame shall be submitted. This text should outline the estimated operational life of the project, and should summarize phased extraction plans and corresponding phased reclamation and estimated time frames for each phase.

(4) Roadway Plan:
Address the anticipated impact on existing streets, reflecting the trip generation rate, along with the planned construction of any new streets, including all proposed haul roads, and the access for such roads to any state roads. Provide the anticipated type and number of heavy equipment to be used, assuming full time operation and hauling of forty (40) hours per week and the individual gross vehicular weight. Show travel impact on any existing city streets, including amount of traffic. Provide proposed mitigation of haul stress on improved city roadways. Additional improvements to, or replacement of, surfaces and subsurfaces may be required as a condition of approval.

(5) Utility Plan:
Show the location of all utility lines and facilities, if any, including, but not limited to, water, sewer, power, cable television, natural gas and telephone within the project area. This plan shall indicate the proposed point of connection to utilities.

(6) Nuisance Mitigation Plan:
Provide detailed plan to control and limit dust, noise, vibration, smoke and odor created on the site during actual extraction operations and during idle time. This plan should reflect the requirement that all access and haul roads on the site shall be maintained in a dust free condition by impervious surfacing or some other treatment approved by the city. Dust mitigation must be pursuant to rule R-307-205 of the Utah administrative code, applicable city ordinances, and any other applicable statute or regulation.

(7) Drainage And Discharge Plan:
Show all natural and modified surface and subsurface drainage systems and the plans to provide erosion protection to the site during operations. This plan shall include provisions for the mitigation of erosion damage on site and within five hundred feet (500') of the project boundary. Additionally, the plan shall disclose the anticipated rate on a daily basis of water consumption, wastewater discharge, drainage volumes, and source of disposal of water to be used in the operation. Plan shall demonstrate compliance with all applicable local, state, and federal regulations governing drainage and wastewater. NPDES standards shall apply.

(8) Soil Geology Report:
Shall be prepared by a geologist and/or geotechnical engineer specializing in soil mechanics and licensed by the state of Utah. It shall be based upon geological evaluations, test borings, and excavations in a number and at locations that the author of the report shall demonstrate are sufficient to accurately identify and analyze soil types and geologic features within the planned extraction area. Reduced costs shall not be justification for more distant or convenient locations for extractions and borings. Additional soil geologic investigations may be required if the report indicates the presence of conditions that, if not corrected or adequately addressed through design, could lead to unacceptable damage, erosion or soil movement. Such conditions may include, but not be limited to: expansive soils, high water table, soluble mineral veins, slope instability, buried slides, buried stream channels, and fault zones.

(c) Investigation:
The investigation shall include visual appraisal of adjacent lots/parcels for surface geologic/topographic conditions which could affect the proposed extraction site, or could be threatened or degraded by the proposed extraction.

(d) Report:
The soil/geologic report shall also include the following:

(1) Slope stability analysis. Conclusions and recommendations concerning the effects of material removal, introduction of water, ground shaking, and erosion on slope stability, and recommendation for the protection and preservation of any remaining slopes and hillsides after extraction is completed.

(2) The location and yield of springs and seepage sites, if any, within the project.

(3) The development of a complete soils profile identifying the soils to the depth or level of estimated excavation that will constitute the exposed surface soils at the completion of the extraction excavation operation; and

(4) Recommendation for corrective action or design specifications intended to prevent potential dangers identified in the soils investigation, particularly with regard to the mitigation of any impacts on contiguous property.

Sec 152-27-7 Reclamation Plan Requirements

The reclamation plan shall include both text and appropriate maps and drawings providing the following:

(a) Reclamation Timetable:

(1) A written document providing anticipated times for start and finish of reclamation.

(2) If the extraction is to be phased, reclamation shall also be phased.

(b) Topographic Map:
This shall reflect the phases of reclamation and the final site reclamation including the approximate final finished grade of the site and all slopes. The map will be prepared on a scale of one inch equals two hundred feet (1" = 200'), with a maximum contour interval of two feet (2'). This map should represent the site and all property within five hundred feet (500') of the project boundary.

(c) Grading Plan:
This shall show the areas to be reclaimed and the proposed finished grade and the method by which the reclamation is to be accomplished. All restoration material used in the final grading of the site shall be free from refuse or toxic contaminants and shall be compacted as much as is practicable. Final soil depths and types shall be appropriate for the future site use.

(d) Revegetation Plan:
Specifications including the seed or plant type, size, quantities, locations, installation of topsoil, specifications for seeding or planting, mulching and type of irrigation to be used.

(e) Drainage/Hydrology Plan:
Show the hydrological characteristics of the site after reclamation; including the creation or modification of floodplain, erosion characteristics, drainage patterns and wetlands.

Sec 152-27-8 Building And Equipment Removal

Following the completion of excavation and processing activities, or upon removal of the overlay zone for any reason, all buildings, equipment and temporary utilities used in the administration and management of the operations, shall be removed. This removal shall be completed within the first ninety (90) days following the completion of operations.

Sec 152-27-9 Excavation Material Removal

Following the completion of excavation and processing activities, or upon removal of the overlay zone for any reason, all remaining excavation material shall be removed from the site and located in the M-2 zone within one hundred twenty (120) days.

Sec 152-27-10 Plan Modification

Plan modifications may be submitted any time during the reclamation process. The modifications must be submitted to the city council with adequate documentation supporting the request. If the city council approves the modification, then the amended reclamation plan will govern the final process.

Sec 152-27-11 Security For Completion

The amount of security shall be equal to one hundred twenty five percent (125%) of the amount estimated by the city engineer as being necessary to complete the reclamation and site improvements if any as shown on the approved development and reclamation plans. If reclamation is approved in phases, the amount of security may be posted by phase; however, the developer shall not begin extraction/excavation in subsequent phases until the full amount of the security for any such approved subsequent phase has been posted.

(a) Security Agreement/Terms:
Before notice to proceed is granted on an approved site development plan the permittee shall execute a security agreement and provide acceptable security in a form approved by the city attorney as provided below. The security agreement prepared by the city attorney shall include, without limitation, the following terms and conditions:

(1) Incorporation by reference of the site development plan and all data required by this chapter; and the approved reclamation plan with any conditions which is used to compute the cost of the reclamation by the city engineer.

(2) A requirement that the period of time allowed for completion of the reclamation does not exceed one year from the date of completion of the phased extraction.

(3) At completion of any reclamation phase as provided in the reclamation plan, the permittee shall give written notice to the city and request inspection by the city engineer. The reclamation shall be completed to the satisfaction of the city engineer and according to the approved reclamation plan.

(4) The release of security shall be under the exclusive control of the city. The security proceeds may be released only upon written approval of the city manager.

(5) The security proceeds may be reduced upon request of the developer as the reclamation/improvements are completed. The amount of reduction shall be approved by the mayor and city council on advice from the planning commission and city engineer following inspection of the work by the city engineer. Such requests may be made only once every thirty (30) days, and no reductions shall be authorized until such time as the reclamation/improvements have been inspected and found to be in compliance with city specifications. All reductions shall be granted only upon written authorization signed by the city manager.

(6) If the security amount becomes inadequate to pay the actual cost of the completion of the

reclamation/improvements for whatever reason, including previous reductions, then the owner/developer shall be responsible for the deficiency and work must stop on the site until a new security agreement providing an adequate security amount has been approved and executed.

(7) If upon written demand of the city after expiration of the security time period, the security proceeds are not transferred to the city within thirty (30) days of the demand, then the city's costs of obtaining the proceeds, including attorney fees and court costs, shall be payable by the applicant. In addition, the applicant shall be liable for the costs incurred by the city in administration of the funds to complete the reclamation work.

(8) The property owner shall hold the city harmless from any and all liability that may arise as a result of the improvements which are installed until such time as the city accepts the improvements.

(9) All reclamation/improvements required under this chapter shall be installed by a contractor or subcontractor licensed by the state of Utah.

(b) Form Of Security:
The required security shall be one of the types provided in the subdivision ordinance, chapter 39 of this chapter.

(c) Payment Of Interest:
Any interest accruing on escrowed funds shall, unless expended for completion of site improvements required, inure to the benefit of the developer and not to the city. The city shall not be required to pay interest to the developer on any funds escrowed for this purpose.

(d) Release Of Funds/Retainage:
The city shall relinquish completion security funds held or security posted as work is completed and inspected. The city shall release funds equal to the actual cost of performing the work as the work progresses minus twenty five percent (25%). The twenty five percent (25%) shall be held for one growing season following completion of the reclamation work to ensure successful reclamation. Upon successful germination and survival of reclamation revegetation, remaining funds shall be released.

(e) Modification Of Plans/Increased Security:
The time period for completion of the required reclamation/improvements may be extended in the following manner:

(1) Upon approval of the city council the time period may be extended, for good cause, an additional one year from the expiration date of the original security agreement;

(2) Said approval shall be in a written form signed by the mayor.

(3) If any approved modification of the reclamation plans, as provided herein, increases the cost of required site improvements, additional security must be provided to cover the increased costs.

(f) Phased Projects:
Site improvements and reclamation work applicable to each phase of a site development plan shall be completed or security for completion provided prior to commencing work on any subsequent phase.

Sec 152-27-12 Progress Report; Notice

An operations and progress report shall be filed with the city at the end of each calendar year. This report shall summarize the year's extraction activities pursuant to the approved site development and reclamation plans. This progress report shall include a current site plan indicating the current extent of

operations, reclamation completed and updates on significant issues raised either by the applicant or the city. The progress report shall include calculations by a licensed land surveyor or engineer indicating the volume of material excavated during the calendar year.

If the progress report shows no activity since the previous report, or if no report is filed, the city shall inspect the site. If no progress on the site is reported or verified, the city shall provide written notice to the applicant specifying a time and place of a public hearing to consider removing the extraction industries overlay and claim the security funds to reclaim the property.

Sec 152-27-13 Standards For Operation

(a) Setbacks:

(1) No part of an excavation operation or access road, parking area, office building or crushing, screening, washing, mixing or other type of processing operation shall be permitted closer than three hundred feet (300') to a residential property boundary except for accessory access roads.

(2)

a. The city council shall be authorized to consider modifications to the setback set forth in subsection A1 of this section, when the character of the terrain, the ownership of land, location of surrounding development or other special conditions would justify such modification. However, in no case shall the required distances for any excavation or accessory structure be less than one hundred feet (100') from a residential property boundary.

b. If a modification authorizing excavation less than three hundred feet (300') from a residential property boundary is granted, the following conditions shall apply:

1. Hours of operation shall be limited to between seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M.

2. Operations are permitted only Monday through Friday.

3. Council will review every six (6) months rather than annually.

(b) Fencing:
Areas of excavation with serious or hazardous conditions shall be reasonably fenced to exclude entrance by members of the public. Fences shall not be placed closer than ten feet (10') from the edge of any cut slope.

(c) Grading/Excavation:

(1) All grading shall comply with standard engineering specifications for slope stabilization in accordance with the latest approved reclamation plans, IBC appendix J, "excavation and grading", and all other applicable city ordinances. Slopes shall be maintained in a manner that will prevent erosion damage on adjacent properties.

(2) Grading shall comply with approved grading plans for the excavation and reclamation activities.

(d) Groundwater Contamination:

(1) Extractive operations, drainage, materials storage and use, site access, access to roadways that cross waterways, fueling procedures, reclamation activities and post reclamation uses shall be strictly controlled so as to prevent any possible contamination of the groundwater or surface water.

(2) Standards adopted by the city, in ground water protection ordinances, or by the Washington County health department, and/or state of Utah and federal regulations shall be used to determine the specific controls, programs, safeguards, restrictions, and monitoring required from a specific site. The most restrictive standards shall apply.

(3) The washing of sand and gravel or other extracted materials shall be done so as to prevent the discharge of wastewater directly into adjacent natural watercourses or onto any public or private roads or any private property without the consent of the property owner.

(e) Hours Of Operation:
Excavation operations shall not begin before six o'clock (6:00) A.M., and shall not continue after the hour of ten o'clock (10:00) P.M.

(f) Nuisance Abatement:

(1) All equipment on and off site, utilized in the extraction and/or processing operations shall be operated and maintained so as to minimize the noise and vibration from the site.

(2) Access and haul roads on the site shall be maintained in a dust free condition by surfacing or other treatment approved by the city.

(3) Soil berms, landscaping and other techniques should be used to accomplish the objective of reducing the impact to adjacent property of nuisances created by the project.

(4) All reasonable means shall be employed to reduce and mitigate dust, noise, smoke, lights, and odor. Lighting shall be shielded to prevent intrusion onto adjacent properties.

(5) Dust control procedures as deemed necessary by the city shall continue during periods of non-operation.

(g) Reclamation:

(1) The reclamation of excavation sites shall be carried out simultaneously with the excavation of the mineral resource or may be reclaimed in phases as per the approved reclamation plan. Excavation shall be planned so as to progressively develop the proposed final landforms by grading and stockpiling overburden materials in areas designated for future landforms according to the approved reclamation plan. Such areas are to be seeded and planted within appropriate planting seasons, but in any case, the grading and planting shall be completed within one year of completion of the phased extraction under the approved plan. If a site plan or a subdivision preliminary plat has been approved on the extraction site which includes an alternative reclamation plan and timetable the previous section may not apply.

(2) If reclamation is proposed to be phased, no extraction shall begin in subsequent phases until extraction is completed in any prior phase and reclamation of prior phases is underway. Appropriate reclamation security shall be posted for any subsequent phases.

(3) Any approved phased extraction and reclamation shall be incorporated into the extraction/excavation site plan and shall be subject to annual review.

(4) Failure to comply with reclamation timetables and conditions are violations of this land use code and may be prosecuted accordingly.

Sec 152-27-14 Approval Process

(a) The applicant shall submit a complete application, site development plan, reclamation plan, and applicable fee to the zoning administrator.

(b) After the application and accompanying plans have been reviewed by staff and the joint utilities committee and upon determination that the application is complete, a staff report shall be prepared.

(c) The planning commission shall hold a public hearing as provided in section 152-7-4 of this chapter. Following a public hearing the planning commission may recommend for approval, recommend for approval with modifications, or recommend for denial thereof to the city council.

(d) Following receipt of a recommendation from the planning commission, the city council shall hold a public meeting on the application as provided in section 152-7-4 of this chapter. The city council may approve, approve with modifications, or deny the application.

Sec 152-27-15 Standards For Approval

In approving an extraction industries overlay, the following factors shall be considered:

(a) That the proposed plans will comply with the regulations and conditions specified in this chapter for such use.

(b) That any impacts created by the proposed plans such as dust, noise, vibration, water discharge, drainage and haul stress on improved city roadways, will be reasonably mitigated under the proposed site development plan and reclamation plans.

(c) If the imposition of any conditions or amendment to the proposed plans can be made to bring the plans into compliance with this chapter.

CHAPTER 28 DEVELOPMENT IN AREAS OF SPECIAL CONSIDERATION

Sec 152-28-1 Purpose
Sec 152-28-2 Natural Hazards And Adverse Construction Conditions
Sec 152-28-3 Floodplains And Streams
Sec 152-27-4 Wetlands
Sec 152-27-5 Important Archaeological Sites

Sec 152-28-1 Purpose

To further the health, safety, and welfare of the inhabitants of the city and developers of project within the city, development in areas of special consideration shall be undertaken in accordance with the requirements of this chapter to minimize danger to persons and property and to ensure development of lasting value.

Sec 152-28-2 Natural Hazards And Adverse Construction Conditions

(a) Report Required: (RESERVED)

(b) Report Requirements:
The geotechnical report shall include the following:

(1) Conditions And Features:
A general description of the topography, drainage conditions and surface vegetation. The report shall include surface features such as rock outcroppings, existing structures, debris, and unstable or wet conditions.

(2) Location Map:
A location map showing the footprints of the planned improvements and the exploration locations with elevations.

(3) Subsurface Condition Evaluation:

An evaluation of the subsurface conditions, including a complete record of the explorations, laboratory test results, and the elevation of the water table, if encountered.

(4) Potential Geotechnical Constraints:
Identification of potential geotechnical constraints on the project site (such as expansive rock and soil, collapsible soil, shallow bedrock and caliche, gypsiferous rock and soil, potentially unstable rock or soil units, shallow groundwater, and windblown sand), and recommendations for their mitigation.

(5) Springs And Seeps:
The locations of any springs and seeps on the project site, and recommendations concerning the effects of the springs and seeps on the proposed development.

(6) Geotechnical Recommendations:
Specific geotechnical recommendations for the design and construction of the proposed project, which shall include the following:

a. A general assessment of the requirements needing to be met to develop the proposed site.

b. Site preparation and grading, and the suitability of the on site soils for use as structural fill.

c. Stable cut and fill slopes, including recommendations concerning the effects of material removal and the introduction of water, both on and off site.

d. Recommendations for foundation type and design criteria, including, but not limited to, bearing capacity of natural or compacted soils, provisions to mitigate the effects of expansive, compressible or collapsible soils, differential settlement and varying soil strength, and the effects of adjacent loads.

e. Anticipated total and differential settlement.

f. Special design and construction considerations, as necessary, such as the excavation and replacement of unsuitable materials, excavation difficulties, stabilization, or special foundation provisions for problem soil conditions.

g. Design criteria for restrained and unrestrained retaining walls.

h. Soil corrosion.

i. Moisture protection and surface drainage.

(7) Design Recommendations For Walls And Fill Slopes:
Detailed design recommendations for any planned rockery walls, mechanically stabilized earth (MSE) walls, and/or reinforced fill slopes.

(8) Slope Stability Analysis:
A detailed slope stability analysis may be required if potentially unstable rock or soil units or slope creep has been identified on the site. The analysis should include, but not be limited to, a determination of shear strength and in some instances residual shear strength, soil saturation, and treatment methods required to provide a minimum safety factor of 1.5 for any slope within the project boundary.

(9) Inspection And Certification:
It is strongly recommended that the geotechnical firm for the project also provide inspection, testing, and verification services for all grading, foundations, pavement sections, retaining structures, utility line placement, and backfill and any other construction relating to geotechnical aspects of the development. For real property for which development has proceeded on the basis of a geologic or geotechnical report

which has been accepted by the city, no final inspection of a subdivision or other improvements shall be completed or certificate of occupancy issued or performance bond released until the engineering geologist or geotechnical engineering firm who prepared and approved the report provides a letter of compliance, in writing, that the completed improvements and structures conform to the descriptions and requirements contained in said report including any approved revisions.

(c) Geology Report:
A Utah licensed professional engineering geologist or a Utah licensed professional engineer who is trained and experienced in the practice of geotechnical engineering shall prepare the geology report. The geology report may be included in the geotechnical report, and shall include the following:

(1) The location and boundaries of the project site and its general geologic setting.

(2) A description of the specific geologic conditions at the site.

(3) Identification of potential geologic hazards (such as faults, landslides, rockfall, flooding and liquefaction).

(4) Conclusions and recommendations regarding the effects of the geologic conditions and any potential hazards on the proposed development, and recommendations to minimize any hazard to life or property, or any adverse impact on the natural environment.

(d) Development Standards:
The following minimum standards shall apply to minimize effect of geologic hazards:

(1) No structures shall be built on or within ten feet (10') of any known fault line, or such greater distance as may be recommended by a licensed geologist.

(2) No structure or improvement shall be allowed on any area known to be within an active landslide area.

(3) Problems associated with development on or near perched groundwater and shallow groundwater shall be mitigated.

(4) No structure shall be allowed in any rockfall zone.

(5) A waiver of liability shall be signed by the property owner and recorded with the county recorder in a form approved by the city attorney, for any parcel where the geologist report identifies the potential existence of any of the above hazards.

Sec 152-28-3 Floodplains And Streams

(a) Floodplain Study Required:
Whenever a proposed building permit or development project is located within two hundred feet (200') of Maxwell Wash or Short Creek Wash an engineering analysis shall be prepared which identifies the effect of the 100-year flood or floodway on the building or project site. This 100-year identification shall not be required when a flood study has previously been completed for the area by a licensed civil engineer, and when said study clearly identifies the 100-year flood elevations and floodway for the area and project site.

(b) Habitable Floor Elevation:
Building permits and development plans found to be located within a 100-year floodplain shall be conditioned to require the location of the ground floor of any building a minimum of one foot (1') above the identified 100-year flood. Prior to issuance of final occupancy of any building, a certification shall be prepared by a licensed surveyor or civil engineer, providing the elevation of

the lowest habitable floor, noting that the lowest habitable floor is at least one foot (1') above the identified 100-year flood. No buildings shall be allowed within an identified floodway.

(c) Special Flood Hazard Areas:
Development within a special flood hazard area or within one hundred fifty feet (150') of a special flood hazard area without an identified floodway as identified on an official flood insurance rate map issued by the federal emergency management agency shall be required to meet all the requirements of chapter 40, "Flood Damage Prevention", of this chapter.

(d) Prohibited Activities:
No person shall disturb, remove, fill, dredge, clear, destroy or alter any stream corridor or identified floodway, except as may be expressly allowed by a valid stream channel alteration permit issued by the state of Utah Department of Natural Resources.

(e) Required Setbacks:
Setbacks for any building, structure or improvement located within or adjacent to a stream corridor shall comply with the most restrictive setback requirements of either the zoning district in which it is located, the requirements of the state of Utah Department of Natural Resources, or the requirements of the U.S. army corps of engineers.

(f) Runoff Controls:
All construction and development projects located adjacent to any stream corridor shall apply best management practices as may be required by a federal or state agency with jurisdiction.

(g) Management Recommendations:
The city council, planning commission, or zoning administrator, as applicable, may request recommendations from any federal, state, or local agencies, or other professionals, prior to deciding on an application required for any permit or approval.

Sec 152-27-4 Wetlands

(a) Applicant Responsibility:
The applicant shall be responsible to contact the U.S. army corps of engineers to determine if a project site contains any wetlands, and obtain necessary permits and meet permit specified requirements as may be necessary. A copy of the permit shall be provided to the zoning administrator prior to issuance of a notice to proceed.

Sec 152-27-5 Important Archaeological Sites

The intent of this requirement is to avoid the unnecessary or inadvertent disturbance of prehistoric or historic human remains and to preserve important archaeological site locations wherever possible. Density transfer and/or including the site in an open space set aside are encouraged as a way to avoid disturbance of important sites. Location of known important archaeological sites is on file with the city of Hildale planning department. Local landowners are likely aware of substantial sites on their land and should include these in the planning process for a parcel.

CHAPTER 31 NATURAL RESOURCE INVENTORY (Reserved)

CHAPTER 32 LANDSCAPING AND SCREENING

Sec 152-32-1 Purpose
Sec 152-32-2 Scope
Sec 152-32-3 Landscaping Plan
Sec 152-32-4 Deviation From Strict Compliance
Sec 152-32-5 Required Landscaping
Sec 152-32-6 Plant Material Standards
Sec 152-32-7 Installation, Irrigation, And Maintenance

Sec 152-32-8 Substitute Plant Materials
Sec 152-32-9 Temporary Suspension Of Landscaping Installation
Sec 152-32-10 Site Feature Buffering And Screening

Sec 152-32-1 Purpose

The purpose of this chapter is to promote public health, safety and welfare by establishing minimum standards for the preservation, installation and maintenance of landscaping and buffering. This chapter is intended to achieve the following objectives:

(a) To improve the aesthetic appearance of development by establishing minimum landscaping standards;

(b) To promote water conservation by encouraging the use of drought tolerant landscape material; and

(c) To maintain and improve environmental conditions by providing groundwater recharge areas and minimizing stormwater runoff, noise and glare.

Sec 152-32-2 Scope

Unless exempted as provided in subsection B of this section, or otherwise specifically provided elsewhere in this chapter, the standards and requirements for a landscape plan according to this chapter shall apply.

(a) Continuous Maintenance:
Landscaping, buffering and site design features required by this chapter shall be continuously maintained as provided in this chapter.

(b) Exemption:
The provisions of this chapter shall not apply to a single-family dwelling or any agricultural or residential use in an agricultural zone. Public, civil, and commercial permitted uses in an agricultural zone are not exempt.

Sec 152-32-3 Landscaping Plan

(a) Information Required:
Whenever a landscaping plan is required by this chapter, such plan shall demonstrate compliance with the provisions of this chapter and shall show the following information:

(1) Landscaping materials;

(2) Location and spacing of existing and proposed plantings;

(3) Plant sizes;

(4) Proposed treatment of ground surfaces;

(5) Irrigation or watering plan.

(b) Visual Obstructions:
Landscape plans shall conform to the visual obstruction requirements of subsection 152-37-9E of this chapter.

Sec 152-32-4 Deviation From Strict Compliance

(a) Deviations Authorized:
Since site conditions and development constraints may vary greatly among sites, the planning commission may approve landscape plans that deviate from strict compliance with the provisions of this chapter. Any proposed deviation from the requirements of this chapter shall be:

(1) Clearly identified on the proposed landscape plan; and

(2) Accompanied by a written description of the proposed deviation showing how the intent of this chapter will be met by the proposed plan.

(b) Findings Required:
The planning commission may authorize a landscape plan deviation only if it finds the deviation:

(1) Is consistent with the intent of this chapter;

(2) Is justified by site constraints; and

(3) Is of comparable quality to what would otherwise be required without a deviation.

Sec 152-32-5 Required Landscaping

(a) General Requirement:
Landscaped areas may include trees, shrubs, vegetative, organic and inorganic ground cover and other organic and inorganic materials identified in an approved landscaping plan. All required landscape areas shall be occupied by plant material or ground cover.

(b) Landscaping Adjacent To A Public Street:
Except for approved driveways and pedestrian walkways, a landscaped area of ten foot (10') minimum shall be provided adjacent and parallel to the frontage of a public street as follows:

(1) A ten foot (10') wide landscaped area on any commercial development.

(2) At least one tree and three (3) shrubs shall be planted for every thirty five feet (35') of street frontage in a required landscaped area. Such trees and shrubs may be clustered, provided that no tree shall be within five feet (5') of another.

(3) The slope of any earth berm shall not exceed a vertical to horizontal ratio of one to two (1:2) and shall be treated with suitable ground cover to prevent soil erosion.

(c) Parking Strip Landscaping:
All parking strips shall be landscaped.

(d) Parking Lot Landscaping:

(1) Every parking lot consisting of more than ten (10) spaces and three thousand five hundred (3,500) square feet of area shall contain internal landscaped areas as follows:

a. Multiple-family residential: A minimum of ten percent (10%) of total parking lot area.

b. Office and commercial: A minimum of seven percent (7%) of total parking lot area.

c. Industrial and warehouse: A minimum of five percent (5%) of total parking lot area.

(2) For every ten (10) required parking spaces, or portion thereof, a minimum of two (2) shrubs and one deciduous tree shall be provided within the internal parking area. The species of such trees shall be such that at maturity a tree canopy is provided to shade the parking area below each tree.

(3) Landscaped areas shall contain a minimum of twenty five (25) square feet and shall have a minimum average width of at least five feet (5').

(4) Landscape islands should be located in the following priority:

a. To define major drives and accessways;

b. To delineate ends of parking rows;

c. At aisle intersections; and

d. Within parking rows.

(e) Foundation Landscaping:
Landscaping shall be provided adjacent to the wall of a building which has frontage on a public street as follows:

(1) At least fifty percent (50%) of the building frontage shall be landscaped; and

(2) The minimum width of the landscaped area shall be three feet (3').

(f) Landscaping In A Multiple Residential Development:
Open space and common areas within a multiple residential development shall include a minimum of one tree and two (2) shrubs per dwelling unit.

Sec 152-32-6 Plant Material Standards

(a) Plant Characteristics:
Plant materials used to provide landscaping should be:

(1) Drought tolerant;

(2) Have noninvasive growth habits;

(3) Have low maintenance characteristics; and

(4) Be commercially available.

(b) Plant Quality:
Plants installed pursuant to this chapter shall conform to or exceed the plant quality standards of the most recent edition of "American Standard For Nursery Stock" published by the American Nursery And Landscape Association.

(c) Artificial Plants:
No artificial plants shall be used to meet any standard of this chapter except by special permission of the planning commission.

(d) Tree Diameter And Height:

(1) Trees planted to satisfy the standards of this chapter shall have a minimum caliper (diameter) of two inches (2") measured at ground level.

(2) Evergreen trees planted to satisfy the standards of this chapter shall have a minimum height of four feet (4').

(3) Shrubs planted to satisfy the standards of this chapter shall have a minimum height of eighteen inches (18") at the time of planting.

(e) Ground Treatment:
Ground area within a required landscape area shall be landscaped and present a finished

appearance upon completion of landscaping. Additional ground cover may consist of plant materials characterized by horizontal as well as vertical growth, generally not exceeding eighteen inches (18") in height. Up to eighty five percent (85%) of additional ground cover may consist of inert material such as decomposed granite, gravel, crushed rock, bark chips, or other similar material. Porous landscape fabric shall be required under these types of ground cover.

Sec 152-32-7 Installation, Irrigation, And Maintenance

Any required landscaping shall be installed, irrigated, and maintained in accordance with the following standards:

(a) Installation:
All landscaping shall be installed according to accepted nursery practices.

(b) Verification Of Installation:
Prior to issuing a certificate of occupancy, the zoning administrator shall verify that required landscaping and screening has been installed in compliance with the approved landscape plan.

(c) Irrigation:
Landscape areas shall be irrigated as necessary to maintain required plant materials in good and healthy condition, while at the same time avoiding water waste through inefficient irrigation.

(d) Maintenance:
Landscape areas, including park strips, shall be maintained in a healthy, neat and orderly condition as follows:

(1) Landscaped areas shall be free of weeds and litter;

(2) Landscape structures (e.g., walls, fences) shall be repaired or replaced in a structurally sound condition consistent with original appearance; and

(3) The city may require that any dead trees, shrubs and plants be replaced within the current or next planting season.

Sec 152-32-8 Substitute Plant Materials

The zoning administrator may approve installation of comparable substitute plant materials to satisfy the requirements of an approved landscape plan when approved materials are unavailable or when other unforeseen conditions prevent the use of materials shown on an approved landscaping plan. Any significant change to approved landscaping plans shall be reviewed and approved by the planning commission.

Sec 152-32-9 Temporary Suspension Of Landscaping Installation

During periods of adverse weather conditions or when plants and landscape materials are not available, the zoning administrator may issue a temporary certificate of occupancy, provided the landowner enters into an agreement with the city that requires the installation of required landscaping within a reasonable time.

Sec 152-32-10 Site Feature Buffering And Screening

The following site features shall be screened as provided below:

(a) Trash Receptacles:
Trash receptacles in a multiple-family residential, commercial, public facility,

business/manufacturing park, or professional office zone shall be screened from view by a wall or fence which:

(1) Is at least six feet (6') in height;

(2) Provides complete visual screening of the receptacle; and

(3) Is compatible in material and color with the main building on the lot.

(b) Permitted Outdoor Storage:
Outdoor storage areas permitted by this chapter shall be screened from view by an opaque fence or wall. Non-opaque fencing, such as powder or vinyl coated chain link, may be used to satisfy this requirement in industrial zones if vinyl slats are inserted into the fence.

(c) Ground Mounted Utility Boxes, Meters And Mechanical Equipment:
Ground mounted utility boxes, meters, and mechanical equipment shall be screened from view by landscaping or architectural elements compatible in material and color with the primary structure(s) on the premises. This requirement shall not apply to:

(1) Rear and rear side yard locations adjacent to other service or mechanical areas not adjacent to a public street, and

(2) Development in agricultural and single-family residential zones.

CHAPTER 33 DESIGN AND COMPATIBILITY STANDARDS

Sec 152-33-1 Purpose
Sec 152-33-2 Scope
Sec 152-33-3 Building Design
Sec 152-33-4 Parking Design
Sec 152-33-5 Site Plan Design
Sec 152-33-6 Sign Design

Sec 152-33-1 Purpose

This chapter establishes two (2) kinds of design criteria: design standards and design guidelines. They are intended to improve the quality and compatibility of development, particularly with regard to buildings, landscaping, parking, site layout, and signage.

(a) Design Standards:
Design standards are required in addition to other standards set forth in this chapter and are indicated by the verb "shall".

(b) Design Guidelines:
Design guidelines indicate additional actions that may be taken to enhance development design and achieve greater compatibility with adjacent land uses. Guidelines thus use the verb "should" (rather than "shall") signifying that the guidelines are desirable objectives to be achieved but are not mandatory requirements.

Sec 152-33-2 Scope

(a) Applicability:
The design standards set forth in this chapter shall apply to:

(1) All new multiple residential, commercial, public facility, or industrial buildings and uses except where the requirements of this chapter are expressly superseded by another provision of this chapter.

(2) Existing buildings and uses when a change occurs that involves a design standard set forth in this chapter and the change:

a. Requires a building or other permit issued by the city; or

b. Alters the occupancy designation of a building under the building code; or

c. Increases required parking by more than twenty percent (20%).

(b) Imposition Of Conditions:
In approving a development plan, the approving authority may impose reasonable conditions consistent with the purpose and intent of the purpose of this chapter.

(c) Other Code Requirements:
The requirements of this chapter shall apply in addition to other applicable requirements of this chapter, including, but not limited to:

(1) Chapter 32, "Landscaping And Screening", of this chapter.

(2) Chapter 34, "Off Street Parking And Loading", of this chapter.

(3) Chapter 35, "Motor Vehicle Access", of this chapter.

(4) Chapter 36, "Signs", of this chapter.

Sec 152-33-3 Building Design

(a) General Considerations:
Additions to existing buildings should incorporate predominant architectural features, materials, and colors of the existing buildings.

(b) Building Entry:
Main building entrances shall be easily identifiable and shall be provided with adequate security lighting.

(c) Communications Equipment:
Building mounted communications equipment which extends above a parapet wall shall be the color of the wall or parapet upon which it is placed and designed to blend with the design details of the building. See chapter 50 of this chapter.

(d) Detailing:
Detailing should be used as a method of enhancing the theme or character of a building, thereby adding interest to the development.

(1) Details of a building elevation, such as particular design characteristics or use of material and color, shall continue the character or theme of the project.

(2) Equipment such as, but not limited to, roof mounted communications and mechanical equipment, vending machines and ice machines shall be screened from street view and placed in an area designed for their inclusion as an integral part of the project. See chapter 50 of this chapter.

(3) Patio enclosures visible from a public street shall be compatible and integrated with the architectural character of the project.

(4) Building entryway and stairway design and placement shall be integrated with the design of the project through the use of similar building materials, details, shapes, colors, location or other features.

(e) Exterior Materials:
Exterior building materials shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments.

(1) Details of proposed colors and materials, including color chips, samples, and colored building elevations, shall be shown on building plans when a development project application is submitted.

(2) Reflective surfaces should not be used in locations which may produce excessive reflections or glare that may create a potential safety problem.

(3) Tile, architectural grade asphalt shingles, standing seam metal or similar quality roofing materials shall be used on all visible pitched roofs.

(4) Pad buildings in commercial developments, including service stations, convenience stores, restaurants, auto maintenance facilities and similar uses shall be designed in a compatible architectural style and should incorporate the same materials, colors and landscaping as the primary development.

(5) Pre-engineered metal buildings:

a. Shall be permitted in all agricultural, residential agriculture, industrial, and public facility zones;

b. Shall be allowed by conditional use permit in all commercial and residential zones.

(f) Grade Separation:
When the grade of a site is changed, even if due to landscaping or stormwater retention requirements, a grade separation of greater than two feet (2') at any propertyline shall be avoided.

(g) Height/Roofline:
The scale of a project should not overwhelm adjacent buildings.

(1) Perceived height should be reduced as needed by changing the roofline and varying the height.

(2) Roofline and parapet variations should be used to provide architectural style or character for commercial or industrial buildings that have limited wall variations due to functional constraints of the building.

(h) Relief:
Architectural relief should be used in building design to provide interest and variety and avoid monotony. Details that create shade and cast shadows should be used to provide visual relief to the building.

(1) Horizontal and vertical elements of exterior walls should vary in height and projection to provide substantial architectural interest and style. Such interest and style may be provided through, but not limited to, the imaginative treatment of windows, doors, eaves, rooflines and parapets.

(2) Building trim, accents, color, materials and style should be incorporated into primary design themes to promote architectural visual interest.

(3) All exterior elevations of buildings should be integrated into the design theme of the project. In particular, the upper walls of the sides and rear should exhibit relief, rhythm and interest through the use of height variations, relief elements providing shadow, and the use of scuppers, downspouts and expansion joints as design elements.

(i) Window And Door Placement:
Patterns created by window and door placement should be used where possible to add rhythm, variety, and interest to building design. Attractive views should be emphasized, and uncomplimentary views avoided.

Sec 152-33-4 Parking Design

(a) General Considerations:
Parking lot design should include a useful pedestrian circulation system, adequate turning radii, an efficient traffic movement pattern, a pleasant appearance, convenient parking locations, efficient drainage, and integration of parking with the character of the site and proposed development.

(b) Covered Spaces:
Covered parking structures should be compatible with the overall design and character of the project.

(c) Emergency Vehicle Access:
Access for emergency vehicles should be integrated into the design of the project.

(d) Loading And Unloading Areas:
Pedestrian drop off locations should be incorporated within overall circulation patterns and should be convenient and safe for pedestrians.

(e) Parking Location:
Parking areas should be located as follows:

(1) In office use projects, twenty five percent (25%) of the required parking spaces should be provided within two hundred feet (200') of the building served, and the balance within four hundred feet (400').

(2) In commercial and industrial use projects, required parking spaces should be located within three hundred feet (300') of the building served.

(3) In residential projects, required parking spaces should be arranged to provide at least one parking space per unit within two hundred feet (200') of the dwelling units they are intended to serve.

(f) On Site Traffic Lanes:
Traffic lanes within a development project should provide a circulation pattern which is convenient and safe. Pedestrian traffic should be incorporated into the project design.

(g) Parking Lot Lighting:
Parking lot lighting should provide adequate illumination, be downward focused, and avoid direct illumination of adjacent property.

(h) Traffic Impact On Street System:
Developments which generate significant increases in traffic should include an analysis of the proposed development's impact on the current and future transportation system, and methods to control traffic.

(i) Minimum Parking Requirements:
See chapter 34 of this chapter.

Sec 152-33-5 Site Plan Design

(a) General Considerations:
Site layout should help create a coherent and unified project. The impact of site design on

surrounding property owners should be taken into consideration. Projects should be designed to minimize negative impacts on adjoining property.

(b) Loading And Service Bays:
Landscaped areas and walls should be used to decrease noise levels. Service and loading bays (automotive, service, tire, etc.) shall be oriented away from neighboring residential areas and major public streets.

(c) Natural Features:
Prominent natural features of land, as shown on a natural features inventory, such as hillsides, views or other features should be considered when designing the site. The design should seek to preserve significant natural features and avoid site design problems associated with floodplains, steep slopes, drainage areas, or other similar features.

(d) Noise Impact:
Site design shall include provisions for limiting noise, particularly as to adjacent residential property. The occupants of a development should be protected from noise from both outside and within the site through screening, berming, setbacks, and building materials. Noise generating equipment should be located and buffered to minimize impact on adjacent residential uses or districts.

(e) Open Space:
Open space should be used as a buffer between adjacent properties.

(1) The open space within a development should be integral to the development, not small leftover pieces of land.

(2) Courtyard areas should be designed as usable space.

(3) Recreation and outdoor activity areas should be provided to accommodate all users. Development projects oriented toward elderly users should be provided with passive activities.

(4) Amenities within a development project should be proportional to the size of the project.

(5) Open space should be an integral part of a development project, connecting recreational facilities with other areas utilizing continuous common areas.

(6) Private open spaces such as patios and balconies are encouraged. Patios and balconies should be a minimum sixty (60) square feet in area and have a minimum narrow dimension of six feet (6').

(7) In multiple-family residential zones, common open space should equal or exceed the ground floor area of all buildings on site. Projects greater than one story should provide common open space equivalent to the ground floor area plus fifty percent (50%) of all additional floor area.

(f) Outdoor Lighting:
Lighting should provide visual interest yet limit its impact on adjacent properties.

(1) The exterior lighting of a project should provide for the illumination of buildings and grounds for safety purposes, but in an aesthetic manner. Lighting should be focused downward, and placed and screened to limit the emission of light beyond the development.

(2) Fixtures used in exterior lighting should be selected for functional and aesthetic value.

(g) Outside Storage:
Approved outside storage areas shall be screened from street view and nearby residence, office, and commercial areas.

(h) Pedestrian Circulation:
A network of convenient, safe, and raised or textured pedestrian paths should connect areas within the project, and the project to adjacent properties.

(1) The location and number of access points to a site, the interior circulation pattern, and the separation between pedestrians and vehicles should be designed to maximize safety and convenience, and should be harmonious with proposed and neighboring buildings.

(2) Walkways shall be well lighted to provide visibility, security and a pleasant environment.

(i) Privacy:
Site design and floor plan layouts should be organized to provide privacy for the proposed project and surrounding uses. Window and door placement, and patio/balcony areas should not directly overlook adjacent properties.

(j) Security:
A site should be designed to avoid creating conditions which may invite criminal activity.

(1) Buildings, windows, and landscaping should be located to maximize surveillance of entryways, pathways, and parking lots.

(2) Adequate lighting should be provided throughout the development.

(k) Solar Exposure:
An energy efficient design which reduces summer heat gain and winter heat loss and encourages outdoor usable areas should be incorporated into the site plan.

(1) An energy efficient design to reduce summer heat gain through window and door placement, and landscaping, use of innovative construction materials, or building orientations is encouraged.

(2) Providing shade for outdoor activity areas such as picnic areas and courtyards is encouraged.

(l) Trash And Refuse Collection Areas:
Areas which generate noise and odors shall be located to minimize the impact on adjacent property owners or users. Such areas shall be screened from view. Refuse enclosures at highly visible locations should be six feet (6') high, constructed of materials to match main buildings on the site, and provide latching gates for screening the opening to the enclosure.

(m) Walls:
Different projects and uses should be physically separated to minimize the impact of unattractive or noisy areas and provide a buffer between properties.

(1) Walls which front on a public street should be designed to include colors, materials, forms, and architectural accents compatible with the main building.

(2) Minimum requirements for screening walls: See chapter 37 of this chapter.

(n) Auxiliary Equipment:
Generators and other large auxiliary equipment should be placed at locations where they will be least intrusive in terms of noise, appearance, and odors, particularly for occupants of neighboring properties.

(1) Equipment should be kept low to the ground.

(2) Walls, landscaping, and other materials shall be used to screen auxiliary equipment.

(o) Minimum Site Plan Requirements:
See applicable base and overlay zone standards (chapters 11 to 30) of this chapter.

Sec 152-33-6 Sign Design

(a) General Considerations:
The placement and design of signs should be compatible with the development project and with the surrounding area. Signs should be an integral design element of a building and should be compatible with the style of the buildings in terms of location, scale, color and lettering.

(b) Minimum Sign Requirements:
See chapter 36 of this chapter.

CHAPTER 34 OFF STREET PARKING AND LOADING

Sec 152-34-1 Purpose
Sec 152-34-2 Scope
Sec 152-34-3 Parking To Be Provided
Sec 152-34-4 Parking Calculation
Sec 152-34-5 Parking Location
Sec 152-34-6 Number And Type Of Parking Spaces
Sec 152-34-7 Parking Dimensions
Sec 152-34-8 Parking Lot Design And Construction
Sec 152-34-9 Parking Modifications
Sec 152-34-10 Tables And Figures

Sec 152-34-1 Purpose

The purpose of this chapter is to assure the provision and maintenance of off street parking and loading facilities in proportion to the parking and loading demand of land uses. The requirements of this chapter are intended to assure useful and attractive parking and loading facilities, to protect public safety, and to mitigate adverse land use impacts.

Sec 152-34-2 Scope

The requirements of this chapter are applicable to all new development requiring motor vehicle access under the provisions of this chapter. The requirements of this chapter shall not be construed to prohibit or limit other applicable provisions of this chapter, this code, and other laws.

Sec 152-34-3 Parking To Be Provided

(a) Off Street Parking Required:
Every land use established under the authority of this chapter shall have parking required by this chapter. When any building or structure is erected, enlarged or increased in capacity, or any use is established or changed, parking shall be provided in accordance with the requirements of this chapter.

(b) Continuing Obligation To Provide Parking:
Provision of parking as required by this chapter shall be a continuing obligation so long as a use continues which requires parking. It shall be unlawful for any owner, land use operator, or person responsible for providing parking to discontinue or dispense with required parking facilities without providing an alternate parking area which meets the requirements of this chapter.

Sec 152-34-4 Parking Calculation

The following provisions shall be used to calculate the total number of parking spaces required by this chapter:

(a) More Than One Use On Lot:
If a lot contains more than one use, parking spaces shall be provided in an amount equal to the total of the requirements for each use unless shared parking is permitted pursuant to this chapter.

(b) Fixed Seating:
Where seating consists of chairs, benches, pews or other forms of fixed seating, parking shall be calculated at the rate of one parking space per four (4) seats.

(c) Square Foot Basis:
Parking requirements based on square footage shall be calculated using gross floor area ("GFA") unless otherwise provided in this chapter.

(d) Employee Basis:
Parking requirements based on the number of employees shall be calculated using the largest number of persons working on any shift.

(e) Use Not Listed:
If a use and a corresponding parking standard is not listed in table 152-34-1 of subsection 152-34-10A of this chapter, the zoning administrator shall determine the number of spaces required for such use based on the nearest comparable use or a parking study as provided in subsection 152-34-9E of this chapter.

Sec 152-34-5 Parking Location

(a) On Site Parking:
Except as allowed in subsection B of this section, all required parking shall be located on the same lot as the use to which it is appurtenant and shall be located within three hundred feet (300') from the premises served.

(b) Off Site Parking:
Where practical difficulties exist in providing on site parking or if public safety or convenience, or both, would be better served by locating parking on a separate lot, the planning commission may authorize off site parking subject to the following conditions:

(1) Required parking spaces reserved for persons with disabilities shall not be located in an off site parking lot.

(2) Off site parking lots shall be located in the same or a more intensive zone which applies to the property where the use served is located.

(3) No off site parking space shall be located more than five hundred feet (500') from a public entrance of the use served, measured along the route of the shortest legal, practical walking distance. Off site parking shall not be separated from a principal use by a street right of way with a width of more than seventy two feet (72').

(4) Availability of each off site parking lot shall be assured by an agreement approved by the city which requires:

a. The parking lot to be continuously available unless an alternative legal parking lot is provided;

b. All spaces to be available without charge; and

c. The zoning administrator to be notified thirty (30) days prior to the expiration or termination of the agreement.

(5) Before approving an off site parking lot, the planning commission shall find that such parking is conveniently usable without causing unreasonable:

a. Hazard to pedestrians;

b. Hazard to vehicular traffic;

c. Traffic congestion;

d. Interference with safe and convenient access to other parking areas in the vicinity;

e. Detriment to the appropriate use of business property in the vicinity; or

f. Detriment to any residential neighborhood.

(c) Temporary Parking:

(1) Unimproved temporary parking areas shall be exempt from the landscaping and paving requirements of this chapter.

(2) The city may allow a temporary use approved pursuant to chapter 48 of this chapter to occupy or use parking areas ordinarily required for a permanent use if it is found that the temporary use will not cause a shortage in parking needed for the permanent use.

(d) Prohibited Parking:

(1) Vacant lots, public rights of way, or open land areas shall not be used as parking areas for customers or employees.

(2) Overnight parking of vehicles for display other than in designated and improved areas shall be prohibited.

(e) Commercial Vehicle Parking In Residential Zones:
One commercial vehicle with a rated capacity of more than two (2) tons may be parked for not more than twenty four (24) continuous hours in any thirty (30) day period on a lot in a residential zone. Contracting and earthmoving equipment shall not be parked in a residential zone.

Sec 152-34-6 Number And Type Of Parking Spaces

(a) Parking Required:
Off street parking spaces shall be provided in accordance with this section for every land use authorized by this chapter except as otherwise expressly allowed by this title. The total number of parking spaces required by this section shall be determined by summing the parking required by each of the subsections in this section.

(b) Standard Parking Spaces:
Standard parking spaces shall be provided as set forth in table 152-34-1, "Off Street Parking Schedule", in subsection 152-34-10A of this chapter.

(c) Handicapped Parking Spaces:
Parking spaces for handicapped persons shall be provided as required by the international building code and the "Uniform Federal Accessibility Standards Manual".

(d) Stacking Parking Spaces:

1.	Bank drive-through including automatic teller machines		3 per lane
2.	Carwash:		

	a. Automatic wash accessory use		4 per bay
	b. Automatic wash primary use		4 per bay
	c. Self-wash		3 per bay
3.	Gasoline pump island		1 per pump
4.	Fast food restaurant drive-through		5 per lane

(e) Off Street Loading Spaces:
Off street loading spaces with a height clearance of fourteen feet (14') or more shall be provided for buildings used for retail, office, industrial, hospital, storage warehousing, and similar uses as follows:

GFA Of Building		Required Number Of Loading Spaces
3,000 - 20,000 square feet		1
Each additional 20,000 square feet		1

(f) Tandem Parking Spaces:
Tandem parking spaces shall not qualify as required parking unless approved by the planning commission in the following instances:

(1) In multi-family dwellings with garages;

(2) In conjunction with valet parking service; or

(3) To provide one required space for a bed and breakfast, home, or residential hosting facility without specific planning commission approval.

(g) Recreational Vehicle Parking:
Adequate and accessible recreational vehicle parking storage areas shall be required in each multi-family and planned residential development project unless the premises are subject to restrictive covenants or other means limiting the parking of such vehicles.

Sec 152-34-7 Parking Dimensions

Unless otherwise modified as provided in this chapter, parking space, bay, and related dimensions shall be as follows:

(a) Parking Space Dimensions:
Parking space and related dimensions shall be as set forth in this section and as shown on section 152-34-10, table 152-34-2 and figure 152-34-1 of this chapter.

(1) Standard parking space:
Nine by eighteen feet (9 x 18').

(2) Carport:
Minimum inside dimension of nine by twenty feet (9 x 20') for each parking space.

(3) Garage:
Minimum inside dimension of ten by twenty feet (10 x 20') and minimum door width of eight feet (8') for each parking space.

(4) Handicapped parking space:
Standard size plus four foot (4') unloading area parallel to the length of the space. Loading area may be shared with an adjacent handicapped parking space.

(5) Angle parking space:
See section 152-34-10, table 152-34-2 and figure 152-34-1 of this chapter.

(6) Parallel parking space:
Nine by twenty two feet (9 x 22').

(7) Loading space:
Ten by twenty five feet (10 x 25').

(8) Stacking space:
Ten by twenty feet (10 x 20').

(9) Where the tires of parked vehicles contact curbing, parking stall length may be reduced by two feet (2') if space is available and vehicle overhang does not block a sidewalk.

(b) Driveway Dimensions:
Minimum driveway dimensions shall be as follows:

(1) For access to five (5) or fewer spaces: Twelve feet (12').

(2) For access to six (6) or more spaces: Twelve feet (12') for one-way traffic; twenty five feet (25') for two-way traffic. Driveway width shall not exceed thirty five feet (35').

Sec 152-34-8 Parking Lot Design And Construction

(a) Parking Plans:
Plans for any proposed parking lot shall be submitted to the zoning administrator. The plan shall clearly indicate the proposed development, including location, size, shape, design, curb cuts, lighting, landscaping and other features and appurtenances of the proposed development.

(b) Access To Public Street:
Except for parking for a single-family or two-family dwelling, access to a parking space or parking lot shall be from a parking lot aisle and not directly from a public street. Every parking lot shall have access to a public street. Such access may be provided through platted or recorded easements, reciprocal arrangements, or other guaranteed means.

(c) Private Driveway:
Parking for single-family and two-family dwellings may be accessed from a public street via a private driveway.

(d) Backing Space:
Backing space shall be provided for all parking lots so that cars will not back onto a public street. Public sidewalks shall not be used as a part of the required backing area. Separate exits shall be provided for angled and one-way parallel parking so a vehicle will not exit by backing onto a public street.

(e) Curb Cuts:
Curb cuts and driveways allowing access to a public street shall conform to the requirements of chapter 35 of this chapter.

(f) Internal Circulation:

Each parking lot shall provide for traffic circulation on the property adequate to access all parts thereof without the necessity of exiting onto a public street.

(g) Landscaping:
Parking lots shall be landscaped as provided in chapter 32 of this chapter.

(h) Lighting:
Parking lots used at night shall be adequately lighted, utilizing hooded light sources. Parking lot lights shall be arranged to reflect light away from adjoining residential premises.

(i) Paving:
Unless expressly provided otherwise in this chapter, every parking lot required by this chapter shall:

(1) Be paved with asphalt, concrete or some other all weather surfacing material;

(2) Maintained to eliminate dust or mud; and

(3) Be graded and drained to dispose of all surface water. Such surface water drainage shall not cross a public sidewalk.

Sec 152-34-9 Parking Modifications

(a) Modification Permitted:
The number of parking spaces required under section 152-34-6 of this chapter may be modified in accordance with the provisions in this section. The purpose of such modifications is to avoid creating unnecessary parking areas that will be essentially unused. In considering a modification, the planning commission may require a parking study to be completed as provided in subsection E of this section.

(b) Shared Use Parking:
The planning commission may authorize shared use of a parking lot subject to the following conditions:

(1) The uses sharing the parking lot are unlikely to produce a substantial demand for parking at the same time. The city may require a shared parking study to be completed which clearly establishes that uses will make use of the shared spaces at different times of the day, week, month or year.

(2) Required parking spaces reserved for persons with disabilities shall not be reduced.

(3) Ongoing shared use of the parking lot is assured by an agreement or easement approved by the city which requires:

a. The parking lot to be continuously available unless an alternative legal parking lot is provided;

b. All spaces to be available without charge;

c. The zoning administrator to be notified thirty (30) days prior to the expiration or termination of the agreement or easement; and

d. Provision of additional parking up to the amount otherwise required under this chapter if the zoning administrator determines, based on parking counts, that a shared parking lot does not satisfy the off street parking demand of the uses involved.

(c) Commercial, Retail, Office, And Mixed Use Developments:
The planning commission may modify the number of parking spaces required or allowed for

commercial, retail, office, or mixed use developments after considering the following items and making a finding that adequate parking will be provided:

(1) Total number of spaces that would otherwise be required for each individual establishment in the development;

(2) Hours of operation for each business establishment located in the development, including peak business hours;

(3) Estimated tradeoff between businesses which are open when others are closed;

(4) Availability of approved on street or shared parking;

(5) Transportation alternatives, including proximity to transit stations; and

(6) Car or van pooling programs available to users of the development.

(d) Multi-Family And Planned Developments:
The planning commission may modify the total number of parking spaces required for multi-family or planned developments after considering the following items and making a finding that adequate parking will be provided:

(1) Size of housing units by number of bedrooms;

(2) Cost range of units proposed;

(3) Owner/tenant characteristics and lifestyle, i.e., singles, couples, families, professionals, retired, elderly, etc.;

(4) Examination of existing comparable parking by area or projects;

(5) Size of project;

(6) Special parking requirements for visitors and recreational vehicles;

(7) Future parking expansion capabilities;

(8) Transportation alternatives, including proximity to transit stations;

(9) Workplace relationships;

(10) Handicap requirements;

(11) Restrictive covenants; and

(12) Availability of approved on street parking for required guest parking.

(e) Parking Space Study:
When a parking space study is required for a particular use shown on table 152-34-1 in subsection 152-34-10A of this chapter, or when an applicant requests a modification in the number of parking spaces required under section 152-34-6 of this chapter, a parking study shall be provided by the applicant which recommends an adequate number of parking spaces and sets forth the basis of the recommendation.

(1) The study shall provide:

a. Planning and traffic engineering data, including estimates of parking demand based on recommendations from the Institute of Parking Engineers;

b. Data collected from uses or combinations of uses that are the same or comparable to the proposed project as indicated by density, scale, bulk, area, type of activity, and location;

c. The source of data used to develop the study's recommendations; and

d. The name and qualifications of the persons who prepared the study.

(2) The planning commission shall determine the required number of parking spaces after:

a. Considering the recommendations of the parking study and any recommendations from city staff; and

b. Making the findings required under subsection C or D of this section.

Sec 152-34-10 Tables And Figures

(a) Off Street Parking Schedule:

TABLE 152-34-1
OFF STREET PARKING SCHEDULE

Use Type	Minimum Standard	Notes/Additional Standard
Agricultural uses:		
Agricultural business	1 space per employee on highest employment shift	
Agricultural processing	1 space per employee on highest employment shift	
Residential uses:		
Assisted living facility	1 space per 5 beds	
Boarding house	1 space per tenant	
Dwelling, earth sheltered	2 spaces per dwelling unit	
Dwelling, multiple-family:		
Studio and 1 bedroom units	1.5 spaces per dwelling unit	
2 or more bedroom units	2 spaces per dwelling unit	
Dwelling, single-family	2 spaces per dwelling unit	
Dwelling, single-family with accessory dwelling unit	3 spaces	
Dwelling, temporary	2 spaces per dwelling unit	
Dwelling, two-family	2 spaces per dwelling unit	
Guesthouse	1 space per dwelling unit	

	Manufactured home	2 spaces per dwelling unit	
	Protective housing facility	1 space for every 4 residents, plus 1 space per employee on highest employment shift	
	Rehabilitation/treatment facility	0.5 space per bed	
	Residential facility for elderly or persons with a disability	1 space for every 4 residents, plus 1 space per employee on highest employment shift	
	Residential facility for troubled youth	1 space for every 4 residents, plus 1 space per employee on highest employment shift	
	Transitional housing facility	1 space for every 4 residents, plus 1 space per employee on highest employment shift	
Public and civic uses:			
	Auditorium or stadium	1 space per 6 seats of total seating capacity, plus 1 space per 100 square feet of assembly area within the main auditorium where there are no fixed seats	Each 18 inches of bench space shall be considered as 1 seat
	Bus terminal	Parking study required	See subsection 10-34-9E of this chapter
	Cemetery	Parking study required	See subsection 10-34-9E of this chapter
	Church or place of worship	1 space per 6 seats of total seating capacity, plus 1 space per 100 square feet of assembly area within the main auditorium where there are no fixed seats	Each 18 inches of bench space shall be considered as 1 seat
	Club or service organization	1 space per 6 seats of total seating capacity, plus 1 space per 100 square feet of assembly area within the main auditorium where there are no fixed seats	Each 18 inches of bench space shall be considered as 1 seat
	College or university	Parking study required	See subsection 10-34-9E of this chapter
	Convalescent care facility	1 space per 4 beds, plus 1 space per employee on highest employment shift	
	Correctional facility	Parking study required	See subsection 10-34-9E of this chapter
	Cultural service	1 space per 300 square feet of gross floor area	
	Golf course	4 spaces per hole, plus 1 space per driving range tee	Storage area for golf carts and maintenance vehicles shall be provided
	Government service	1 space per 200 square feet of gross floor area	

Hospital	2 spaces per bed	
Operations center	4 spaces, plus 1 space per employee on highest employment shift	
Park	Parking study required	See subsection 10-34-9E of this chapter
Post office	2 spaces, plus 1 space per 200 square feet of gross floor area	Loading zone and storage area for mail vehicles shall be provided
Protective service	4 spaces, plus 1 space per employee on highest employment shift	
Reception center	1 space per 6 seats of total seating capacity, plus 1 space per 100 square feet of assembly area within the main auditorium where there are no fixed seats	
Riding academy or stable	Parking study required	See subsection 10-34-9E of this chapter
School, elementary, middle, high, and vocational	1 space per employee, plus 2 spaces per classroom and 1 space for every 3 students of driving age	
Utility, major	Parking study required	See subsection 10-34-9E of this chapter
Commercial uses:		
Agricultural sales and service	4 spaces, plus 1 space per employee on highest employment shift	Storage area for vehicles for sale or under repair shall be provided
Animal hospital	5 spaces per doctor	
Bail bond service	2 spaces, plus 1 space per 200 square feet of gross floor area	
Bank or financial institution	2 spaces, plus 1 space per 200 square feet of gross floor area	Plus stacking spaces per subsection 10-34-6D1 of this chapter
Bed and breakfast, home	1 space per guestroom, plus 2 spaces for host family	
Bed and breakfast inn	1 space per guestroom, plus 2 spaces for host family/ proprietor	
Business equipment rental and supplies	1 space per 250 square feet of gross floor area	
Car wash	1 space per employee	Plus stacking spaces per subsection 10-34-6D2 of this chapter

	Club, private	1 space per 100 square feet of gross floor area	10 spaces minimum
	Construction sales and service	1 space per 250 square feet of gross floor area	Storage area for vehicles for sale or under repair shall be provided
	Convenience store	1 space per 200 square feet of gross floor area	Minimum of 5 spaces
	Daycare	4 spaces, plus 1 space per 500 square feet of gross floor area	
	Family child daycare facility	1 space for every 5 children authorized	
	Licensed family child care	1 space for every 5 children authorized	
	Family child preschool facility	1 space for every 5 children authorized	
	Family childcare facility	1 space per employee on highest employment shift, plus 1 space for every 5 children authorized	
	Funeral home	5 spaces, plus 1 space per 35 square feet of assembly room floor area	
	Garden center	1 space per 250 square feet of gross floor area, including outdoor display and sales area	
	Gas and fuel, storage and sales	1 space per employee on highest employment shift	
	Gasoline service station	1 space per 250 square feet of gross floor area	Plus stacking spaces per subsection 10-34-6D3 of this chapter
	Hostel	2 spaces plus 1 space per living or sleeping unit	
	Hotel	2 spaces plus 1 space per living or sleeping unit	
	Kennel, commercial	1 space per 600 square feet of gross floor area	
	Laundry or dry cleaning, limited	1 space per 250 square feet of gross floor area	
	Liquor store	1 space per 250 square feet of gross floor area	
	Media service	1 space per 250 square feet of gross floor area	
	Medical or dental laboratory	2 spaces, plus 1 space per employee on highest employment shift	

	Medical service	6 spaces per doctor	
	Motel	2 spaces, plus 1 space per living or sleeping unit	
	Office, general	1 space per 250 square feet of gross floor area	8 spaces minimum
	Pawnshop	1 space per 250 square feet of gross floor area	5 spaces minimum
	Personal care service	1 space per 250 square feet of gross floor area, plus 1 space per employee on highest employment shift	
	Personal instruction service	0.50 space per person under maximum occupancy allowed by fire code, plus 1 space per employee on highest employment shift	
	Printing and copying, limited	1 space per 250 square feet of gross floor area	5 spaces minimum
	Printing, general	1 space per 250 square feet of retail or office area, plus 1 space for every 500 square feet of additional building area	
	Produce stand	6 spaces	Exempt from landscaping and paving requirements
	Recreation and entertainment, indoor:		
	Bowling alley	5 spaces per alley, plus 2 spaces per billiard table	
	Movie theater	1 space per 4 seats	
	Tennis, handball and racquetball courts	3 spaces per court	
	Other uses	1 space per 300 square feet of gross floor area	
	Recreation and entertainment, outdoor	Parking study required	See subsection 10-34-9E of this chapter
	Repair service	1 space per 250 square feet of retail or office area, plus 1 space for every 500 square feet of additional building area	
	Research service	1 space per employee on highest employment shift	
	Residential hosting facility	1 space per guestroom plus 2 spaces for host family	
	Restaurant, fast food	1 space per 100 square feet of gross floor area	Plus stacking spaces per subsection 10-34-6D4 of this

			chapter
	Restaurant, general	1 space per 100 square feet of gross floor area	10 spaces minimum
	Retail, general	1 space per 250 square feet of gross floor area	
	Secondhand store	1 space per 250 square feet of gross floor area	
	Shopping center	1 space per 250 square feet of gross floor area, up to 500 spaces	For shopping centers containing more than 500 spaces, 1 space per 500 square feet of gross floor area
	Tattoo establishment	1 space per 250 square feet of gross floor area	2 spaces minimum
	Tavern	1 space per 100 square feet of gross floor area	10 spaces minimum
	Transportation service	Parking study required	See subsection 10-34-9E of this chapter
	Vehicle and equipment rental or sale	1 space per 250 square feet of gross floor area, plus 1 space for every 10 vehicles displayed	4 spaces minimum
	Vehicle and equipment repair	1 space per 250 square feet of gross floor area	4 spaces minimum; separate storage area for vehicles under repair shall be provided
	Veterinary service	5 spaces per doctor	
	Warehouse, self-service storage	1 space per employee on highest employment shift	
	Wireless telecommunication facility	None	
Industrial uses:			
	Automobile wrecking yard Freight terminal Heavy industry Junk or salvage yard Laundry services	1 space per 1,000 square feet of gross floor area or 1 space per employee on highest shift, whichever is greater	
	Manufacturing Mineral extraction Wholesale and warehousing	1 space per 1,000 square feet of gross floor area or 1 space per employee on highest shift, whichever is greater	

(b) Parking Space And Aisle Dimensions:

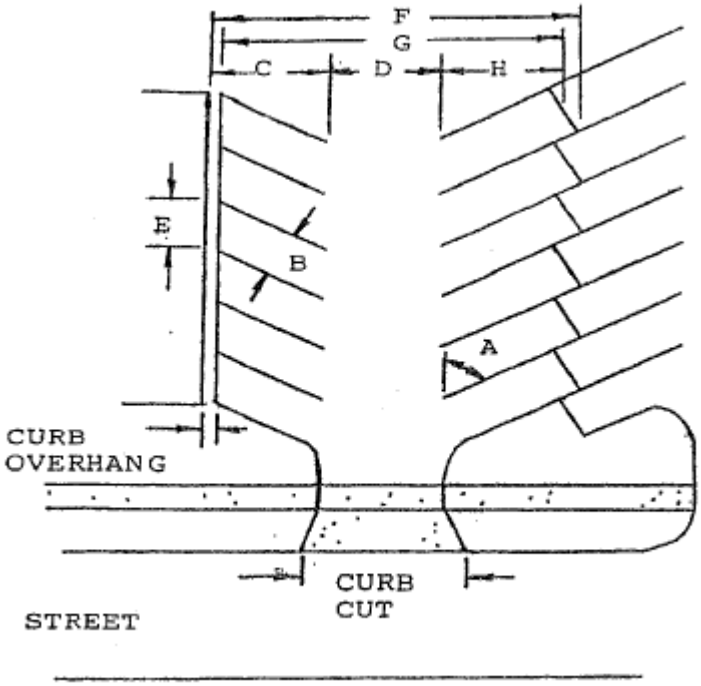
TABLE 152-34-2
PARKING SPACE AND AISLE DIMENSIONS

(In Feet)

Dimension Factors								
	A	B	C	D	E	F	G	H
Two-way aisle:								
	90°	9	18	24	9	60	60	18
	75°	9	20.3	24	9.5	64	55	18.7
	60°	9	20.1	24	10.4	64.2	59.8	17.9
	45°	9	19.1	24	12.7	62.2	55.8	15.9
One-way aisle:								
	75°	9	20.3	17	9.5	57.6	54.4	18.7
	60°	9	20.1	15	10.4	55.2	50.8	17.9
	45°	9	19.1	13	12.7	51.2	44.8	15.9

(c) Parking Space And Aisle Illustration:

FIGURE 152-34-1
PARKING SPACE AND AISLE ILLUSTRATION



CHAPTER 35 MOTOR VEHICLE ACCESS
Sec 152-35-1 Purpose
Sec 152-35-2 Scope
Sec 152-35-3 Access Required
Sec 152-35-4 Development Standards

Sec 152-35-1 Purpose

The purpose of this chapter is to establish uniform standards for motor vehicle access to private property from public streets under the jurisdiction of the city.

Sec 152-35-2 Scope

The requirements of this chapter are applicable to new development in residential, commercial, business and industrial, and public facility zones, except where access is provided from a street or highway not under the jurisdiction of the city. In such case, the requirements of the entity having jurisdiction shall apply. The requirements of this chapter shall not be construed to prohibit or limit other applicable provisions of this chapter, this code, and other laws.

Sec 152-35-3 Access Required

Ingress and egress to and from each lot and/or use of land, as the case may be, subject to this chapter shall be provided as set forth in this chapter.

Sec 152-35-4 Development Standards

The following requirements shall apply to driveways for new development:

(a) Residential development:

(1) Curb cuts for driveways must be approved by the streets superintendent or his appointee in accordance with section 156-22 of this code. In no case will utilities be moved to accommodate driveways.

(2) On corner lots, driveways shall be located such that a vehicle parked on that driveway would not infringe upon the sight triangle area formed by the property lines and their projections and a line connecting them at points twenty five feet (25') from the intersections of the projecting property lines. Lots that front a street that has a functional classification higher than a local residential street shall require a setback of at least twenty five feet (25') from the point of curvature of the curb return, or forty feet (40') from the point of the intersection of property lines nearest the intersection, whichever is farther from the street intersection, unless approved otherwise by the city engineer. 3. Any unused curb cuts for driveways shall be replaced with standard curb, gutter and sidewalk unless otherwise approved by the city engineer.

(b) Nonresidential development:

(1) Except as provided in this subsection, the minimum width of a two-way driveway shall be twenty feet (20') and the maximum width shall be twenty four feet (24').

a. Commercial property requiring five (5) or more parking spaces shall have driveways with a minimum width of twenty four feet (24') and a maximum width of thirty six feet (36').

b. Commercial property requiring four (4) or fewer parking spaces shall have driveways with a minimum width of eighteen feet (18') and a maximum width of thirty feet (30').

(2) Each driveway shall be:

a. At least fifty feet (50') from an intersecting street; and

b. Installed according to city standards and specifications.

c. Constructed with curb returns and an eight foot (8') waterway.

(3) No driveway shall be closer than twelve feet (12') to another driveway or be more than thirty six feet (36') in width unless approved by the city engineer.

(4) Not more than two (2) driveways shall be established for each one hundred feet (100') of street frontage. Where necessary for public safety, the planning commission may require greater driveway spacing.

(5) Driveways that exceed twenty four feet (24') in width shall be separated by a landscaped area of at least twelve feet (12') in width.

(6) Where possible, new driveways for commercial uses shall:

a. Be a minimum of two hundred feet (200') apart, and

b. Align with any existing commercial driveways across the street.

(7) Existing, non-conforming driveways shall be retired upon construction of a new building.

(8) A single driveway may serve property on both sides of a common property line. Shared driveways between and among lots are encouraged and allowed if the adjoining property owners execute and record an easement in a form approved by the city attorney to ensure access for the adjoining lots.

CHAPTER 36 SIGNS

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Sec 152-36-1 Purpose

The purpose of the sign regulations set forth in this chapter is intended to:

(a) Eliminate potential hazards to motorists and pedestrians by requiring that signs are designed, constructed, installed and maintained in a manner that promotes the public health, safety and general welfare of the citizens of the city of Hildale;

(b) Encourage signs which, by their design, are integrated with and harmonious to the buildings and sites, including landscaping, which they occupy;

(c) Encourage sign legibility through the elimination of excessive and confusing sign displays;

(d) Preserve the appearance of the city as a place in which to live and to work, and create an attraction to nonresidents to come to visit or trade;

(e) Allow each individual business to clearly identify itself and the nature of its business in such a manner as to become the hallmark of the business which will create a distinctive appearance and also enhance the city character;

(f) Safeguard and enhance property values, and protect public and private investment in buildings and open space.

Sec 152-36-2 Definitions

The following words and phrases whenever used in this chapter shall be construed as defined in this section:

A-FRAME SIGN: Any sign or structure composed of two (2) sign faces mounted or attached back to back in such a manner as to form a basically triangular vertical cross section through the faces.

ANIMATED SIGN: Any sign which is designed and constructed to give its message through the flashing of or rotation of lights or figures.

BANNER: A flexible sign characteristically supported by two (2) or more points. It is generally made of fabric or other non-rigid materials with no enclosing frame.

BILLBOARD: A freestanding ground sign located on real property that is designed and intended to direct attention to a business, product, service or message that is not sold, offered or existing on the property, nor specific to the property where the property sign is located.

BUILDING FACE: The visible outer surface of an exterior wall of a building. The area of the face of the building shall be the total area of such surface, including doors and windows.

CANOPY: See definition of Marquee.

DISREPAIR: A sign shall be considered in disrepair when it fails to be in the same form as originally constructed, or when it fails to perform its intended function of conveying a message.

Conditions shall include, but not be limited to:

(a) Structural pole or support failure.

(b) Signs not being held vertically or as originally constructed.

(c) Borders falling off or already removed.

(d) Panels missing or falling off.

(e) Message falling off or in disrepair such that it cannot be interpreted by the motoring public.

(f) Signs that are overgrown by trees or other vegetation.

ELECTRONIC MESSAGE CENTER: A sign with changeable copy that is controlled electronically via a remote programming device.

ENTRY FEATURE SIGN: A sign that is placed at the entrance of a subdivision or other residential or commercial project as part of a distinct architectural or landscape feature that identifies the project and displays the project name.

ERECT: To build, construct, place, relocate, enlarge, substantially alter, attach, suspend, paint, post or display. Normal maintenance, including refinishing, is not included in this definition, provided the use of the sign is not changed or altered.

FLOATING SIGN: Any inflatable or floating sign or advertising device that is affixed to or displayed at a place of business. Examples are blimps, hot air balloons, and inflatable figures.

FREESTANDING SIGN: Any sign that is standing on or erected into the ground. Such signs are usually, but not necessarily, supported from the ground by one or more poles or posts or similar uprights, with or without braces. Any sign which is mounted into the ground, but has the supports to any portion of the roof of a building or structure, shall be considered to be a roof sign.

FRONTAGE: The length of the sides along the street or any other principal public thoroughfare, but not including such length along an alley, watercourse, railroad, street or thoroughfare with no permitted access.

LOGO SIGNS: Any sign whose single feature is a reproduction of the common recognized logo of the company and/or product.

MARQUEE: Any permanent rooflike structure projection beyond a building or wall, generally designed and constructed to provide protection from the weather.

MONUMENT SIGN: Any on premises sign which is mounted directly to the ground having a foundation or pedestal that is at least sixty percent (60%) of the width of the actual sign structure and meeting the standards for height set for monument signs.

MOVABLE, FREESTANDING SIGN: Any sign not affixed to or erected into the ground.

OFF PREMISES SIGN: Any sign which advertises products, development projects, services, or business establishments which are not located, conducted, manufactured or sold upon the same premises upon which the sign is erected.

ON PREMISES SIGN: Any sign which advertises products, services, development projects, or business establishments which are located, conducted, manufactured or sold upon the same premises on which the sign is erected. "On premises" may include separate parcels that are contiguous to the premises where projects, services, development projects or business establishments are located and owned by the same person or legal entity. Only one sign is permitted on a contiguous parcel.

OUTDOOR ADVERTISING SIGN: See definition of On Premises Sign.

PROJECTING SIGN: Any sign attached to a building or structural wall and extending horizontally outward from such wall more than eighteen inches (18").

PUBLIC EVENT BANNER: A banner pertaining to festivals or events which is installed as a temporary sign. Installation of banners across SR-59 is generally not permitted without special permission of the Hildale City council.

PUBLIC INFORMATION SIGN: Signs presenting travel information and signs concerning historic and scenic sites, public recreation facilities, miscellaneous instructions and warnings.

READER BOARD: A sign with manually changeable copy such as gas station prices, school events, etc.

REAL PROPERTY: Land or real estate, with or without structures; not goods or services.

RESIDENTIAL ZONE OR DISTRICT: Any zone which is designated by the prefix "R" in this chapter.

ROOF SIGN: Any sign which is erected upon or over the roof or over a parapet of any building or structure.

SCENIC BYWAY: A road that possesses outstanding scenic, recreational, historical, educational, scientific or cultural values or features. The designation can be made by federal or state agencies.

SIGN: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, devices, designs, pictures, trade names or trademarks by which anything is made known, such as are used to designate a firm, association, corporation, profession, business or service, whether placed on the ground, rocks, trees, stumps, or other natural objects, or on a building, wall, roof, frame, support, fence or other manmade structure, which are visible from any public street, public highway or public road right of way. For the purpose of this chapter, the word "sign" does not include the flag, pennant or insignia of any nation, state, city or other political unit, or of a nonprofit organization. It shall not include, further, any official notice issued by any court, public body or officer, or directional, warning or informational sign or structure required or authorized by law.

SIGN AREA: The area of a sign that is used for display purposes, excluding the minimum frame and supports. In computing sign area, only one side of a double faced sign covering the same subject shall be computed. For signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display on one face. An electronic message center will be included in calculation of overall sign area.

TEMPORARY: A period not to exceed six (6) months.

TIME AND TEMPERATURE DEVICE: Any mechanism that displays the time and/or temperature, but does not display any commercial advertising or identification.

WALL SIGNS: Any sign posted, or painted upon, suspended from, or otherwise affixed to a wall, fascia, canopy, or marquee of a building located on the site to which the sign pertains.

WIND SIGN: Any propeller, whirligig or similar commercial device which is designed to flutter, rotate or display other movement under the influence of wind. This definition shall not include pennants, flags or

banners.

Sec 152-36-3 General Requirements

The following general requirements shall apply to all signs and outdoor advertising structures which may be erected or maintained within the city:

(a) Sign Approval:
Except as otherwise provided, it shall be illegal to erect or maintain any sign or outdoor advertising structure in the city without first obtaining the approval of the city for said sign or advertising structure, the granting of which shall be based upon the provisions of this chapter. Approval shall not be required for temporary non-electrical wall and non-electrical freestanding signs of less than six (6) square feet in area.

(b) Permits:
The approval of the city shall be evidenced by a permit issued by the zoning administrator in accordance with the provisions of section 152-7-15, "Sign Permit", of this chapter.

(c) Animated Signs:
No strobing, flashing, or rotating signs are permitted.

(d) Sound Or Emissions:
No sign shall be designed for the purpose of emitting sound, smoke, or steam.

(e) Movable And Temporary Freestanding Signs:
Except as otherwise provided in this chapter, all off premises, movable and temporary freestanding signs, including, but not limited to, movable, freestanding, A-frame signs, are prohibited. This prohibition shall include signs mounted or painted upon vehicles or trailers which are parked in any location for the purpose of calling attention to or advertising a person, place or thing. "Temporary" shall be construed to mean a period not to exceed thirty (30) days. Movable A-frame signs displaying a menu or special message in front of a place of business to be displayed during open hours of the business may be approved subject to a maximum size of thirty inches by thirty six inches (30" x 36"). Such signs require a permit and must be stored inside the place of business outside of regular business hours and may not obstruct the flow of pedestrian traffic on the sidewalk or be placed on the street.

(f) Off Premises Billboard Signs And Off Premises Outdoor Advertising Structures:
Off premises billboard signs and off premises outdoor advertising structures are not permitted in any location within the city of Hildale.

(g) Roof Signs:
Roof signs may be permitted upon approval of a design which hides all supporting members. Roof sign area will be included in the total allowed wall sign area for the wall over which the roof sign is erected. Roof signs are not permitted by right.

(h) Canopy Signs:
Signs painted on or affixed to canopies which are part of the building shall be considered part of the total allowed area of wall signs for the wall from which the canopy projects. Signs painted on or affixed to canopies which are freestanding shall be considered part of the total allowable area of freestanding signs for that use. Signs suspended under canopies (marquees) which project over public rights of way shall be limited to six (6) square feet. Signs with changeable copy (reader boards) located on marquees of theaters or similar public assembly uses may combine the total allowable area for all building faces as permitted by the city so long as there are no wall signs placed upon building faces other than the face to which the marquee is attached.

(i) Banner Signs: Banner signs will be permitted under the following conditions:

(1) Sign must be mounted or displayed on the face of a building or affixed to supporting poles

or on a permanent fence in such a manner as to prevent displacement by wind or other cause. Location of banner sign must be such that safe sight distances are maintained for pedestrian and vehicular traffic.

(2) Sign may not be larger than one hundred (100) square feet.

(3) For grand opening promotions, banner signs may be displayed for sixty (60) consecutive days (only 1 such display per business location).

(4) For new businesses without permanent signs, a banner sign may be permitted for up to six (6) months. One 6-month extension may be granted by the planning commission.

(5) For bankruptcy or going out of business promotions, banner signs may be displayed for sixty (60) consecutive days (only 1 such display per business license).

(6) For all other sales and events, banner signs may be displayed for a maximum of thirty (30) days per quarter (a 3 month period).

(7) Banner signs which become tattered, worn, or in a state of disrepair must be immediately removed, regardless of time limits. However, a replacement banner sign with the same message may be erected for the remainder of the time limit.

(j) Floating Signs:
Such signs may be permitted as a temporary use for special events, sales, or similar occasions for a time period not exceeding twenty one (21) days. One such twenty one (21) day period may be approved in each three (3) month period.

(k) Illumination:
Lighting fixtures used to illuminate any sign shall be mounted on the top of the sign structure and shielded to prevent the emission of light beyond the sign.

(l) Location:
No sign shall be constructed or erected in such a location or manner that it obstructs or unreasonably interferes with an existing sign.

Sec 152-36-4 Violations And Remedies

It is unlawful to erect or maintain a sign contrary to the provisions of this chapter. If a sign is erected or maintained in violation of this chapter, it shall be deemed a class C misdemeanor and upon conviction, subject to penalty as provided in section 4-2 of this code. In addition to the remedies and enforcement procedures outlined in chapter 9 of this chapter, the city may invoke the following remedies:

(a) (1) Order the defect corrected within a period of time, not exceeding sixty (60) days from the date of notice or the time established by an agreement signed by the zoning administrator, if correction of the defect will bring the subject sign into compliance with the provisions of this chapter; or

(2) If the defect cannot be corrected without resulting in a violation of the provisions of this chapter, order that the subject sign be removed by and at the expense of the owner of the sign, within a period of time not exceeding thirty (30) days from the date of notice.

(b) It is unlawful to erect or maintain a sign contrary to the provisions of this chapter. If a sign is erected or maintained in violation of this chapter, the city may do the following:

(1) Order the defect corrected within a fixed period of time, not exceeding thirty (30) days, if correction of the defect will bring the subject sign into compliance with the provisions of this chapter; but

(2) If correction of the defect will result in a violation of the provisions of this chapter, order that the subject sign be removed by and at the expense of the owner of the sign, within a fixed period of time not exceeding thirty (30) days.

(c) If the owner of the sign contests the order of the city, the remedy shall be an appeal in accordance with the provisions of section 152-7-19 of this chapter.

(d) If the owner of the sign fails or refuses to remove the subject sign at the order of the city, the city may remove the sign at any time after the owner thereof exhausts his or her administrative remedies in relation thereto, unless otherwise ordered by a court of law. Removal by the city shall be at the expense of the owner, and the city may obtain judgment against the owner in an amount equal thereto, together with reasonable attorney fees and costs.

Sec 152-36-5 Exceptions

This chapter shall have no application to signs used exclusively for:

(a) The display of official notices used by any court or public body or official, or the posting of notices by any public officer in the performance of a duty, or by any person giving legal notice.

(b) Directional, warning, or informational signs of a public or semipublic nature, erected and maintained by an official body or public utility.

(c) Any sign of a noncommercial nature when used to protect the health, safety, or welfare of the general public.

(d) Any official flag, pennant or insignia of any nation, state, city or other political unit.

(e) Time and temperature signs and elements of commercial signs which convey only time, temperature, or weather conditions.

Sec 152-36-6 Location Standards

All signs and outdoor advertising structures shall comply with the following location requirements:

(a) Not Obstruct, Interfere:
No sign shall be erected in such a manner that any portion of the sign or its support will interfere with the use of any fire escape, exit or standpipe, or obstruct any required stairway, door, ventilator or window. No sign or its support shall create a visual obstruction and shall be erected to comply with the supplemental development standards in subsection 152-37-9E of this chapter.

(b) Sight Triangle:
No freestanding or projecting sign shall be erected at any intersection improved for vehicular traffic within a triangular area formed by the property lines and their projections and a line connecting them at points twenty five feet (25') from the intersections of the projecting property lines; unless same in its entirety is less than three feet (3'), or more than eight feet (8') above the curb grade, no part of its means of support has a single or joined horizontal dimension exceeding twelve inches (12"), or said sign is within an area in which a building or structure is permitted by the provisions of the respective zone.

(c) Utility Clearance:
No sign shall be erected or maintained which has less horizontal or vertical clearance from communication lines and energized electrical power lines than that prescribed by the laws of the state or rules and regulations duly promulgated by agencies thereof or by electrical utility providers. No signs shall be erected or maintained on any utility pole except by the utility company itself.

(d) Clearance; Public, Private Ways:
No sign shall be erected in such a manner that any portion of the sign or its support will extend over a public or private walkway with a minimum clearance of less than ten feet (10').

Sec 152-36-7 Sign Development Standards

(a) Monument signs are encouraged in all planned commercial zones and commercial zones located along the commercial corridor of SR-59.

(b) Monument signs are required in all other zones including planned developments, project entrances, historical zones, and park, church, and school sites.

(c) Wall signs shall be so placed as to utilize existing architectural features of a building without obscuring them. Wall signs shall be oriented toward pedestrians or vehicles within close proximity to the sign. The area of wall sign shall be no greater than twenty percent (20%) of the total square footage of the wall where it is located. Marquee, canopy, and roof signs shall be considered part of the twenty percent (20%) area limit.

No part of any such sign shall extend above the top level of the wall upon, or in front of, which it is located.

No such sign, including any light box or structural part, shall project more than eighteen inches (18") from the face of the part of the building to which it is attached. No copy is permitted on the sides of any such sign.

(d) Freestanding signs: There may be one such sign for each two hundred feet (200') of frontage of the property, plus one additional sign for each additional two hundred foot (200') frontage. In the case of a parcel of property having multiple occupancies with a common frontage, the frontage shall be deemed to be that of the entire commonly used parcel of property and not the frontage of individual businesses or occupancies.

Such signs shall not exceed thirty five feet (35') in height.

No such sign shall project more than fifteen feet (15') into any required front yard.

(e) New buildings or clusters of buildings having more than one tenant or use shall provide a sign plan for the entire structure or project. The sign plan must be designated so that it establishes a common theme or design, uses similar construction methods, has compatible colors, lettering, lettering styles, scale, symbols, and size of signs and backgrounds. Only one freestanding sign may be allowed, if permitted by this chapter, for clusters of buildings. Individual businesses may be identified on the same sign. The planning commission may approve a sign in excess of the maximum size permitted by this chapter when considering the overall sign plan.

(f) Signs which become tattered, worn, or in a state of disrepair must be removed if not repaired within twenty one (21) days of written notice by city to sign owner.

Sec 152-36-8 Special Purpose Signs

In addition to any other permitted signs, signs for special purposes set forth in this section shall be permitted as provided herein:

(a) For Sale, Rent Or Lease Signs:
In all zoning districts, signs may be erected to advertise the sale, rent or lease of property upon which said signs are placed. Said signs shall be limited to one sign per street face, unless otherwise provided by the zoning provisions, and shall not exceed an area of six (6) square feet

in residential zones or twenty five (25) square feet in nonresidential zoning districts. Said signs shall be exempt from project plan approval.

(b) Directory Signs:
In all districts where group occupancies in office buildings, commercial buildings, or industrial buildings are permitted, directory signs may be erected displaying the names of occupants of a building who are engaged in a particular profession, business or industrial pursuit. Said sign shall be situated at least fifteen feet (15') inside the property line and shall not exceed twelve feet (12') in height. Said sign shall not exceed an area of one hundred (100) square feet and shall not be placed within a clear vision area of a corner lot as set forth in section 152-37-9 of this chapter.

(c) Construction Project Signs:
Signs may be erected in conjunction with construction projects and used for the purpose of publicizing the future occupants of the building, architects, engineers and construction organizations participating in the project; and such other information as may be approved by the zoning administrator. In residential districts, no such sign shall exceed one hundred (100) square feet in area. In other districts, no such sign shall exceed an area of two hundred (200) square feet, and no freestanding sign shall exceed twelve feet (12') in height. All such signs shall be removed before final inspection.

(d) Directional Signs:
Directional signs may be erected for the purpose of facilitating or controlling the efficient or safe movement of pedestrians or vehicles on or into private property. If a directional sign is not located on the property or properties to which it pertains, it may not be located on another property that contains more than one other directional sign. Consent of the other property owner, lessee, or occupant is required. No such sign shall exceed sixteen (16) square feet.

(e) Open House Signs:
Open house signs advertising real estate open for inspection for a prospective sale may be placed on private property in all districts with the consent of the owner, lessee or occupant. Such signs may state the name of the person or firm sponsoring the open house. Such signs shall not exceed six (6) square feet. No more than two (2) such signs may be placed on any one parcel of private property at the same time.

(f) Church, Quasi-Public Organizations And Apartment House Identification Signs:
In all districts, a church or quasi-public organization may erect one wall sign on the premises to identify the name of the organization and announce activities thereof. Apartment houses of five (5) or more dwelling units may erect one wall sign on the premises to identify only the name of the apartment complex and to indicate a vacancy. Said wall sign shall not exceed an area of thirty two (32) square feet, and may be mounted upon a freestanding, ornamental structure if approved by the zoning administrator.

(g) Bus Bench Signs:
In all zones, bus bench signs are prohibited.

(h) Development Promotional And Directional Signs:
Two (2) development promotional signs facing different directions may be placed on the premises of each subdivision, planned development, or condominium project having five (5) or more lots or approved dwelling units. Said promotional sign may have an area of sixty four (64) square feet. Two (2) additional promotional signs facing different directions may be placed on the premises of each subdivision, planned development or condominium project having two (2) or more separate, major points of access at each major access point. All of the above signs shall be removed not later than thirty (30) days following the sale of all lots in said development.

(i) Yard/Garage Sale Signs:
Such signs may be posted only for those sales conducted in compliance with subsection 152-48-3C of this chapter.

(j) Entry Feature Sign:
Such signs may be constructed at entrances of residential or commercial projects subject to all the safety and visibility provisions of this chapter.

Sec 152-36-9 Classification Of Signs

Every sign erected or proposed to be erected within the city shall be classified in accordance with the definitions of signs contained in this chapter. Any sign which does not clearly fall within one of the classifications shall be placed in the classification which the sign, in view of its design, location and purpose, most clearly approximates by the zoning administrator.

Sec 152-36-10 Signs Permitted In Agricultural (A) And Residential (R) Zones And Noncommercial Uses

No sign shall be erected in any agricultural or any residential zones or for noncommercial uses except that certain special purpose signs may be erected in all zones in compliance with the provisions of section 152-36-6 of this chapter.

Sec 152-36-11 Signs Permitted In Other Zones

For those zoning districts which do not have sign regulations as a part of the zone provisions, and for those which are not readily placed into classifications referred to in preceding sections, the planning commission shall classify said zones as either: residential (R), agricultural (A), commercial (C), or industrial (I) zones, depending upon the similarity of the characteristics and permitted uses of said zone to those already classified. When such a classification has been made by the city, the sign provisions applying to the respective classification shall apply to said zones.

Sec 152-36-12 Off Premises Advertising Structures

(a) Prohibition Of New Off Premises Signs:
Except for off premises public information and logo signs meeting the size, shape, color and other requirements described in subsection B2 of this section, no permits shall be issued for the construction of off premises signs or outdoor advertising structures. All lawfully existing off premises signs and outdoor advertising structures as of the adoption of this chapter are declared non-conforming uses in all zones of the city.

(b) Public Information And Logo Signs:

(1) Off premises public information signs are permitted pursuant to this section for the purpose of directing the traveling public to points of interest, historical sites and other locations of interest, approved as such by the city. Specifications for off premises information signs are as set forth in the "Manual Of Uniform Traffic Control Devices For Streets And Highways" and all such signs shall comply with those specifications.

(2) Off premises "logo" signs are permitted under this section for the purpose of directing the traveling and general public to business establishments which provide lodging, food, camping, gas or other services. Identified by the Utah Department of Transportation as the "logo sign program", these signs shall comply with the following regulations: In constructing and maintaining a logo sign program of signs, the owner and installation contractor shall comply with and adhere to all applicable state and federal laws and regulations, and to UDOT policy and procedure.

(c) City May Amortize:
The city may acquire title to off premises non-conforming signs or outdoor advertising structures by gift, purchase, agreement, exchange or eminent domain, and shall have the right to amortize off premises non-conforming signs as permitted by state or federal law.

Sec 152-36-13 Non-Conforming Signs

(a) On Premises Signs:
All on premises or appurtenant signs which have been made non-conforming by the adoption of provisions contained within this chapter shall be subject to the following regulations:

(1) Unsafe Signs:
Any sign or portion thereof declared unsafe by a proper public authority must be restored to a safe condition or removed within thirty (30) days of mailing or otherwise given notice of the unsafe condition.

(2) Alterations:
A non-conforming sign shall not be reconstructed, raised, moved, placed, extended or enlarged or other alteration made unless said sign is changed so as to conform to all provisions of this chapter. "Alterations" shall also mean that changing of the text or message on the sign from one use of the premises to another use of the premises and the changing of the ownership of the sign when that ownership necessitates a change in the text or message of the sign. "Alterations" shall not be interpreted to include changing the text or copy on off premises advertising signs, theater signs, outdoor bulletins or other similar signs which are designed to accommodate changeable copy.

(3) Restoration:
non-conforming signs which have been allowed to deteriorate or which have been damaged by fire, explosion, act of God, act of a public enemy, or damaged by any other cause, to the extent of more than sixty percent (60%) of its assessed value shall, if repaired or rebuilt, be repaired or rebuilt in conformity with the regulations of this chapter or shall be removed.

(b) Off Premises Signs:
All off premises signs which are made non-conforming uses by the provisions of this chapter shall be subject to the provisions of 152-9a-511, 512, and 513 of the Utah Code or subsequent amendments.

Sec 152-36-14 Sign Features And Requirements By Zone

TABLE 152-36-1

	Agricultural/ Residential	Commercial	Industrial	SR-9
Sign type:				
On premises signs:				
Canopy	NP	P	P	P
Entry feature	P	P	P	P
Fascia	NP	P	P	P
Freestanding	NP	P	P	P
Marquee	NP	P	P	P
Monument	NP	P	P	P
Wall	NP	P	P	P

		Window	NP	P	P	P
	Off premises signs		NP	NP	NP	NP
Sign effects and copy content:						
	On premises signs:					
		Animated	NP	P	P	P
		Changeable copy	NP	P	P	P
		Electronic message center	NP	P	P	P
		Flashing	NP	NP	NP	NP
		Identification	P	P	P	P
		Illuminated	NP	P	P	P
		Rotating	NP	NP	NP	NP
	Off premises signs		NP	NP	NP	NP
Sign dimensions:						
	Maximum sign height:					
		Freestanding	n/a	35'	35'	35'
		Monument sign	n/a	35'	35'	35'
	Maximum sign height:					
		Freestanding	n/a	200 sq. ft.	200 sq. ft.	200 sq. ft.
		Home based business	1 window or wall sign, not to exceed 12" x 24" containing business name	1 window or wall sign, not to exceed 12" x 24" containing business name	1 window or wall sign, not to exceed 12" x 24" containing business name	1 window or wall sign, not to exceed 12" x 24" containing business name
		Monument sign	n/a	200 sq. ft.	200 sq. ft.	200 sq. ft.
Number of signs (per building or lot):						
	On premises signs:					
		Canopy	n/a	1	1	1
		Entry feature	Per site plan	Per site plan	Per site plan	Per site plan
		Fascia	n/a	1	1	1
		Freestanding	n/a	1	1	1
		Per 200 feet of single project frontage	n/a	1 monument or 1 freestanding	1 monument or 1 freestanding	1 monument or 1 freestanding
		Marquee	n/a	1	1	1
		Monument	n/a	1	1	1
		Wall	n/a	1	1	1
		Window	n/a	1	1	1

	Off premises signs	NP	NP	NP	NP
Location of signs:					
	Minimum clearance under sign	n/a	10'	10'	10'
	Minimum support setback from public right of way	n/a	5'	5'	5'
	Maximum overhang of public right of way	n/a	5'	5'	5'
	Maximum thickness of sign over public right of way	n/a	3'	3'	3'

CHAPTER 37 SUPPLEMENTARY DEVELOPMENT STANDARDS

Sec 152-37-1 Purpose
Sec 152-37-2 Scope
Sec 152-37-3 Abandoned, Wrecked, Or Junk Vehicles
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Sec 152-37-12 Lots And Yards
Sec 152-37-13 Private Rights-Of-Way
Sec 152-37-14 Storage Of Trash And Debris Prohibited
Sec 152-37-15 Numbers Of Animals And Fowl For Recreational Use And Family Food Production

Sec 152-37-1 Purpose

This chapter establishes several miscellaneous land development regulations which are applicable throughout the city regardless of zone.

Sec 152-37-2 Scope

The requirements of this chapter shall apply in addition to the development and use standards set forth in other chapters of this chapter, including base zones, special purpose and overlay zones, development regulations of general applicability, and regulations for specific uses. The requirements of this chapter shall not be construed to prohibit or limit other applicable provisions of this chapter, this code, and other laws; provided that the requirements of this chapter shall prevail over conflicting provisions of any other requirement in this chapter unless a different standard is expressly authorized.

Sec 152-37-3 Abandoned, Wrecked, Or Junk Vehicles

(a) Abandoned Vehicles Prohibited:
It shall be unlawful to park or permit the parking of any licensed or unlicensed motor vehicle or parts thereof in an abandoned condition upon any public or private property within the city for longer than seventy two (72) hours, except as follows:

(1) In any residential or agricultural zone, two (2) or less such vehicles or parts thereof may

be stored in a building or within a rear yard; or

(2) In a commercial or industrial zone, any number of such vehicles or parts thereof may be permitted if:

a. Such use is authorized in the zone where the use is located, and

b. Vehicles and parts thereof are stored within a building or are completely screened by a six foot (6') high, opaque, sight obscuring fence.

(b) Nuisance:
The accumulation and storage of more than the permitted number of vehicles or parts thereof on private or public property except as set forth above shall constitute a nuisance, detrimental to the health, safety, and welfare of the inhabitants of the city. It shall be the duty of the owner of such vehicle or parts thereof, or lessee, or other person in possession of private property upon which such vehicle or parts thereof is located, to remove the same from such property.

Sec 152-37-4 Adequate Public Facilities

Land shall be developed only where existing infrastructure is in place or will be timely provided to service proposed development. The city may require an analysis to be completed to determine whether adequate public facilities are available to service a development and whether such development will change existing levels of service or will create a demand which exceeds acceptable levels of service for roadways, intersections, bridges, storm drainage facilities, water lines, water pressure, sewer lines, fire and emergency response times, and other similar public services. The city may disapprove a proposed development if demand for public services exceeds accepted levels of service. No subsequent approval of such development shall be given until either the developer or the city installs improvements calculated to raise service levels to the standard adopted by the City.

Sec 152-37-5 Accessory Uses And Structures

Accessory uses and structures shall be permitted in all zones provided they are incidental to, and do not substantially alter a principal use or structure.

(a) Front Yard:
No accessory building or structure nor group thereof shall be located in a front yard unless expressly authorized by a provision of this chapter.

Sec 152-37-6 Buildable Area

Every lot created after the effective date of this chapter shall have a buildable area sufficient to place a building or structure thereon which meets the minimum standards of the zone where the lot is located. Buildable area may be required to be depicted on a proposed subdivision plat, site plan, or plot plan for the purpose of notifying future owners of the approved buildable area based on applicable development standards. Area within an easement may not be included within buildable area unless the easement beneficiary executes and records a release of the easement in a form acceptable to the City Attorney.

Sec 152-37-7 Condominium Projects

(a) State Law Requirements:
The owner of real property may construct a new condominium project or convert existing land and/or structures into a condominium project by complying with the provisions of the Condominium Ownership Act, title 57, chapter 8 of the Utah Code, as amended, and applicable provisions of this chapter and other titles of this Code.

(b) Uses Permitted:
Uses permitted within a condominium project shall be limited to those uses permitted within the zone in which a project is located.

Sec 152-37-8 Easements

No dwelling, main building, or permanent accessory building shall be located within a recorded easement area unless the property owner either produces evidence satisfactory to the Zoning Administrator that the easement has been abandoned, or executes a recordable document, in a form approved by the City Attorney, indicating that notwithstanding apparent abandonment of the easement, the structure may be subject to the superior interest of the easement holder and may be required to be relocated at the property owner's expense to accommodate such interest.

(a) Location:
Any structure in an easement area shall be located pursuant to the setback and other applicable requirements of this chapter.

(b) No Expansion Of Legal Rights:
Nothing in this section is intended to expand or restrict the rights or obligations of any party to any recorded easement.

Sec 152-37-9 Fences And Walls

(a) Height Of Fences And Walls:
No fence, wall, or similar structure exceeding six feet (6') in height shall be erected in any rear or side yard except for accessory buildings and structures permitted by this chapter unless by conditional use permit.

(b) Retaining Walls:
When a retaining wall protects a cut below natural grade and is located on a line separating lots, such retaining wall may be topped by a fence, wall, or hedge of the same height that would otherwise be permitted at such location if no retaining wall existed.

(c) Fences In Front Or Side Yards:
No opaque fence or wall or other similar structure exceeding forty eight inches (48") in height shall be erected within a front yard except upon written permission from the Planning Commission.

(d) Swimming Pools:
Swimming pools of permanent construction not enclosed within a building shall be set back at least five feet (5') from all property lines and shall be completely surrounded by a fence or wall having a lockable self-closing gate and a height of at least six feet (6') which conforms to Building Code requirements.

(e) Visual Obstructions:
To avoid creating a visual obstruction and promote public safety, a fence, wall, or other similar structure or landscaping located in a required front yard shall meet the following requirements:

(1) No opaque fence, wall, or other similar structure, or landscaping which exceeds two feet (2') in height shall be placed within a triangular area formed by a driveway line, the street property line, and a line connecting them at points twelve feet (12') along the driveway line and twelve feet (12') along the street property line, except for a reasonable number of trees pruned high enough to permit unobstructed vision for drivers of motor vehicles.

(2) In all zones which require a front yard, no fence, wall, or other similar structure, or landscaping which exceeds two feet (2') in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points

twenty five feet (25') from the intersection of the street lines, except for a reasonable number of trees pruned high enough to permit unobstructed vision for drivers of motor vehicles.

Sec 152-37-10 Flag Lots

A flag lot for one single-family dwelling may be allowed to accommodate the development of property that otherwise could not reasonably be developed under the regulations contained in this chapter or other titles adopted by the city. The primary purpose of this section is not to make development of property easier and more profitable. Rather, it is to serve as a "last resort" for property which may not otherwise be reasonably developed.

(a) Factors:
When property is subdivided, flag lots shall not be approved by right but may be allowed after considering the following:

(1) More than two (2) flag lots with contiguous staffs should be avoided;

(2) Whether development of the property in question under normal city land use and subdivision regulations is reasonable and practical; and

(3) Creation of a flag lot should not foreclose the possibility of future development of other large interior parcels that are not developable unless a street is extended to them across other adjacent properties.

(b) Development Standards:
When flag lots are permitted, they shall be subject to the following conditions:

(1) A flag lot shall be comprised of a staff (narrow) portion that is contiguous with a flag (wide) portion.

(2) The staff portion of the lot shall front on and be contiguous to a public street. The minimum width of the staff portion at any point shall be twenty six feet (26'). However, a greater staff width for lots within the sensitive lands overlay zone may be required. The maximum length of a staff shall be five hundred feet (500'). The maximum grade of a staff shall not exceed twelve percent (12%).

(3) The size of the flag portion of a lot shall conform to the minimum lot size requirement of the zone in which the lot is located. Sufficient turnaround space per the fire code shall be provided.

(4) No building or structure shall be located within the staff portion of a flag lot.

(5) The front yard of a flag lot shall be on the side of the flag portion which connects to the staff. Yard setbacks shall conform to the setback requirements of the zone in which the flag lot is located.

(6) A main building shall be located no more than two hundred fifty feet (250') from a fire hydrant, measured along a public or private right of way or along the staff portion of a flag lot. An easement for any fire hydrant located on private property shall be provided to the city for access to and maintenance of the hydrant.

(7) Upon review the city may require installation of curb, gutter and other drainage control measures in the staff portion of a flag lot to prevent runoff from entering neighboring properties.

(8) Clear address signage shall be installed and maintained at the street by the owner, including notice that the driveway is a private right of way.

(9) The new residential structure to be constructed on a flag lot shall be no higher than the average height of all residential structures within a three hundred foot (300') radius of the proposed structure.

(10) Before a flag lot is approved the joint utility advisory board must approve the design and location of all facilities needed to accommodate a single-family dwelling. Construction of the approved facilities must be complete before a building permit will be issued for the lot.

Sec 152-37-11 Height Exceptions And Limitations

(a) Exceptions To Height Limitations:
Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, parapet walls, skylights, towers, steeples, flagpoles, chimneys, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the limits herein prescribed, but no space above the height limit shall be allowed for the purpose of providing additional floor space for human occupancy.

(b) Maximum Height Of Accessory Buildings:
No building which is accessory to a single-family or a multiple-family dwelling with four (4) or fewer dwelling units shall be erected to a height greater than twenty feet (20') unless a greater height is authorized by a conditional use permit.

(c) Minimum Height Of Main Buildings:
No dwelling shall be erected to a height less than one story above grade except earth sheltered dwellings authorized by the provisions of this chapter.

Sec 152-37-12 Lots And Yards

(a) Every Building On Legally Created Lot:
Every building shall be located and maintained on a legally created lot as defined in this chapter, unless such lot is a legally non-conforming lot. Not more than one single-family dwelling or commercial structure shall occupy any one lot except as authorized by the provisions of this chapter.

(b) Sale Or Lease Of Required Land:
No land needed to meet the size, width, yard, area, coverage, parking or other requirements of this chapter shall be sold, leased, or otherwise transferred away, whether by subdivision or metes and bounds, so as to create or increase the nonconformity of a lot, building, or site development. No lot having less than the minimum width and area required by the zone where it is located may be divided from a larger parcel of land, except as permitted by this section or by the Planning Commission pursuant to the requirements of this chapter.

(1) A reduction in the minimum required area of a lot owned by the city, county, state, or other public entity or utility provider may be granted a variance approved by the Planning Commission provided:

a. Such lot is used exclusively for public purposes, and

b. No living quarters are located on such lot.

(2) If a portion of a lot which meets minimum lot area requirements is acquired for public use in any manner, including dedication, condemnation or purchase, and such acquisition reduces the minimum area required, the remainder of such lot shall nevertheless be considered as having the required minimum lot area if all of the following conditions are met:

a. The lot contains a rectangular space of at least thirty by forty feet (30 x 40') exclusive of applicable front and side yard requirements, and exclusive of one-half (1/2) of the applicable rear yard requirements, and such rectangular space is usable for a principal use or structure.

b. The remainder of the lot has an area of at least one-half (1/2) of the required lot area of the zone in which it is located.

c. The remainder of the lot has access to a public street.

(c) Reduction Of Minimum Lot Width And Area Requirements:
Minimum lot area or lot width requirements of this chapter shall not be construed to prevent the use of a lot for a single-family dwelling so long as such lot was:

(1) Held in separate ownership on the effective date of this chapter; and

(2) Was legally created when it became non-conforming as to area or width.

(d) Adjacent Lots When Used As One Building Lot:
When a common side lot line separating two (2) or more contiguous lots is covered or proposed to be covered by a building, such lots shall constitute a single building site and the setback requirements of this chapter shall not apply to a common lot line if a document is recorded indicating the owner's intent to use the combined lots as a single development site. The setback requirements of this chapter shall apply only to the exterior side lot lines of the contiguous lots so joined.

(e) Double Frontage Lots:
Lots having frontage on two (2) or more streets shall be prohibited except for corner lots and double frontage lots in subdivisions which back onto streets shown on the City's road master plan.

Such double frontage lots shall be accessed only from an internal subdivision street. Frontage on lots having a front lot line on more than one (1) street shall be measured on one (1) street only.

(f) Setback Measurement:
The depth of a required yard abutting a street shall be measured from the lot line except as set forth below:

(1) In blocks where more than fifty percent (50%) of the buildable lots have main buildings which do not meet the current front yard setback of the zone where the block is located, the minimum front yard requirement for new construction shall be equal to the average existing front yard size on the block. In no case shall a front yard of more than thirty feet (30') be required.

(2) On lots with frontage on the curve of a cul-de-sac or "knuckle" street the front setback may be measured from a straight line drawn joining the front corners of the lot. In no case may the living area be any closer than fifteen feet (15') from the back of sidewalk or the garage be any closer than twenty feet (20') from the back of sidewalk.

(g) Yards To Be Unobstructed;
Exceptions: Every part of a required yard shall be open to the sky and unobstructed except for: =

(1) Accessory buildings in a rear yard or interior side yard;

(2) The ordinary projections of window bays, roof overhangs, skylights, sills, belt courses, cornices, chimneys, flues and other ornamental features, which shall not project into a yard more than four feet (4');

(3) Open or lattice enclosed fire escapes, fireproof outside stairways and balconies open upon fire towers projecting into a yard not more than five feet (5'); and

(4) Any part of an uncovered deck or patio, excluding nonopaque railings.

(h) Yard Space For One Building Only:
No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this chapter, shall be considered as providing a yard or open space for any other building, nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established.

(i) Lot Coverage:
In no zone shall a building or group of buildings with their accessory buildings cover more than fifty percent (50%) of the area of the lot.

Sec 152-37-13 Private Rights-Of-Way

The Zoning Administrator shall not authorize a building permit for a dwelling located on a lot accessed only by a private right-of-way except under one (1) of the following conditions:

(a) non-conforming Lot:
The lot was legally created and recorded prior to the effective date of this chapter; or

(b) Variance:
A variance is granted by the Hearing Officer.

Sec 152-37-14 Storage Of Trash And Debris Prohibited

No yard or other open space shall be used for the accumulation of trash, debris, or abandoned equipment and no land shall be used for such purposes, except as authorized by and in compliance with the provisions of this chapter.

Sec 152-37-15 Numbers Of Animals And Fowl For Recreational Use And Family Food Production

Subject to the following conditions, the keeping of chickens, ducks, pigeons, and rabbits, shall be permitted in the R1-10, R1-15, and RA-.5 zoning classifications. In the R1-10 and R1-15 Zones, fighting cocks are specifically prohibited. In the RA-.5 Zones fighting cocks are specifically prohibited.

The number of animals permitted on a specific parcel shall be determined on the basis of points. Each full acre lot shall equal five hundred (500) animal points. Lots smaller than one (1) acre shall be permitted a proportionate number of points in relation to the percentage of an acre contained in the lot (e.g., 0.25 acre x 100 = 25 animal points).

Type Of Animal Or Fowl	Number Of Points Per Animal
Chickens, rabbits, ducks, and pigeons	3
Sheep, goats, and Roosters	25
Swine	75
Cows, horses	100

(For example, a 0.25 acre lot would be allowed 8 chickens, ducks, pigeons, or rabbits or combination thereof for a total of 8 animals.)

Animal enclosures, including, but not limited to, coops, hutches, or pens, must be located at least five feet (5') from a back or side property line, animal enclosures may not be located in front yards, and no animal enclosure may be located any closer than twenty five feet (25') from a neighboring house.

All requirements of title 9, chapter 90, "Animals", of this code shall apply.

CHAPTER 38 TRANSFERABLE DEVELOPMENT RIGHTS (Reserved)

CHAPTER 39 SUBDIVISIONS

Sec 152-39-1 General Provisions
Sec 152-39-2 Scope
Sec 152-39-3 Definitions
Sec 152-39-4 Necessity Of Plat; Exemption From Plat Requirements
Sec 152-39-5 Notice Requirements
Sec 152-39-6 Preliminary Plat Process
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Sec 152-39-8 Construction Drawings
Sec 152-39-9 Final Plat Approval Process
Sec 152-39-10 Final Plat Requirements
Sec 152-39-11 Subdivision Streets And Fencing
Sec 152-39-12 Subdivider's Agreement
Sec 152-39-13 Guarantee Of Completion Of Improvements; Form Of Surety; Release Of Funds
Sec 152-39-14 Warranty Of Completed Improvements
Sec 152-39-15 Enforcement And Permits
Sec 152-39-16 Plat Amendments
Sec 152-39-17 Fees
Sec 152-39-18 Penalty; Validity

Sec 152-39-1 General Provisions

(a) The underlying purpose and intent of this chapter is to promote the health, safety, convenience, and general welfare of the inhabitants of the city of Hildale in the division or subdivision of land and related matters affected by each subdivision.

(b) Any proposed subdivision and its ultimate use shall be in the best interest of the public welfare and shall be in harmony with good neighborhood development of the area concerned, and the subdivider shall present evidence to this effect when requested to do so by the planning commission.

(c) In cases where unusual topographical or other exceptional conditions exist such as sensitive lands, collapsible soils or other conditions necessitating any exceptions from or additional requirements to this chapter, said exceptions or requirements may be set by city council after recommendation by the planning commission and/or the city engineer.

Sec 152-39-2 Scope

(a) No person shall subdivide any tract of land which is wholly or in part within the city boundaries except in compliance with this chapter.

(b) No person shall sell or exchange, or offer to sell or exchange, any parcel of land which is a part of a subdivision of a larger tract of land, or offer for recording in the office of the county recorder

any deed conveying such a parcel of land, or any interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this chapter.

(c) All lots, plots, or tracts of land located within a subdivision shall be subject to this chapter regardless of whether or not the tract is owned by the subdivider or a subsequent purchaser, transferor, or holder of the land.

Sec 152-39-3 Definitions

The following words and phrases used in this chapter, in addition to those listed in chapter 3 of this chapter, shall have the respective meanings hereafter set forth, unless a different meaning clearly appears from the context:

ADJACENT LANDOWNERS: Any property owner of record, according to the records of the county recorder, whose property adjoins or abuts property proposed for subdivision, or any portion thereof.

AFFECTED ENTITY: As stated in statute, a county, municipality, independent special district, local district, school district, interlocal cooperation entity, specified public utility, or the Utah department of transportation, if:

(a) The entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;

(b) The entity has filed with the municipality a copy of the entity's general or long range plan; or

(c) The entity's boundaries or facilities are within one mile of land which is the subject of a general plan amendment or land use ordinance change.

BLOCK: The land surrounded by streets and other rights of way other than an alley, or land which is designated as a block on any recorded subdivision plat.

BONA FIDE DIVISION OR PARTITION OF LAND FOR AGRICULTURAL PURPOSES: The division of a parcel of land into two (2) or more lots none of which is less than five (5) acres in an area, and where no dedication of any street is required to serve any such lots or parcels of land so created.

CITY: Hildale City, Utah.

CITY COUNCIL: The city council of Hildale City, Utah.

CITY ENGINEER: The city engineer of Hildale City, Utah, or a consulting engineering firm designated as the city engineer by the city council.

CITY PLANNER: The professional planner of Hildale City, Utah, or person designated as such by the Hildale City council.

COMMUNICATIONS EASEMENT: An exterior easement for placement of facilities intended to be used in connection with the delivery of multichannel video programming services, cable services, information services, or tele-communications or telecommunications services.

COMMUNICATIONS INFRASTRUCTURE: Facilities planned to be used in connection with the delivery of multichannel video programming services, cable services, information services, telecommunications or telecommunications services, which term shall include, but not be limited to, conduit.

COUNTY: Washington County, Utah.

CULINARY WATER AUTHORITY: The department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

DEDICATION: Land set aside by an owner for any general and public uses.

EASEMENT: That portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner or owners of said property or properties. The easement may be for use under, on, or above said lot or lots.

FINAL PLAT: The final drawing of the subdivision and dedication prepared for filing of record with the county recorder and in compliance with all the requirements set forth in this chapter and adopted pursuant thereto.

GENERAL PLAN: A plan, labeled "General Plan of Hildale City", including maps or reports or both, which has been approved by the city council as required by law, or such plan as it may be amended from time to time.

JOINT UTILITY COMMITTEE: A committee consisting of representatives from each major utility provider, including but not limited to water, gas, power, sewer, phone, and public works, and chaired by the Public Works Director.

LOT: A separately delineated parcel of real property having a number and designation shown on a recorded subdivision plat, or a contiguous quantity of real property defined in a deed by metes and bounds which has a separate property identification number according to the records of the county recorder and is not shown on a recorded subdivision plat.

LOT RIGHT OF WAY: A strip of land of not less than twenty six feet (26') wide connecting a lot to a street for use as private access to that lot.

OFFICIAL ZONING MAP: A zoning map adopted by the city council pursuant to the provisions of section 152-9a-501, Utah Code Annotated, 1953, as amended.

OPEN SPACE: Designated land within the subdivision which shall always remain undeveloped, which shall be included in improved parks and recreational areas, or which shall remain all natural.

PERSON: Any individual, corporation, partnership, limited liability company, or partnership, firm, or association of individuals, however styled or designated.

PLANNING COMMISSION: The Hildale City planning commission.

PLAT: A map or depiction of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, and streets, or other divisions and dedications.

SANITARY SEWER AUTHORITY: Colorado City-Hildale City Utility Department.

SECURITY: An escrow agreement, irrevocable letter of credit, or other security instrument given by the subdivider to ensure the proper installation of public improvements.

STREET: A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare not less than twenty six feet (26') wide which has been made public by right of use and which affords the principal access to the abutting property.

Street, Arterial: A street, existing or proposed, which serves or is intended to serve as a major trafficway, and is designated on the general plan as a controlled access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.

Street, Collector: A street, existing or proposed, which is the main means of access to an arterial street system.

Street, Cul-De-Sac: A street which originates from a designated city street with no other outlet and forcing a radius turn area, not to exceed six hundred sixty feet (660') in length without the written approval of the city council, the planning commission and the fire chief.

Street, Private: A right of way or easement in private ownership not dedicated or maintained as a public street.

Street, Residential: A street, existing or proposed, which is supplementary to a collector street and which serves or is intended to serve local needs of a neighborhood.

SUBDIVIDER: Any individual, firm, association, syndicate, copartnership, corporation, trust or other legal entity commencing proceedings under this chapter to effect a subdivision for himself or for another.

SUBDIVISION:

(a) Includes:

(1) The division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat or other recorded instrument; and

(2) Except as provided herein, divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural and industrial purposes.

(b) Does not include:

(1) A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;

(2) A recorded agreement between owners of adjoining unsubdivided properties adjusting their mutual boundary if no new lot is created and the adjustment does not violate applicable land use ordinances; or

(3) A recorded document executed by the owner of record, revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels of property, or joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances.

The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a "subdivision" as to the unsubdivided parcel of property or subject the unsubdivided parcel to the provisions of this chapter.

HISTORY
Amended by Ord. 2019-009 on 8/7/2019

Sec 152-39-4 Necessity Of Plat; Exemption From Plat Requirements

All subdivisions shall be required to prepare and receive approval of a preliminary and final plat in accordance with the provisions of this chapter, except as follows:

(a) A subdivision creating no more than one new lot may be approved by city staff without the

necessity of preparing and filing a preliminary plat or final plat if:

(1) Notice is provided by city as required by this chapter.

(2) The proposed subdivision:

a. Is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes.

b. Does not impact an existing easement or right of way or, if it does have an impact, evidence is shown that the impact will not impair the use of any such easement or right of way.

c. Has been approved by the culinary water authority and sanitary sewer authority.

d. Is located in a zoned area, and conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.

(b) A lot or a parcel resulting from a division of agricultural land is exempt from the plat requirements of this chapter if the lot or parcel:

(1) Meets the minimum size requirement of applicable zoning; and

(2) Is not used and will not be used for any nonagricultural purpose.

(c) The creation of a lot under subsection A of this section shall not be approved until a plan for providing utilities and other required improvements to the proposed lot has been reviewed and signed by members of the joint utility committee. No building permit will be issued for said lot until the approved improvements are constructed and accepted.

(d) The boundaries of each lot or parcel exempted under subsection A or B of this section shall be described by deed and upon approval of city staff, shall be recorded with the county recorder.

Sec 152-39-5 Notice Requirements

(a) Notice Of Proposed Multiple-Unit Residential, Commercial, Or Industrial Development:
Notice of any public hearing to consider a preliminary plat describing a multiple-unit residential, commercial, or industrial development shall be provided in writing to any affected entity.

(b) Notice Of Proposal To Vacate Some Or All Of A Public Street, Right Of Way, Or Easement:
The legislative body shall hold a public hearing and give notice of the date, place, and time of the hearing at least ten (10) days before the public hearing by:

(1) Mailing notice to the record owner of each parcel that is accessed by the public street, right of way, or easement;

(2) Mailing notice to each affected entity;

(3) Posting notice on or near the street, right of way, or easement in a manner that is calculated to alert the public;

(4) Publishing notice in a newspaper of general circulation in the city; and

(5) Publishing notice on the Utah public notice website.

Sec 152-39-6 Preliminary Plat Process

All applications for preliminary plat approval shall be subject to the following:

(a) City and/or applicant shall determine whether proposed subdivision is consistent with current zoning of the property.

(b) If proposed subdivision is consistent with zoning designation, the applicant shall meet with planning staff to discuss the proposed project.

(c) Applicant shall obtain a preliminary plat application form and complete the application and have a plat prepared by a licensed engineer or surveyor meeting all the requirements for a preliminary plat.

(d) Applicant shall submit completed application, preliminary plat, subdivider's agreement pursuant to section 152-39-12 of this chapter, and required fee to planning department on or before deadline for submissions established by the city.

(e) Staff shall review application and plat for completeness and obtain comments from joint utility committee.

(f) Zoning administrator shall place the item on an agenda for consideration at a public meeting before the planning commission.

(g) Applicant or applicant's authorized representative shall appear at the scheduled meeting before the planning commission to discuss the preliminary plat, answer questions, and receive recommendation from planning commission.

(h) Planning commission may recommend to the city council approval, disapproval, or approval with conditions.

(i) Upon receiving a recommendation from the planning commission, the preliminary plat application will be placed on a city council agenda. Applicant or applicant's authorized representative must appear at the city council meeting when application is on the agenda. In the event the applicant fails to appear at the city council meeting, or if applicant fails to obtain approval from the city council within six (6) months said preliminary plat shall be considered void.

(j) City council may approve the plat, approve with conditions, recommend changes, send back to the planning commission, or deny the plat, subject to the following:

(1) The city council shall withhold approval of a preliminary or final plat if the plat contains a communications easement that may have the effect of prohibiting the ability of any person to provide multichannel video programming services, cable services, information services, telecommunications or telecommunications services within the subdivision. An easement including a communications easement that limits the ability of any landowner to access a local utility or franchised cable or telecommunications service provider without payment of a fee to cross the easement violates this section.

(2) The city council shall withhold approval of a preliminary or final plat if the property to be dedicated for streets, roads, rights of way or other parcels intended for the use and benefit of the general public is not provided free and clear of any easements, unless the city council finds that:

a. The subdivider did not create the easement, and could not reasonably be expected to obtain a release of the easement; an

b. Acceptance of the easement will not adversely affect the public.

(k) Approval of the preliminary plat by the city council shall authorize the subdivider to proceed with the preparation and review of construction drawings and the final plat.

(l) After preliminary plat approval from the city council, a complete application for final plat approval must be submitted within one year of the preliminary plat approval date. The planning commission may authorize a onetime extension not to exceed one year, provided that a written request for extension is received by the city before the one year time period has expired.

Sec 152-39-7 Preliminary Plat Requirements

The preliminary plat shall include or be accompanied by the following:

(a) Description:
In a title block located in the lower right hand corner of the sheet the following is required:

(1) The proposed name of the subdivision.

(2) The location of the subdivision, including the address and the section, township and range.

(3) The names and addresses of the owner or subdivider if other than the owner.

(4) Date of preparation and north point.

(5) Scale shall be of sufficient size to adequately describe in legible form all required elements.

(b) Existing Conditions:
The preliminary plat shall show:

(1) The location of the nearest monument.

(2) The boundary of the proposed subdivision and the acreage included.

(3) All property contiguous to the property to be subdivided and under the control of the subdivider, even though only a portion is being subdivided. (Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street system of the unplatted parts of the subdivider's land shall be submitted, and the street system of the part submitted shall be considered in light of existing master street plan or other commission studies.) And all property contiguous to the proposed subdivision.

(4) The location, width and names/numbers of all existing streets within two hundred feet (200') of the subdivision and of all prior streets or other public ways, easements, utility rights of way, parks and other public open spaces, within and adjacent to the tract.

(5) The location of all wells and springs or seeps, proposed, active and abandoned, and of all reservoirs or ponds within the tract and at a distance of at least one hundred feet (100') beyond the tract boundaries.

(6) Existing ditches, canals, natural drainage channels and open waterways and proposed realignments.

(7) Contours at vertical intervals not greater than five feet (5').

(8) Identification of potential geotechnical constraints on the project site (such as expansive rock and soil, collapsible soil, shallow bedrock and caliche, gypsiferous rock and soil, potentially unstable rock or soil units including fault lines, shallow groundwater, and windblown sand) and recommendations for their mitigation.

(c) Proposed Plan:
The subdivision plans shall show:

(1) The layout of streets, showing location, widths and other dimensions of proposed streets,

crosswalks, alleys and easements.

(2) The layout, numbers and typical dimensions of lots. Designation of buildable area is required for each lot.

(3) Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision.

(4) Easements for water, sewers, drainage, utilities, lines and other purposes.

(5) Typical street cross sections and street grades where required by the planning commission.

(6) A tentative plan or method by which the subdivider proposes to handle the stormwater drainage for the subdivision.

(7) Approximate radius of all centerline curves on highways or streets.

(8) Each lot shall abut a street shown on the subdivision plat or on an existing publicly dedicated street. (Double frontage or flag lots shall be prohibited except where conditions make other design undesirable.)

(9) All remnants of lots below minimum size left over after subdividing of a larger tract shall be added to adjacent lots or common areas, rather than allowed to remain as unusable parcels.

(10) Where necessary, copies of any agreements with adjacent property owners relevant to the proposed subdivision shall be presented to the planning commission.

(11) A letter from both the local sanitary sewer provider and culinary water provider indicating availability of service.

(12) If the subdivision is to be built in phases, the plat shall show possible phasing lines.

(13) A tentative plan or method for providing nondiscriminatory access to the subdivision for purposes of placement of communications infrastructure, and for purposes of placement of utility infrastructure.

(d) Required Copies Of Plans:

(1) Two (2) copies of all full scale drawings.

(2) One copy of each drawing on eleven inch by seventeen inch (11" x 17") sheets or eight and one-half by eleven (81/2 x 11) if the project is small and the plans are legible at that size.

Sec 152-39-8 Construction Drawings

After preliminary plat approval by city council, the applicant shall have construction drawings prepared by a licensed engineer for all on site and required off site improvements in accordance with the following:

(a) Final plan and profile must be prepared in accordance with:

(1) Current Hildale City standards and specifications;

(2) Requirements of the Southwest Utah Public Health Department and the state department of environmental quality or other appropriate state agencies; and5. Applicable fire codes.

(b) Specific geotechnical recommendations for the design and construction of the proposed

subdivision shall include the following if applicable:

(1) A general assessment of the requirements needed to develop on the site.

(2) Site preparation and grading and the suitability of on site soils for use as structural fill.

(3) Stable cut and fill slopes including recommendations concerning the effects of material removal and the introduction of water.

(4) Recommendations for foundation type and design criteria, including, but not limited to, bearing capacity of natural or compacted soils, provisions to mitigate the effects of expansive, compressible, or collapsible soils, differential settlement and varying soil strength, and the effects of adjacent loads.

(5) Anticipated total and differential settlement.

(6) Special design and construction considerations, as necessary, such as the excavation and replacement of unsuitable materials, excavation difficulties, stabilization, or special foundation provisions for problem soil conditions.

(7) Design criteria for restrained and unrestrained retaining or rockery wall.

(8) Moisture protection and surface drainage.

(c) Eleven (11) sets of complete drawings must be submitted to the Public Works Director. Construction drawings must contain a signature block for all required utility, City, and Ash Creek Special Service District representatives. Drawings shall be a minimum of twenty two inches by thirty four inches (22" x 34") (full size).

(d) Applicant shall request placement on a Joint Utility Committee agenda for initial review of the plans.

(e) Applicant or applicant's authorized representative shall attend the Joint Utility Committee meeting when the item is on the agenda. Utility, franchisee, City, and Ash Creek representatives will take copies of plans to redline.

(f) All street grades over five percent (5%) shall be noted on the preliminary plat.

(g) When redlines are completed, Public Works Director shall prepare a summary of the needed changes and return redlined plans to applicant.

(h) Applicant shall then submit three (3) copies of the corrected construction drawings, addressing all redlined items, to the City Engineer for review and possible signature. After City Engineer signs, applicant must obtain all required signatures and return signed plans to Public Works Director for final signature.

(i) Construction drawings are valid for twenty four (24) months after final signature. Construction drawings signed more than twenty four (24) months prior to construction of improvements shall be considered expired. For a project where construction has started and all improvements shown on the plan will be constructed, the Public Works Director may permit construction to continue. Construction drawings showing multiple phases of a project are valid only for those improvements constructed within the first twenty four (24) months of approval. New approvals must be obtained and any new standards shall apply for future phases or delayed projects.

Sec 152-39-9 Final Plat Approval Process

Application process:

(a) Once construction drawings are approved, applicant shall submit completed final plat application, paper copy of final plat in full size, an electronic copy of the final plat, required fee, and any other

required documents to Planning Department.

(b) The City Engineer shall review the electronic copy of plat and notify the applicant or applicant's authorized representative of any required changes. Applicant shall make required changes and resubmit electronic and paper copies of final plat, one full size and one (1) eleven inch by seventeen inch (11" x 17") for second review.

(c) If plat is approved by City Engineer, he shall sign the plat and return to the Planning Department. If plat is not approved after second submittal, an additional fee must be paid before any subsequent reviews.

(d) Upon signature of approved final plat, the final plat application shall be reviewed by the final plat approval staff.

(e) Once the final plat approval staff has granted approval of a final plat and a bond or other financial security is in place in accordance with section 152-39-13 of this chapter, the subdivider may schedule a preconstruction meeting with the City Public Works Department. Upon receipt of written notice to proceed from City, construction of the subdivision may proceed. No construction shall be permitted prior to receipt of written notice to proceed.

Sec 152-39-10 Final Plat Requirements

(a) Required Information:
The final plat shall show:

(1) The name or designation of the subdivision that is distinct from any plat already recorded in the County Recorder's Office, as approved by the Planning Commission.

(2) The boundaries, course, and dimensions of all of the parcels of ground divided, by their boundaries, course, and extent, whether the owner proposes that any parcel of ground is intended to be used as a street or for another public use, and whether any such area is reserved or proposed for dedication for a public purpose.

(3) The lot or unit reference, block or building reference, street or site address, street name or coordinate address, acreage or square footage of all parcels, units, lots, and the length and width of the blocks and lots intended for sale.

(4) Every existing right-of-way and easement grant of record for communications infrastructure, for underground facilities as defined in section 54-8a-2 of the Utah Code and for other utility facilities. Where the same is granted to a specific entity, that entity must be clearly identified.

(5) True angles and distances to the nearest established street lines or official monument, which shall be accurately described on the plat and shown by appropriate symbols.

(6) All street centerline data must be shown, together with its relationship to the property lines, corners, etc.

(7) The accurate location of all monuments shall be shown on the plat, and shall be identified, including all United States, State, County or other official monuments.

(8) The dedication to the public of all streets and highways included in the proposed subdivision (except approved private streets).

(9) Street monuments to be installed by the subdivider in accordance with the requirements of the City standards. Locations of said monuments shall be approved by the City Engineer and indicated on the subdivider's plat by the appropriate symbols.

(10) Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed

or covenant for common uses by all property owners.

(11) Where it is proposed that streets be constructed on property controlled by a public agency or utility company, approval for the location, improvement and maintenance of such streets shall be obtained from the public agency or utility company and entered on the final plat in a form approved by the City Attorney.

(12) The parent parcel number, as shown on the records of the Washington County Recorder in St. George, Utah.

(b) Required Forms And Certificates:
In addition the final plat shall contain the standard forms for the following:

(1) A registered professional land surveyor's signed certificate of survey, together with a statement that:

a. the surveyor holds a license in accordance with title 58, chapter 22 of the Utah Code, Professional Engineers and Professional Land Surveyors Licensing Act;

b. the surveyor has completed a survey of the property described on the plat in accordance with section 17-23-17 of the Utah Code and has verified all measurements; and

c. has placed monuments as represented on the plat.

(2) The owner's certificate of dedication of all streets, roads, rights-of-way or other parcels intended for the use and benefit of the general public.

(3) Mortgagee or other lienholder's consent to record, if applicable.

(4) A notary public's acknowledgment of the signature of the mortgagee or each owner signing the plat.

(5) Certificate of approval from Colorado City-Hildale City Utility Department.

(6) Certificate of approval and acceptance by the City as evidenced by the signature of the Mayor.

(7) Certificate of approval of the City Engineer.

(8) Certificate of approval as to form executed by the City Attorney.

(9) A one and one-half inch by five inch (11/2" x 5") space in the lower right hand corner of the drawing for the use of the County Recorder.

(10) Certificate of approval of the County Treasurer.

(c) Other Information Required:
The following information or documentation shall be submitted with the final plat or prior to recordation:

(1) A statement that all taxes or special assessments payable on all property within the limits of the subdivision are paid in full, or a letter stating that a satisfactory bond has been filed to secure such payment.

(2) An original copy for staff review of the proposed deed restrictions or CC&Rs in proposed final form with signature lines for all owners of any interest in the subdivision who would sign the final subdivision plat must be submitted with final plat application. After being approved by staff this document shall be signed, acknowledged by a notary public, and recorded in the Office of the County Recorder along with the final plat.

(3) An up to date title or subdivision report for the property being subdivided.

(4) A disk of the final plat prepared in "AutoCAD 2004" (or newer format).

(5) Mylar of approved final plat submitted and reviewed for substantial conformance with paper final plat.

(d) Requirements For Recordation:

(1) Final plat approval.

(2) Bond or other financial security in place.

(3) Payment of any applicable impact fee.

(4) Three (3) disks of the final plat prepared in "AutoCAD 2004" format or later format as designated from time to time by City Engineer; one disk for the City, one for the County Recorder.

(5) Final title or subdivision report prepared and submitted to the City Attorney.

(6) All signatures must be on the mylar, including property owners of record according to the title report and City officials. The City Attorney shall be the last signer of the mylar just prior to recordation.

(7) Preliminary acceptance by City of all public and private improvements as shown on approved construction drawings.

(8) If submitted mylar shows substantial change from the approved paper final plat, applicant shall submit an application for an amended plat and get approval of the amended plat before recordation will be permitted to occur.

(e) Recordation Of Plat:
Any subdivision plat receiving final approval from the City Council shall be recorded at the Office of the Washington County Recorder within one year of the date of said final approval, unless said period is extended in writing by the City Council. Any approval for any final plat not recorded within said period or extended period shall be deemed to have been revoked and any such final plat shall require new approval from the City Council before recordation.

Sec 152-39-11 Subdivision Streets And Fencing

(a) Relation To Adjoining Street Systems:

(1) The arrangements of streets in new subdivisions shall make provision for the continuation of the existing streets to adjoining areas insofar as such may be deemed necessary by the Planning Commission for public requirements. New streets within subdivisions shall not preclude future access to adjoining properties.

(2) Standard residential streets shall approach the arterial or collector streets at an angle of not less than eighty degrees (80°).

(b) Fencing:

(1) Where Required:
A solid masonry, chainlink or other nonclimbable fence not less than six feet (6') in height shall be installed on both sides of existing supply irrigation ditches or canals, or bordering open reservoirs or nonaccess streets, and which are located within or adjacent to the subdivision, except where the planning commission determines that park areas including streams or bodies of water shall remain unfenced.

(2) Prevent Nuisance Or Hazard:
The planning commission may also require the construction or installation of a fence in any subdivision where the planning commission determines that the absence of a fence may create a nuisance or hazard to the welfare of the residents of the subdivision or the adjoining property.

(3) Agricultural Fencing:
Unless otherwise waived by affected agricultural property owners, fencing abutting agricultural property shall be required of subdivider. Fence shall be at a minimum, six feet (6') high with posts spaced at eight feet (8') apart. (The agricultural property owner shall have the option of paying the additional cost to create spacing of the post at 6 feet.) Fencing and post material and design shall be approved with the construction drawings. If there was no existing fence, or the existing fence does not protect the new fence, then the subdivider will be required to install and maintain an electrical fence parallel to the new fence.

Sec 152-39-12 Subdivider's Agreement

All applications for a subdivision shall be accompanied by an executed copy of the following agreement, as amended from time to time by the city council. Said agreement shall be substantially in the following form:

SUBDIVIDER'S AGREEMENT WITH Hildale CITY

This agreement is entered into this day of , , between of , County of , State of , hereinafter referred to as "Subdivider," and the City of Hildale, a municipal corporation of the State of Utah, located in Washington County, hereinafter referred to as the "City." Subdivider, on behalf of it/himself, its/his heirs, successors and assigns, hereby acknowledges, covenants and agrees that: (1) it/he has received and read a copy of the Hildale City Subdivision Chapter of the Land Use Code and shall in all respects comply with the provisions contained therein, (2) all on-site and off-site improvements required to be constructed in connection with said subdivision shall be constructed and installed in accordance with the approved construction plans and drawings, and (3) in the event that legal action is required to be taken by Hildale to enforce the terms of this agreement, Subdivider agrees that it/he shall be liable to pay all such legal costs and expenses incurred by Hildale, including court costs and a reasonable attorney’s fee.

DATED this day of,
SubdividerSubdivider
Title

STATE OF UTAH)
: ss.
COUNTY OF WASHINGTON)

On the day of , , personally appeared before me , the signer(s) of the above instrument, who duly acknowledged to me that he/she executed the same on behalf of the Subdivider.

(SEAL)

NOTARY PUBLIC

Accepted by:
Hildale City Zoning Administrator or Planning Director

All signatures to this agreement, other than for sole proprietorships, shall be accompanied by documentation acceptable to the city attesting to the fact that the signer hereof is authorized by the

subdivider to enter into this agreement (e.g., a copy of a corporate resolution, copy of a partnership agreement, etc.).

Sec 152-39-13 Guarantee Of Completion Of Improvements; Form Of Surety; Release Of Funds

Subdivider shall guarantee improvements in accordance with the following:

(a) Completion Of Improvements Before Recordation:
If subdivider desires to construct improvements as shown on approved construction drawings prior to recordation:

(1) Recordation of the plat shall not occur until the improvements required in connection with the subdivision have been completed and conditionally accepted.

(2) Subdivider shall provide guarantee of conditionally accepted improvements in a form acceptable to city as shown in subsection C of this section in the following amount:

a. Ten percent (10%) of the total cost of all the required improvements shall be retained by the city during the twelve (12) month (24 month if applicable) warranty period.

(b) Recordation Before Completion Of Improvements:
If the subdivider desires to have a plat recorded prior to construction of improvements subdivider shall guarantee completion, within two (2) years from the date of final plat approval by the city council, of installation and construction of the required improvements in compliance with all city standards.

(c) Form Of Surety:
In order to guarantee completion of improvements, subdivider shall provide one of the following types of sureties or guarantees:

(1) Escrow:
The subdivider shall deposit with any insurance company, bank, or savings and loan institution in an escrow account an amount of money equal to at least one hundred fifteen percent (115%) of the estimated costs of the improvements not constructed or installed by the subdivider plus ten percent (10%) of the cost of all the required improvements of the subdivision as a guarantee amount, as determined by the city engineer. The escrow agreement shall be subject to approval by the city attorney and shall be signed by the subdivider, the city, and the escrow holder, and shall contain substantially the following language:

AGREEMENT

The undersigned hereby promises and warrants that it has on deposit in an escrow account for the benefit of Hildale City Corporation, the sum of ($), which represents at least one hundred fifteen percent (115%) of the costs of the engineer's estimated costs for improvements not constructed or installed by the subdivider plus ten percent (10%) of the cost of improvements of the subdivision.

The undersigned hereby agrees that the foregoing sum of money shall be used exclusively for the purpose of paying for the costs of materials, construction, and installation of the improvements required by Hildale City Subdivision Chapter. The undersigned further agrees that the money held in an escrow account shall be paid out to the contractors installing and constructing the required improvements only upon approval of the City. The subdivider shall not withdraw from the escrow account any amount in excess of 100% of the estimated cost of the improvements, but shall pay from other

sources any costs for such improvements which exceed the engineers estimate approved by the City.

After all improvements are made, completed and preliminarily accepted by the City, a sum equal to 10% of the estimated costs of improvements shall remain with the escrow holder for a period of 12 months as a warranty that all improvements are installed and inspected to City specifications, and that all defects occurring within the first 12 months (24 months if applicable) are corrected and approved by the City. If, after 12 months (24 months if applicable), all or any part of the required improvements are not installed, constructed, and maintained according to the standards required in the Hildale City Subdivision Ordinance, Hildale City shall notify in writing the subdivider and escrow holder of the defects and shall make demand on the subdivider that the defects be corrected. If the defects are not corrected within 30 days, Hildale City may correct the defects and charge to the escrow holder the costs of correcting the defects.

The escrow holder shall, on receiving reasonable proof from Hildale City of the defect and that Hildale City has incurred the cost of correcting the defect, pay to Hildale City from the escrow account the cost of correcting the defect, and the escrow holder shall be held harmless by the parties by reason of payment to Hildale City.

If, 12 months (24 months if applicable) after preliminary acceptance of the improvements required by City's standards and specifications and shown on approved construction drawings, the required improvements remain substantially free from latent defects, Hildale City shall certify such fact to the escrow holder, and the escrow holder shall release to the subdivider any money still held in the escrow account, and the escrow holder shall be discharged of its obligations to Hildale City.

(Authorized Signature)

The escrow agreement may contain such additional provisions as the parties deem necessary.

(2) Irrevocable Letter Of Credit:

The subdivider shall file with Hildale City an irrevocable letter of credit from a duly chartered state or national bank or savings and loan institution, which letter shall contain provisions substantially similar to that required in the escrow agreement.

The form of the irrevocable letter of credit shall be substantially as follows:

Name of Bank:
Address:

IRREVOCABLE LETTER OF CREDIT
To: Hildale City Corporation
Date:
Letter of Credit No.:

Gentlemen:

We hereby establish our irrevocable letter of credit in your favor for the account of , , (insert name of subdivider, subdivider's address) up to the aggregate amount of ($) (insert amount equal to one hundred fifteen percent, i.e., 115% of the estimated costs of the improvements not constructed or installed by the subdivider plus ten percent [10%] of the cost of all improvements of the subdivision as determined by the Engineer) drawn at

sight on , , (insert name of bank, address of bank), accompanied by a statement signed by an officer of Hildale City Corporation as follows:

"We certify that the improvements related to the (insert name of subdivision) have not been completed and the defects corrected in accordance with city ordinances and that this drawing represents the amount necessary to complete those improvements."

We hereby agree with drawers, endorsers and bona fide holders that all drafts under and in compliance with the terms of this credit will be duly honored upon presentation and delivery of documents as specified to the drawee or drawn and presented at our bank for negotiation on or before (insert completion date plus 90 days). This Irrevocable Letter of Credit automatically renews for a one year term at the end of every term unless the Authorized Bank Officer provides Hildale City written notice of termination thirty (30) days prior to the end of the term.

Very Truly Yours,
Authorized Bank Officer

(3) Other Guarantee:
Such other financial guarantee that may be acceptable to the city council.

(d) Release Of Funds:

As the required improvements are satisfactorily installed and have been inspected by the city, funds which have been placed in escrow for those improvements will be authorized to be released for payment of those improvements. Escrow holder is authorized to release funds from this account only after receiving a written release from city. The city is not responsible to determine the party to be paid.

After all required improvements have been installed, the subdivider shall notify the city and request that the subdivision be granted preliminary acceptance and begin the warranty period. The subdivision will then be inspected by city, and if all improvements have been completed in accordance with city ordinances and specifications, as built plans have been delivered to the public works department, and a final grading plan has been submitted, the city will grant preliminary acceptance. The subdivision will then begin the twelve (12) month (24 month if applicable) warranty period. Ten percent (10%) of the total cost of all the required improvements, as specified above, shall be retained by the city during this warranty Period.

All funds in escrow surplus to the warranty amount may then be released by the city. The purpose of retaining the ten percent (10%) warranty amount is to guarantee that the improvements have been installed correctly and that they function properly. If any improvements have not been installed correctly or fail to function properly, and the subdivider fails to correct the deficiencies within thirty (30) days of notification thereof, then upon written notice by the city, escrow shall pay over to the city the amount necessary to complete, repair, or replace said improvements.

In the event the costs of completing, repairing, or replacing the unsatisfactory improvements exceed the amount remaining in the escrow account, the subdivider shall, within ten (10) days of notice thereof, pay the excess amount to the city and shall also cause to restore the escrow account or irrevocable letter of credit to the prescribed ten percent (10%) warranty amount. The city shall not issue any building permits for the subdivision until the above referenced excess costs have been paid to the city and the warranty amount (10 percent of the total cost of improvements) has been restored.

Sec 152-39-14 Warranty Of Completed Improvements

Upon completion of construction and installation of all required improvements, subdivider shall warrant that said improvements shall be and shall remain free from defects in material and workmanship for a period of twelve (12) months after the date of preliminary acceptance by city, unless said warranty period is extended for a period of up to twenty four (24) months by the city council upon a finding that a warranty period of twelve (12) months is inadequate to protect the public health, safety and welfare for any of the following reasons:

(a) The prior poor or substandard performance by the subdivider or contractor responsible for construction and installation of the improvements,

(b) The presence or existence of unstable soil conditions within the subdivision or adjacent area,

(c) Extreme fluctuations in climatic conditions that would or could reasonably prevent the discovery of substandard or defective performance within a twelve (12) month period, or

(d) Any other exceptional reason or circumstances which in good faith is determined by the city council to require a longer warranty period. The subdivider shall be responsible to make all repairs to and maintain the improvements and every part thereof in good working condition during the guarantee period without cost to the city.

Sec 152-39-15 Enforcement And Permits

In order to enforce compliance with this chapter, the building official shall not issue any permit for the proposed erection, construction, reconstruction, alteration of any structure, or use of any land unless it fully conforms to all provisions of this chapter. No Hildale City officer or employee shall issue any permit or license for any building or structure or use when such land is a part of a "subdivision" as defined herein until such subdivision has been approved and recorded in the county recorder's office, and unless the improvements shown on approved construction plans for the subdivision have been installed and preliminarily accepted, and all other provisions of law have been complied with. Any license or permit issued in conflict with this chapter shall be null and void.

Notwithstanding the above, a building permit for a single model home for the developer of the subdivision for which the final checklist for completion has been issued may be approved by the city council. A certificate of occupancy shall not be granted and the model home may not be used or occupied for any reason until the subdivision has been approved and recorded.

Sec 152-39-16 Plat Amendments

The procedure for consideration and approval of any addition, alteration, modification, or change to an approved plat shall be substantially the same as is required for initial plat approval unless the zoning administrator determines that such addition, alteration, modification, or other change does not constitute a significant change from the intent or effect of the approved plat.

Sec 152-39-17 Fees

The following fees are hereby established:

(a) Preliminary Plat Application Fee:
At the time of filing of the preliminary plat, the subdivider shall deposit with the city a nonrefundable fee made payable to Hildale City. The city council shall by resolution from time to time prescribe the amount of such fee, which shall be for the purpose of reimbursing the city for the expense of checking and reviewing such final subdivision plats.

(b) Final Plat Application Fee:

At the time of filing the final plat, the subdivider shall deposit with the city a nonrefundable fee made payable to Hildale City. The city council shall by resolution from time to time prescribe the amount of such fee, which shall be for the purpose of reimbursing the city for the expense of checking and reviewing such final subdivision plats, and inspecting subdivision improvements.

(c) Habitat Conservation Fee:
Before plat is released for recordation, subdivider shall pay applicable per acre habitat conservation impact fee to city.

(d) Recording Fee:
At the time of recording the final plat, the subdivider shall be responsible for payment of the recording fee.

Sec 152-39-18 Penalty; Validity

(a) Penalty:
Any subdivider or other person who shall violate or fail to comply with any of the provisions for this chapter shall be guilty of a class B misdemeanor, and punished as provided by law upon conviction.

(b) Validity:
If any section, subsection, sentence, clause, or phrase of this chapter is, for any reason, held to be invalid, such holding shall not affect the validity of the remaining portion of this chapter.

CHAPTER 40 FLOOD DAMAGE PREVENTION

ARTICLE A STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS
ARTICLE B DEFINITIONS
ARTICLE C GENERAL PROVISIONS
ARTICLE D ADMINISTRATION
ARTICLE E PROVISIONS FOR FLOOD HAZARD REDUCTION

ARTICLE A STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

Sec 152-40A-1 Statutory Authorization
Sec 152-40A-2 Findings Of Fact
Sec 152-40A-3 Statement Of Purpose
Sec 152-40A-4 Methods Of Reducing Flood Losses

Sec 152-40A-1 Statutory Authorization

The legislature of the state of Utah has in Utah Code Annotated section 152-3-701 et seq., delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the city council of Hildale City, Utah, does ordain as follows.

Sec 152-40A-2 Findings Of Fact

(a) The flood hazard areas of Hildale City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

Sec 152-40A-3 Statement Of Purpose

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(a) Protect human life and health;

(b) Minimize expenditure of public money for costly flood control projects;

(c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) Minimize prolonged business interruptions;

(e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(f) Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas; and

(g) Ensure that potential buyers are notified that property is in a flood area.

Sec 152-40A-4 Methods Of Reducing Flood Losses

In order to accomplish its purposes, this chapter includes methods and provisions for:

(a) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;

(d) Controlling filling, grading, dredging and other development which may increase flood damage; and

(e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other areas.

ARTICLE B DEFINITIONS

Sec 152-40B-1 Definitions Of Words And Phrases

Sec 152-40B-1 Definitions Of Words And Phrases

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meanings they have in common usage and to give this chapter its most reasonable application:

ALLUVIAL FAN FLOODING: Flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX: A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

AREA OF SHALLOW FLOODING: A designated AO, AH, or VO zone on a community's flood insurance rate map (FIRM) with a one percent (1%) chance or greater annual chance of flooding to an average depth of one to three feet (3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

BASE FLOOD: The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

BASEMENT: Any area of the building having its floor subgrade (below ground level) on all sides.

CRITICAL FEATURE: An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT: Any manmade change in improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING: A nonbasement building:

(a) built, in the case of a building in zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and

(b) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of section 60.3(e)(5) of the national flood insurance program regulations.

EXISTING CONSTRUCTION: For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures".

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community, on which the federal emergency management agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: The official report provided by the federal emergency management agency. The report contains flood profiles, water surface elevation of the base flood, as well as the flood boundary-floodway map.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters.

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD PROTECTION SYSTEM: Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes Hildale tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOODPLAIN MANAGEMENT: The operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS: Land use ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOODPLAIN OR FLOOD PRONE AREA: Any land area susceptible to being inundated by water from any source (see definition of Flood Or Flooding).

FLOODPROOFING: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY (REGULATORY FLOODWAY): The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE: Any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the department of interior) or preliminarily determined by the secretary of the interior as meeting the

requirements for individual listing on the national register;

(b) Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of interior; or

(d) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the secretary of the interior; or

(2) Directly by the secretary of the interior in states without approved programs.

INFRASTRUCTURE: Roads, bridges, pipelines, cabling, power lines, utility or any other public or private constructed improvement.

LEVEE: A manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM: A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of section 60.3 of the national flood insurance program regulations.

MANUFACTURED HOME: A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

MEAN SEA LEVEL: For purposes of the national flood insurance program, the national geodetic vertical datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

NEW CONSTRUCTION: For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE: A vehicle which is:

(a) Built on a single chassis;

(b) Four hundred (400) square feet or less when measured at the largest horizontal projections;

(c) Designed to be self-propelled or permanently towable by a light duty truck; and

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

START OF CONSTRUCTION: For other than new construction or substantial improvements under the coastal barrier resources act (Pub. L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE: A walled and roofed building, including a gas or liquid storage tank, that is principally aboveground, as well as a manufactured home.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed.

The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions, or

(b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

VARIANCE: A grant of relief to a person from the requirement of this chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this chapter. (For full requirements see section 60.6 of the national flood insurance program regulations.)

VIOLATION: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION: The height, in relation to the national geodetic vertical datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

ARTICLE C GENERAL PROVISIONS

Sec 152-40C-1 Lands To Which This Chapter Applies
Sec 152-40C-2 Basis For Establishing Areas Of Special Flood Hazard
Sec 152-40C-3 Establishment Of Floodplain Development Permit
Sec 152-40C-4 Compliance
Sec 152-40C-5 Abrogation And Greater Restrictions
Sec 152-40C-6 Interpretation
Sec 152-40C-7 Warning And Disclaimer Of Liability

Sec 152-40C-1 Lands To Which This Chapter Applies

This chapter shall apply to all areas of special flood hazard within the jurisdiction of Hildale City, Utah.

Sec 152-40C-2 Basis For Establishing Areas Of Special Flood Hazard

The areas of special flood hazard identified by the federal emergency management agency in its flood insurance rate maps (FIRMs) are adopted by reference and declared to be part of this chapter.

Sec 152-40C-3 Establishment Of Floodplain Development Permit

A floodplain development permit shall be required to ensure conformance with the provisions of this chapter.

Sec 152-40C-4 Compliance

No structure or land shall hereafter be constructed, located, extended, altered, or have its use changed without full compliance with the terms of this chapter and other applicable Regulations.

Sec 152-40C-5 Abrogation And Greater Restrictions

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec 152-40C-6 Interpretation

In the interpretation and application of this chapter, all provisions shall be:

(a) Considered as minimum requirements;

(b) Liberally construed in favor of the governing body; and

(c) Deemed neither to limit nor repeal any other powers granted under state statutes.

Sec 152-40C-7 Warning And Disclaimer Of Liability

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the community or any

official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

ARTICLE D ADMINISTRATION

Sec 152-40D-1 Designation Of Floodplain Administrator
Sec 152-40D-2 Duties And Responsibilities Of Floodplain Administrator
Sec 152-40D-3 Permit Procedures
Sec 152-40D-4 Variance Procedures

Sec 152-40D-1 Designation Of Floodplain Administrator

The planning director is hereby appointed the floodplain administrator to administer and implement the provisions of this chapter and other appropriate sections of 44 CFR (national flood insurance program regulations) pertaining to floodplain management.

Sec 152-40D-2 Duties And Responsibilities Of Floodplain Administrator

Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

(a) Maintain and hold open for public inspection all records pertaining to the provisions of this chapter.

(b) Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.

(c) Review, approve or deny all applications for development permits required by adoption of this chapter.

(d) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including section 404 of the federal water pollution control act amendments of 1972, 33 USC 1334) from which prior approval is required.

(e) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.

(f) Notify, in riverine situations, adjacent communities and the state coordinating agency which is the division of water rights, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the federal emergency management agency.

(g) Assure that the flood carrying capacity within the altered or relocated portion of a watercourse is maintained.

(h) When base flood elevation data has not been provided in accordance with section 152-40C-2 of this chapter the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of article E of this chapter.

(i) When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community.

(j) Under the provisions of 44 CFR chapter 1, section 65.12, of the national flood insurance program

regulations, a community may approve certain development in zone A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot (1'), provided that the community first applies for a conditional FIRM revision through FEMA (conditional letter of map revision).

Sec 152-40D-3 Permit Procedures

(a) Application for a floodplain development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

(1) Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures;

(2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

(3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of subsection 152-40E-2B of this chapter;

(4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;

(5) Maintain a record of all such information in accordance with subsection 152-40D-2A of this article.

(b) Approval or denial of a floodplain development permit by the floodplain administrator shall be based on all of the provisions of this chapter and the following relevant factors:

(1) The danger to life and property due to flooding or erosion damage;

(2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(3) The danger that materials may be swept onto other lands to the injury of others;

(4) The compatibility of the proposed use with existing and anticipated development;

(5) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

(7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

(8) The necessity to the facility of a waterfront location, where applicable;

(9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(10) The relationship of the proposed use to the comprehensive plan for that area.

Sec 152-40D-4 Variance Procedures

(a) The appeal board as established by the community shall hear and render judgment on requests for variances from the requirements of this chapter.

(b) The appeal board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter.

(c) Any person or persons aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.

(d) The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the federal emergency management agency upon request.

(e) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this chapter.

(f) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in subsection 152-40D-3B of this article have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.

(g) Upon consideration of the factors noted above and the intent of this chapter, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter (section 152-40A-3 of this chapter).

(h) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(i) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(j) Prerequisites for granting variances:

(1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(2) Variances shall only be issued upon:

a. Showing a good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(3) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(k) Variances may be issued by a community for new construction and substantial improvements

and for other development necessary for the conduct of a functionally dependent use provided that:

(1) The criteria outlined in subsections A through J of this section are met, and

(2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

ARTICLE E PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec 152-40E-1 General Standards
Sec 152-40E-2 Specific Standards
Sec 152-40E-3 Standards For Subdivision Proposals
Sec 152-40E-4 Standards For Areas Of Shallow Flooding (AO/AH Zones)
Sec 152-40E-5 Floodways

Sec 152-40E-1 General Standards

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

(a) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(b) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(c) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(d) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(e) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(f) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; And

(g) On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Sec 152-40E-2 Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in:

a) section 152-40C-2 of this chapter,
b) subsection 152-40D-2H of this chapter, or
c) subsection 152-40E-3C of this article, the following provisions are required:

(a) Residential Construction:
New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to one foot (1') above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain

administrator that the standard of this subsection as proposed in subsection 152-40D-3A1 of this chapter, is satisfied.

(b) Nonresidential Construction:
New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to one foot (1') above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.

(c) Enclosures:
New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(1) A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(2) The bottom of all openings shall be no higher than one foot (1') above grade.

(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(d) Manufactured Homes:

(1) Require that all manufactured homes to be placed within zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

(2) Require that manufactured homes that are placed or substantially improved within zones A1-30, AH, and AE on the community's FIRM on sites: a) outside of a manufactured home park or subdivision, b) in a new manufactured home park or subdivision, c) in an expansion to an existing manufactured home park or subdivision, or d) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one foot (1') above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(3) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of section 152-40E-4 of this article be elevated so that either:

a. The lowest floor of the manufactured home is at or above the base flood elevation, or

b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty six inches (36") in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(e) Recreational Vehicles:
Require that recreational vehicles placed on sites within zones A1-30, AH, and AE on the community's FIRM either:

(1) Be on the site for fewer than one hundred eighty (180) consecutive days,

(2) Be fully licensed and ready for highway use, or

(3) Meet the permit requirements of subsection 152-40D-3A of this chapter, and the elevation and anchoring requirements for "manufactured homes" in subsection D of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

Sec 152-40E-3 Standards For Subdivision Proposals

All subdivision proposals, including the placement of manufactured home parks and subdivisions, shall meet the standards of subsections A through E of this section.

(a) All proposals shall be consistent with sections 152-40A-2, 152-40A-3, and 152-40A-4 of this chapter.

(b) All proposals shall meet development permit requirements of sections 152-40C-3, 152-40D-3 of this chapter, and the provisions of this article.

(c) Base flood elevation data shall be generated for all subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant to section 152-40C-2 or subsection 152-40D-2H of this chapter.

(d) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(e) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

Sec 152-40E-4 Standards For Areas Of Shallow Flooding (AO/AH Zones)

Located within the areas of special flood hazard established in section 152-40C-2 of this chapter, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet (3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(a) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified).

(b) All new construction and substantial improvements of nonresidential structures:

(1) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified), or

(2) Together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

(c) A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in subsection 152-40D-3A1 of this chapter, are satisfied.

(1) Require within zone AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

Sec 152-40E-5 Floodways

Floodways located within areas of special flood hazard established in section 152-40C-2 of this chapter, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

(a) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(b) If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this article.

(c) Under the provisions of 44 CFR chapter 1, section 65.12, of the national flood insurance regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision through FEMA.

This section has been affected by a recently passed ordinance, 2018-04 - MISC ZONING AMENDMENTS. Go to new ordinance.

CHAPTER 41 ACCESSORY DWELLING UNITS

Sec 152-41-1 Purpose
Sec 152-41-2 Scope
Sec 152-41-3 Permitted Use
Sec 152-41-4 Development Standards; Permitted Use
Sec 152-41-5 Compliance With Development Standards

Sec 152-41-1 Purpose

The purpose of this chapter is to establish use and development regulations for accessory dwelling units. These regulations are intended to ensure that limited use of accessory dwelling units allowed in a residential zone do not disturb the single-family residential character of a neighborhood.

Sec 152-41-2 Scope

The requirements of this chapter shall apply to all accessory dwelling units in single-family zones. Such requirements shall not be construed to prohibit or limit other applicable provisions of this chapter, this code, and other laws.

Sec 152-41-3 Permitted Use

The accessory dwelling units described below shall be allowed as permitted uses in any agricultural or residential zone, or any other zone in which such uses are permitted uses, subject to the development standards of section 152-41-4 of this chapter. The definition of each use is set forth in chapter 3 of this chapter.

Accessory dwelling units.

Guesthouse or casita with complete kitchen facilities.

Sec 152-41-4 Development Standards; Permitted Use

The development standards set forth in this section shall apply to any accessory unit allowed as a permitted use.

(a) Definition; Setbacks And Size:
An accessory dwelling unit is an accessory use to the main residential dwelling unit. Setbacks and size limitations established for accessory buildings in each zone shall apply.

(b) Egress And Life Safety Requirements:
The dwelling unit must meet egress and life safety requirements of the international residential building code.

(c) Ownership:
The owner or immediate family member of the owner of the main dwelling unit shall be a resident of the main dwelling unit on the residential property before an accessory dwelling unit may be rented.

(d) Limit:
Only one accessory dwelling unit shall be established on a single residential property.

(e) Entrance:
The accessory dwelling unit shall have its own outside entrance.

(f) Landscaping:
Landscaping shall be provided and maintained to minimize impact on neighboring properties, to retain residential character, and to provide a visual buffer for on site parking in relation to adjacent properties and the street. Landscaping may include, but shall not be limited to, planting trees in the park strip.

(g) Secondary Use:
The accessory dwelling unit shall be clearly incidental and secondary to the primary use of the dwelling for residential purposes.

(h) Maximum Size, Impervious Surface:
The accessory dwelling unit, if it is detached, must not exceed the maximum size permitted for an accessory building and the total area of impervious surface on the lot must not exceed fifty percent (50%).

(i) Short Term Rental:
A detached accessory dwelling unit may not be rented as a short term rental.

Sec 152-41-5 Compliance With Development Standards

(a) Residential properties with accessory dwelling units found to be in violation of the development standards set forth in section 152-42-4 of this chapter shall be subject to all applicable remedies set forth in chapter 9 of this chapter to ensure compliance.

(b) Residential properties with a restrictive easement that does not permit renting of an accessory dwelling unit must apply to the planning department to have that restrictive easement lifted before obtaining a rental permit.

(c) In order to ensure accessory dwelling units meet the development standards, a permit must be issued by the planning department for the rental use of the unit.

CHAPTER 42 HOME BASED BUSINESSES

Sec 152-42-1 Purpose
Sec 152-42-2 Scope
Sec 152-42-3 Permitted Use
Sec 152-42-4 Development Standards; Permitted Use
Sec 152-42-5 Compliance With Development Standards

Sec 152-42-1 Purpose

The purpose of this chapter is to establish use and development regulations for home based businesses. These regulations are intended to ensure that limited business activities allowed in a residential zone do not disturb the residential character of a neighborhood.

Sec 152-42-2 Scope

The requirements of this chapter shall apply to all home based businesses within the City. Such requirements shall not be construed to prohibit or limit other applicable provisions of this title, this Code, and other laws.

Sec 152-42-3 Permitted Use

The home based business uses set forth below shall be allowed as permitted uses in any agricultural or residential zone, or any other zone in which such uses are permitted uses, subject to the development standards of section 152-42-4 of this chapter.

The definition of each use is set forth in chapter 3 of this chapter.

Bakeries, catering, and home kitchens per Utah Code.

Computer/internet sales/programming.
Handyman, contractor offices.

Janitorial, housekeeping, and landscaping service offices.

Licensed family child care or residential certificate child care; preschool.

Mobile services.

Office, general.

One customer personal care service such as one chair beauty and barber shops.

Personal instruction service.

Production of home crafts.

Sec 152-42-4 Development Standards; Permitted Use

The development standards set forth in this section shall apply to any home based business allowed as a permitted use.

(a) Ownership:
A home based business shall be owned and operated by a person who resides in the dwelling where the home based business is located. Such person shall be the primary provider of the labor, work, or service provided in the home based business.

(b) Employees:
A home based business established after the adoption of this chapter may not have employees who do not permanently reside in the home who work at or from the home except a licensed family child care or a residential certificate child care where a single additional employee is required by the number and/or ages of children.

(c) Business License Or Registration:
Home based business owners must apply for a City business license. Licensing and any fees will be in accordance with the business licensing regulations in title 11 of this Code.

(d) Fire Inspection:
Fire inspections for a home based business shall be determined by the Hildale CIty Fire Department.

(e) Inventory:
Products produced pursuant to the home based business may be kept on the premises. No other stock in trade, inventory, commodities, or other merchandise shall be kept on the premises for storage, or wholesale or retail sales, except for incidental or sporadic use.

(f) Modification Of Structures:
There shall be no visible evidence from the exterior of a dwelling or structure that it is being used for any other purpose than that of a dwelling or accessory Building.

(g) Offensive Or Noxious Activities:
The home based business shall not include any activity which unreasonably disturbs the peace and quiet of the neighborhood, including, but not limited to, interference of radio, television, or other electronic reception by reason of design, materials, or construction; lighting, odor, dust, sounds, vibrations, vehicles, parking and general operation of business. No smoke, odor, liquid or solid waste shall be emitted which is not usual and customary to the use of the property for residential purposes. Tools, items, equipment, or activities conducted within a dwelling or accessory building which are offensive or noxious by reason of the emission of odor, smoke, gas, vibration, magnetic interference, or noise are prohibited.

(h) Secondary Use:
The home based business shall be clearly incidental and secondary to the primary use of the dwelling for residential purposes.

(1) The home based business shall not disrupt the residential character of the neighborhood in which the residence is located.

(2) Not more than twenty five percent (25%) of a dwelling shall be used for a home based business except for residential childcare.

(3) A home based business shall not involve the use of yard space, or activity outside the main building not normally associated with residential use.

(4) A home based business may utilize an accessory building existing at the time of business license approval only after approval by the Hildale Valley Fire District.

(i) Traffic, Parking, And Access:
No home based business use shall use on-street parking for business customers or business vehicles.

(1) Not more than two (2) customer parking spaces shall be created.

(j) Combustible Materials:
Combustible materials per Fire Code shall not be stored in the home.

(k) Prohibitions:
Shall specifically exclude vehicle repair work of any kind, commercial stables, animal boarding, auctions, restaurants, and funeral homes.

Sec 152-42-5 Compliance With Development Standards

Home based businesses found to be in violation of the development standards set forth in section 152-42-4 of this chapter shall be subject to all applicable remedies set forth in chapter 9 of this chapter to ensure compliance.

CHAPTER 43 MANUFACTURED/MOBILE HOME AND RECREATIONAL VEHICLE REGULATIONS

Sec 152-43-1 Purpose
Sec 152-43-2 Scope
Sec 152-43-3 Uses Allowed
Sec 152-43-4 Temporary Dwelling
Sec 152-43-5 Basis For Approval
Sec 152-43-6 Development Standards
Sec 152-43-7 Maintenance Of Premises And Common Areas
Sec 152-43-8 Protection Of Common Areas
Sec 152-43-9 Compliance With Other Regulations
Sec 152-43-10 Certificate Of Compliance
Sec 152-43-11 License

Sec 152-43-1 Purpose

The purpose of this chapter is to establish regulations for manufactured/mobile home parks and subdivisions, and recreational vehicle parks in order to achieve the following objectives:

(a) To assure that development of such parks and subdivisions promote the purpose and objectives of the Hildale City general plan and this chapter;

(b) To permit variety, flexibility, and affordability in land development for residential purposes in designated areas of the city;

(c) To protect the integrity and characteristics of zones contiguous to zones where manufactured/mobile home parks and subdivisions, and recreational vehicle parks are located; and

(d) To protect the integrity of land use values contiguous to and within such parks and subdivisions.

Sec 152-43-2 Scope

No manufactured/mobile home or recreational vehicle shall be used or occupied except within an approved manufactured/mobile home park or subdivision, or recreational vehicle park, or as specifically provided by a provision of this chapter or this chapter. Such requirements shall not be construed to prohibit or limit other applicable provisions of this chapter, this code, or other Laws.

Sec 152-43-3 Uses Allowed

(a) Permitted And Conditional Use:
A manufactured/mobile home park or subdivision, and recreational vehicle park may be established in an MH/RV zone as set forth in chapter 13, "Residential Zones", of this chapter, subject to the provisions of this chapter, or as otherwise specifically provided in this chapter or this chapter. In the event a provision of this chapter conflicts with a provision in another chapter of this chapter, the provision of this chapter shall apply.

(b) Location Of An Occupied Manufactured/Mobile Home:
No occupied manufactured/mobile home shall be located anywhere within the city except as follows:

(1) A manufactured home, when attached to a permanent foundation in accordance with plans providing for vertical loads, uplift, and lateral forces and frost protection in compliance with applicable building code, may be located within any single-family residential zone subject to the requirements of that zone; or

(2) Within an approved manufactured/mobile home park or subdivision; or

(3) As a dwelling unit on a bona fide farm or ranch when allowed by the zone where the ranch or farm is located; or

(4) Any of the following temporary uses, subject to the issuance of a temporary use permit pursuant to the requirements of section 152-7-16 and chapter 48 of this chapter:

a. Construction field office for use by contractors or as a temporary place of business for an owner or lessee while a permanent building is under construction on the same site;

b. Dwelling for members of an immediate family (parents, children, brothers, or sisters), subject to the requirements of section 152-43-4 of this chapter;

c. Sales office for manufactured/mobile homes or recreational vehicles, when allowed by the zone where the office is located;

d. Sales office for the sale of dwellings in a subdivision or other residential project.

(c) Location Of An Occupied Recreational Vehicle:
No occupied recreational vehicle shall be located anywhere within the city except as follows:

(1) Within a:

a. Recreational vehicle park;

b. Manufactured/mobile home park, subject to the requirements of subsection 152-43-6A2b of this chapter; or

c. Designated camping area; and

(2) As a dwelling for members of an immediate family (parents, children, brothers, or sisters), subject to the requirements of section 152-43-4 of this chapter.

(3) This section shall not be construed to prohibit the occupation of a recreational vehicle by visitors to occupants of a single-family residential lot improved with one single-family residence for a time not exceeding two (2) weeks (14 days) in any ninety (90) day period.

(d) Location Of An Unoccupied Manufactured/Mobile Home Or Recreational Vehicle:
An unoccupied manufactured/mobile home or recreational vehicle may be located as follows:

(1) On a sales lot, when allowed by the zone where the lot is located; and

(2) Long term storage of a recreational vehicle or manufactured/mobile home for maintenance operations, reconstruction, or construction is permitted only within an enclosed area and only in a zone allowing such use.

(3) This subsection shall not be construed to prohibit the storage of an unoccupied recreational vehicle on the property of the vehicle's owner or in a commercial lot approved for the storage of recreational vehicles.

(e) Emergency Or Temporary Parking:
Emergency or temporary parking of an unoccupied manufactured/mobile home or recreational vehicle outside an approved manufactured/mobile home park or subdivision, or recreational vehicle park, or other authorized place may be permitted for a period not exceeding forty eight (48) hours. This limitation does not apply to an unoccupied manufactured/mobile home or recreational vehicle located in an authorized sales area.

Sec 152-43-4 Temporary Dwelling

(a) Conditions For Issuance:
A manufactured/mobile home or recreational vehicle may be used for a temporary dwelling on a lot not located in a recreational vehicle park or manufactured/mobile home park as a dwelling for members of an immediate family subject to the issuance of a temporary use permit as provided in section 152-7-16 and chapter 48 of this chapter, and the following requirements:

(1) No temporary use permit shall be issued except in connection with the construction of a new dwelling or the temporary placement of a recreational vehicle on a residential lot subject to the standards in subsection B of this section.

(2) A permit for a temporary dwelling used by members of an immediate family during construction of a new dwelling shall be issued only for the property where the new dwelling is to be constructed.

(3) A valid building permit for construction of the new dwelling shall be issued and fully paid for prior to the issuance of a temporary use permit for a temporary dwelling used by members of an immediate family during construction of a new dwelling.

(4) All applicable fees shall be paid prior to placement of the manufactured/mobile home or recreational vehicle to be used as a temporary dwelling used by members of an immediate family during construction of a new dwelling on the subject property.

(5) All utility connections shall conform to city standards.

(6) No temporary use permit for a temporary dwelling used by members of an immediate family during construction of a new dwelling shall be approved for longer than six (6) months unless an extension is approved prior to expiration of the original permit. Such extension shall not exceed six (6) months.

(b) Recreational Vehicle:
Standards for temporary placement of a single recreational vehicle on a residential lot for use as a temporary dwelling by an immediate family member (parents, children, brothers, or sisters) in case of financial hardship.

(1) Recreational vehicle must be located on a lot containing a single-family dwelling and must be occupied by an immediate family member of the family occupying the dwelling.

(2) No rent may be paid for the temporary placement.

(3) A temporary use permit must be issued for a period not exceeding six (6) months. One 6-month extension may be granted by the city council. Such extension must be in writing.

(4) Holding tanks must be emptied into an approved facility. Power connections must conform to prevailing safety standards. Water must be connected to occupied dwelling unit's culinary water system only.

(5) Failure to comply with standards listed above is grounds for immediate revocation of the temporary use permit.

(c) Removal Upon Expiration:
Upon expiration, or revocation, of a temporary use permit, or any extension thereof, a manufactured/mobile home or recreational vehicle shall be removed from the premises within ten (10) days.

(d) Agreement Required:
No temporary use permit shall be issued unless the permittee has executed an agreement with the city which contains the terms and conditions set forth in subsections A and B of this section, and such other terms as may be reasonably required by the city to assure compliance with this section.

Sec 152-43-5 Basis For Approval

(a) Manufactured Home Or Recreational Vehicle Park Or Park Model Park:

(1) A manufactured home or recreational vehicle park or park model park may be approved by the city council in locations where such use is allowed as a permitted or conditional use by the applicable zone, pursuant to applicable requirements of this chapter. Prior to use or occupancy of any such park:

a. A site plan shall be approved as provided in section 152-7-10 of this chapter; and

b. A conditional use permit shall be approved as provided in section 152-7-9 of this chapter where the applicable zone allows such parks only as a conditional use.

(2) Before final approval is granted for any manufactured home or recreational vehicle park or park model park, a report to the city council by the planning commission shall find the proposed development will:

a. Be in keeping with the general character of the zone in which the park is to be located;

b. Have an approved financing plan for construction and phase completion, together with an approved security to assure compliance and completion; and

c. Meet applicable development standards of section 152-43-6 of this chapter and all requirements of other applicable ordinances, except where such requirements are modified by a planned development approved pursuant to chapter 23 of this chapter.

(b) Manufactured Home Subdivision:

(1) A manufactured home subdivision may be approved by the city council in locations where such use is allowed as a permitted or conditional use by the applicable zone, pursuant to applicable requirements of this chapter. Prior to construction, use, or occupancy of any such subdivision:

a. A preliminary subdivision plan shall be approved as provided in chapter 39 of this

chapter; and

b. A conditional use permit shall be approved as provided in section 152-7-9 of this chapter where the applicable zone allows such subdivisions only as a conditional use.

(2) Before final plat approval is granted for any such subdivision, a report to the city council by the planning commission shall find the proposed development will:

a. Be in keeping with the general character of the zone in which the subdivision is to be located;

b. Have lot sizes that conform to the applicable zone where the subdivision is located;

c. Meet applicable requirements of chapter 39 of this chapter;

d. Have an approved financing plan for construction and phase completion, together with an approved security to assure compliance;

e. Meet applicable development standards of section 152-43-6 of this chapter and all requirements of other applicable ordinances, except where such requirements are modified by a planned development approved pursuant to chapter 23 of this chapter.

(c) Disapproval:
The city council may disapprove an application for a manufactured home park or subdivision, or recreational vehicle park or park model park if the council finds the proposed development cannot:

(1) Connect to the city water and wastewater system.

(2) Meet one or more applicable development standards set forth in this chapter; or

(3) Provide adequate assurances that the development will be completed within two (2) years after approval.

Sec 152-43-6 Development Standards

The development of a manufactured home park or subdivision, or recreational vehicle park or park model development shall conform to applicable standards and requirements of this section and as set forth in table 152-43-1 of this section unless modified by a planned development approved pursuant to chapter 23 of this chapter.

(a) General Requirements:

(1) Layout: Land not contained within individual lots or spaces, roads or parking shall be set aside and developed as parks, playgrounds, trails, and service areas for the common use and enjoyment of occupants of the development, and the visitors thereto.

(2) Location:

a. A manufactured home subdivision may be located on any lot as allowed by the zone where the lot is located;

b. A recreational vehicle park should generally be located:

1. Adjacent to or in close proximity to a major collector or arterial road as shown in the city's transportation master plan;

2. Near adequate shopping facilities; and

c. A park model development shall be located on property zoned MH/RV.

(3) Plan Preparation:
Plans for a manufactured home park or subdivision, or recreational vehicle park or park model development shall be prepared by a licensed architect, licensed engineer and/or licensed land surveyor.

(b) Building Standards:
All standards shown in table 152-43-1 of this section must be met.

(c) Site Improvements:

(1) Access To Lots And Spaces:
Sufficient access shall be provided to each manufactured home, or recreational vehicle lot or space or park model to allow maneuvering of homes or vehicles into position.

a. The accessway shall be kept free from trees and other obstructions.

b. Paving under a manufactured home is not required if adequate support is provided as required by applicable building codes. Use of planks, steel mats or other means to support the manufactured home during placement is allowed so long as the same are removed upon completion of placement.

(2) Common Area:
Except for a manufactured home subdivision, one or more common areas equal to at least ten percent (10%) of the land area of the development shall be set aside for the joint use and enjoyment of occupants. Land covered by vehicular roadways, sidewalks and off street parking shall not be included in calculating this ten percent (10%) common area requirement; provided, however, that in initial phases of development, the minimum area shall be not less than one-half (1/2) acre or ten percent (10%) of the land area under development, whichever is greater.

(3) Connection To City Services:
Each manufactured home, recreational vehicle, or park model shall be connected to the city water system and wastewater disposal system, except as otherwise allowed by the regulations for such systems.

(4) Landscaping:
Any area not covered by a manufactured home or recreational vehicle or park model, hard surfacing, or a building shall be landscaped per an approved site plan.

(5) Laundry:
A laundry may be provided for the convenience of residents within a manufactured home park or subdivision, or recreational vehicle park or park model development, but not for the general public.

(6) Lighting:
Shall be provided to meet safety standards and shall be shown on the site plan.

(7) Parking:
Off street parking requirements for a manufactured home park or subdivision, or recreational vehicle park or park model development shall be provided on each lot or space as follows:

a. Manufactured home park or subdivision: Two (2) parking spaces per lot or space.

b. Recreational vehicle park: One parking space per RV space.

c. Park model development: One parking space per park model space.

d. Each parking space shall have a minimum width of nine feet (9') and minimum depth of eighteen feet (18').

e. Before a lot or space may be occupied, all off street parking areas and driveways shall be surfaced with a material acceptable to the city.

(8) Roadway Design:
Accessways within a manufactured home park or recreational vehicle park or park model park shall conform to construction design standards and specifications adopted by the city, with a minimum width of thirty feet (30'), unless modified by a planned development approved pursuant to chapter 23 of this chapter.

(9) Roads Within A Manufactured Home Subdivision:
Roads within a manufactured home subdivision shall conform to construction design standards and specifications adopted by the city unless modified by a planned development approved pursuant to chapter 23 of this chapter.

(10) Skirting:
Each manufactured home shall be skirted.

(11) Storage,
Waste Receptacles, And Additions:

a. All storage and solid waste receptacles other than individual homeowner trash receptacles shall be contained within an enclosure at least six feet (6') high.

b. All patios, carports, garages and other additions to a manufactured home shall be compatible in design and construction with the associated home. Such facilities shall be constructed in accordance with applicable building codes and kept in good repair.

(12) Storm Drainage Facilities:
Storm drainage facilities shall be constructed to protect residents of the development as well as adjacent property owners in accordance with applicable provisions of this code and the adopted storm drainage plan as reasonably determined by the city engineer.

(d) Standards Specific To Recreational Vehicle Parks And Park Model Parks:

(1) No manufactured homes or site built dwelling units shall be permitted, except for that of the owner/manager and permanent maintenance personnel.

(2) Recreational vehicle parks shall not be used as permanent residences, except for that of the owner/manager and permanent maintenance personnel. All recreational vehicles within a recreational vehicle park shall display current license plates/tags.

(3) No "park model" units shall be permitted within a recreational vehicle park except a number of park models may be approved in the park to be used as short term vacation rentals. However, a park model development may be approved to allow recreational vehicles but not campers or tents in the development.

(4) Each park must provide an adequate and easily identifiable office or registration area. The location of the office shall not interfere with the normal flow of traffic into and out of the recreational vehicle park.

(5) Each recreational vehicle unit shall be equipped with wheels, which remain on the unit;

however, the wheels may be blocked for stability.

(6) No permanent room addition shall be attached to recreational vehicle nor shall any permanent structure be constructed on a recreational vehicle lot.

(7) Room additions may be permitted on park models if all setbacks are met and pursuant to the issuance of a building permit before construction.

(8) A minimum of one toilet, one sink, and one hot shower, each designed for complete privacy, for each forty (40) spaces, or fraction thereof.

(9) Conversion of an established residential park or park model development to another residential use, shall be subject to review and approval based on codes and zones in place at the time of conversion. A zone change will be required.

(e) Table 152-43-1:
TABLE 152-43-1 DEVELOPMENT STANDARDS MANUFACTURED HOME AND RECREATIONAL VEHICLE PARKS AND SUBDIVISIONS

Development Standard	**Manufactured Home Subdivision**	**Manufactured Home Park**	**Recreational Vehicle Park/ Park Model Development**
General standards:			
Location	See subsection A2 of this section		
Minimum development size	10 acres	10 acres	5 acres
Ownership	Individual lots	Park must remain single parcel	Park must remain single parcel
Plan preparation	Licensed architect, licensed engineer and/or licensed land surveyor required; see subsection A3 of this section		
Required zone	MH/RV; see chapter 13 of this title		
Building standards:			
Maximum height, service building	35 ft.	35 ft.	35 ft.
Maximum height, accessory building	12 ft.	12 ft.	12 ft.
Lot/space standards:			
Minimum lot/space area	5,700 sq. ft.	4,000 sq. ft.	1,400 sq. ft.
Minimum lot/space width	60 ft.	50 ft.	35 ft.

	Minimum lot/space depth	95 ft.	70 ft.	40 ft.
Setback standards:				
	Front yard	15 ft.	15 ft.	5 ft.
	Rear yard	10 ft.	10 ft.	5 ft.
	Side yard, interior	10 ft.	8 ft.	7 ft.
	Side yard, street	20 ft.	15 ft.	7 ft.
	Accessory building	5 ft.; if adjacent to exterior boundary or utility easement, then 10 ft.	3 ft.; if adjacent to exterior boundary or utility easement, then 7.5 ft.	5 ft.
	Separation between structures	20 ft.	20 ft.	14 ft.
Site improvements:				
	Access to lots and spaces	Sufficient area to maneuver homes or vehicles required; see subsection C1 of this section		
	Common area	Not required	10% of land area; see subsection C2 of this section	
	Connection to city services	Must connect to city water system and wastewater disposal system; see subsection C3 of this section		
	Landscaping	Open and unpaved areas must be landscaped; see subsection C4 of this section		
	Laundry	Laundry may be provided for residents, but not general public; see subsection C5 of this section		
	Roadway and accessway design	See subsections C8 and C9 of this section		

Sec 152-43-7 Maintenance Of Premises And Common Areas

(a) Nuisance:
The premises on which any manufactured home or recreational vehicle or park model is located, used, or occupied shall be maintained in a clean, orderly, and sanitary condition. The accumulation of rubbish, waste, weeds, or other unsightly material thereon shall constitute a nuisance and a violation of this chapter.

(b) Remedies:
In addition to the remedies set forth in section 152-9-6 of this chapter, the city may require removal of a manufactured home or recreational vehicle, or park model from any premises which do not conform to the requirements of this chapter.

(c) Guarantee Of Performance:

The city may require the owner of a manufactured home park or subdivision, or recreational vehicle park or park model park to provide financial guarantees to assure that common areas and facilities, roadways, storage areas, service facilities and landscaping are adequately maintained.

(d) Manager:
The owner of a manufactured home park or subdivision or recreational vehicle park or park model park shall appoint a property manager. The manager shall be:

(1) Locally available;

(2) Authorized to represent the owner with respect to all aspects of the management and maintenance of the park; and

(3) Authorized to receive official notices, including service of process.

Sec 152-43-8 Protection Of Common Areas

If common areas are provided within a manufactured home park or subdivision, or recreational vehicle park or park model park adequate guarantees shall be provided to protect such common areas from future development. No certificate of occupancy shall be issued for any structure in such park or subdivision until all required guarantees have been submitted to and approved by the city. The developer of a manufactured home park or subdivision, or recreational vehicle park or park model park, may elect any of the methods set forth in subsection 152- 23-10A of this chapter to preserve common areas.

Sec 152-43-9 Compliance With Other Regulations

The use and occupancy of a manufactured home or recreational vehicle or park model shall comply with applicable provisions of this chapter and any other applicable code, including, but not limited to, building and health codes.

Sec 152-43-10 Certificate Of Compliance

A manufactured home or recreational vehicle or park model used or intended to be used either immediately or in the future for human habitation, regardless of its location or its conforming or non-conforming status, shall be subject to the following rules, regulations and requirements:

(a) Relocation Of Used Manufactured/Mobile Homes:
No used mobile homes shall be moved into the city limits. No used manufactured home shall be moved into the city limits without written approval from the building official. Such approval shall be given upon written certification, accompanied by color photos of the manufactured home from a qualified inspector approved by the building official that such manufactured home meets the following criteria:

(1) Must have original HUD sticker.

(2) Original HUD sticker and data plate must be permanently attached, intact and legible. All serial numbers must match.

(3) Roof must be undamaged and leakproof.

(4) Exterior walls shall be free from cracks, breaks, holes, nail pops, etc.

(5) Bottom board must be intact. There shall be no rot or deterioration of siding, and no new openings, such as added windows or doors, shall be permitted.

(6) Interior walls must be attached at base and top plate.

(7) There shall be no water damage to ceilings, floors, or interior walls.

(8) Floors under water heater and plumbing fixtures must be intact.

(9) Windows must be intact and meet HUD/ANSI code for time of manufacture.

(10) Exterior doors must be intact and close completely with no damage to door or frame.

(11) Must have underfloor insulation properly installed and complete.

(12) Plumbing system must meet all applicable federal and state codes.

(13) Gas system must pass pressure test.

(14) Electrical system must meet all applicable federal and state codes.

(15) Heating and cooling systems must meet all applicable federal and state codes.

(16) All units must be free of mold.

(b) Relocation Of Used Park Model:
No used park model shall be moved into the city limits without written approval from the building official. Such approval shall be given upon written certification, accompanied by color photos of the park model, from a qualified inspector approved by the building official that such park model meets the following criteria:

(1) Roof must be undamaged and leakproof.

(2) Exterior walls shall be free from cracks, breaks, holes, nail pops, etc.

(3) Bottom board must be intact. There shall be no rot or deterioration of siding, and no new openings, such as added windows or doors, shall be permitted.

(4) Interior walls must be attached at base and top plate.

(5) There shall be no water damage to ceilings, floors, or interior walls.

(6) Floors under water heater and plumbing fixtures must be intact.

(7) Windows must be intact and meet ANSI code for time of manufacture.

(8) Exterior doors must be intact and close completely with no damage to door or frame.

(9) Must have underfloor insulation properly installed and complete.

(10) Plumbing system must meet all applicable federal and state codes.

(11) Gas system must pass pressure test.

(12) Electrical system must meet all applicable federal and state codes.

(13) Heating and cooling systems must meet all applicable federal and state codes.

(14) Unit must be free of mold.

(c) Setup Permit:
All manufactured homes and park models located within the city shall be required to obtain a separate setup permit from the building department.

Sec 152-43-11 License

No manufactured/mobile home or recreational vehicle park shall be operated unless and until a valid Hildale City business license has been obtained.

CHAPTER 45 PUBLIC UTILITY SUBSTATIONS

Sec 152-45-1 Purpose
Sec 152-45-2 Scope
Sec 152-45-3 Permitted Use
Sec 152-45-4 Development Standards; Permitted Use
Sec 152-45-5 Conditional Use Permit Required
Sec 152-45-6 Development Standards

Sec 152-45-1 Purpose

The purpose of this chapter is to establish use and development regulations for public utility substations to ensure they are compatible with adjoining uses.

Sec 152-45-2 Scope

The requirements of this chapter shall apply to any public utility substation within the city. Such requirements shall not be construed to prohibit or limit other applicable provisions of this title, this code, and other laws.

Sec 152-45-3 Permitted Use

A public utility substation that conforms to the development standards of section 152-45-4 of this chapter shall be a permitted use in any zone.

Sec 152-45-4 Development Standards; Permitted Use

The development standards set forth in this section shall apply to any public utility substation established as a permitted use.

(a) Color:
The public utility substation shall be painted or constructed of materials with earth tone colors chosen by the utility provider from a list of colors approved by the city.

(b) Fencing:
The perimeter of the public utility substation site shall be fenced if necessary to provide public safety or protect utility equipment.

(c) Landscaping:
The perimeter of the public utility substation site shall be landscaped in accordance with a landscaping plan approved by the zoning administrator.

(d) Location:
Public utility substations shall be located only as follows :

(1) On private property, more than thirty feet (30') from any habitable structure.

(2) Within the park strip of any fully constructed public street right of way.

(3) No public utility substation shall be located in the path of any planned street or trail as illustrated on the city's road master plan or any park or trail master plan that may be adopted.

(e) Maximum Size:
Maximum aboveground size of a public utility substation shall be as follows:

(1) If not located within the park strip of a fully improved street, nine feet (9') in any direction horizontally and six and one-half feet (61/2') vertically above the existing grade.

(2) If located within the park strip of a fully improved street, five feet (5') horizontally parallel to the street by two feet (2') perpendicular to the street and fifty six inches (56") vertically above existing grade.

(f) Visual Obstructions:
The public utility substation shall conform to visual obstruction regulations set forth in subsection 152-37-9E of this chapter.

Sec 152-45-5 Conditional Use Permit Required

A public utility substation that does not conform to the development standards of section 152-45-4 of this chapter may be established in any zone subject to the issuance of a conditional use permit pursuant to the requirements of section 152-7-9 of this chapter and the development standards of section 152-45-6 of this chapter.

Sec 152-45-6 Development Standards

The development standards of section 152-45-4 of this chapter shall apply to any public utility substation established as a conditional use except as modified by the following subsections:

(a) Location:
Public utility substations exceeding the size limits of subsection 152-45-4E of this chapter shall not be located in any park strip or front yard.

(b) Maximum Size:
A public utility substation located in a residential zone shall not exceed twelve feet (12') horizontally and ten feet (10') vertically above existing grade.

(c) Maximum Height:
Public utility substations exceeding the height limitations of subsection 152-45-4E of this chapter may be permitted subject to the issuance of a conditional use permit.

CHAPTER 46 RESIDENTIAL FACILITIES FOR ELDERLY PERSONS AND PERSONS WITH A DISABILITY

Sec 152-46-1 Purpose
Sec 152-46-2 Scope
Sec 152-46-3 Defintions
Sec 152-46-4 Permitted Uses
Sec 152-46-5 Development Standards
Sec 152-46-6 Reasonable Accommodation

Sec 152-46-1 Purpose

The purpose of this chapter is to comply with sections 152-9a-517 and 152-9a-520 of the Utah Code, and avoid discrimination in housing against persons with disabilities pursuant to the Utah fair housing act and the federal fair housing act as interpreted by courts whose decisions are binding in Utah.

Sec 152-46-2 Scope

If any facility, residence, congregate living or other housing arrangement meets the definition of a residential facility for elderly persons or a residential facility for persons with a disability as set forth in this chapter, the requirements of this chapter shall govern the same notwithstanding any conflicting provision of this chapter or this code. Except as provided herein, the requirements of this chapter shall not be construed to prohibit or limit other applicable provisions of this chapter, this code or other laws.

Sec 152-46-3 Defintions

For the purpose of this chapter, the following terms shall have the meanings set forth below and shall apply in addition to the terms defined in chapter 3 of this chapter:

ASSISTED LIVING FACILITY: A residential facility, licensed by the state of Utah, with a home like setting that provides an array of coordinated supportive personal and healthcare services, available twenty four (24) hours per day, to residents who have been assessed under Utah Department of Health or the Utah Department of Human Services rules to need any of these services and who have a service plan based on the assessment, which may include:

(a) specified services of intermittent nursing care;

(b) administration of medication; and

(c) support services promoting residents' independence and self-sufficiency. An assisted living facility does not include adult daycare provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

DISABILITY: A physical or mental impairment which 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. "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 USC 802, or successor law.

ELDERLY PERSON: A person who is sixty (60) years old or older who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

HAS A RECORD OF SUCH AN IMPAIRMENT: A person who has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities. IS

REGARDED AS HAVING AN IMPAIRMENT:

(a) A person who has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by another person as constituting such a limitation;

(b) Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or

(c) Has none of the impairments defined in subsection A of this definition but is treated by another person as having such an impairment.

MAJOR LIFE ACTIVITIES: Functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

PHYSICAL OR MENTAL IMPAIRMENT:

(a) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or

(b) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term physical or mental impairment includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple

sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.

PROTECTIVE HOUSING FACILITY: A facility operated, licensed or contracted by a governmental entity, or operated by a charitable, nonprofit organization, where, for no compensation, temporary, protective housing is provided to:

(a) Abused or neglected children awaiting placement in foster care;

(b) Pregnant or parenting teens;

(c) Victims of sexual abuse; or

(d) Victims of domestic abuse.

REASONABLE ACCOMMODATION: A change in a rule, policy, practice, or service necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. As used in this definition:

Equal Opportunity:
Achieving equal results as between a person with a disability and a non-disabled person.

Necessary:
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 housing of their choice.

Reasonable:
A requested accommodation will not undermine the legitimate purposes of existing land use regulations notwithstanding the benefit that the accommodation would provide to a person with a disability.

REHABILITATION/TREATMENT FACILITY: A facility licensed by or contracted by the state of Utah to provide temporary occupancy and supervision of adults or juveniles in order to provide rehabilitation, treatment, counseling, or educational services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol and drug abuse, sex offenders, sexual abuse, or mental health.

RESIDENCE: A dwelling unit where an individual is actually living at a given point in time and intends to remain, and not a place of temporary sojourn or transient visit.

RESIDENTIAL FACILITY FOR ELDERLY PERSONS: A single-family or multiple-family dwelling unit that meets the requirements of section 152-9a-103(38) of the Utah Code or its successor.

RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY: A residence in which more than one person with a disability resides and which is licensed or certified by:

(a) The Utah Department of Human Services under title 62A, chapter 2, of the Utah Code, licensure of programs and facilities, or

(b) The Utah Department of Health under title 26, chapter 21, of the Utah Code, health care facility licensing and inspection act.

TRANSITIONAL HOUSING FACILITY: A facility owned, operated or contracted by a governmental entity, or a charitable, nonprofit organization, where, for no compensation, temporary housing (for usually 3 to 24 months) is provided to homeless persons, while they obtain work, job skills, or otherwise take steps to stabilize their circumstances. A transitional housing facility shall not include a homeless shelter.

Sec 152-46-4 Permitted Uses

(a) Permitted Uses:
Notwithstanding any contrary provision of this chapter, and subject to the development standards in section 152-46-5 of this chapter:

(1) A residential facility for elderly persons shall be a permitted use in any zone where a dwelling is allowed as a permitted or conditional use, except an area zoned to permit exclusively single-family dwellings; and

(2) A residential facility for persons with a disability shall be a permitted use in any zoning area where similar residential dwellings that are not residential facilities for persons with a disability are allowed, provided that any such facility which would likely create a fundamental change in the character of a residential neighborhood may be excluded from a zoning area.

(b) Termination:
A use permitted by this chapter is nontransferable and shall terminate if:

(1) The facility is devoted to a use other than a residential facility for elderly persons or a residential facility for persons with a disability, or

(2) Any license or certification issued by the Utah Department of Health or the department of human services for such facility terminates or is revoked, or

(3) The facility fails to comply with requirements set forth in this chapter.

Sec 152-46-5 Development Standards

The development standards set forth in this section shall apply to any residential facility for elderly persons or any residential facility for persons with a disability.

(a) Building, Safety And Health Regulations:
The facility shall comply with building, safety, and health regulations applicable to similar structures.

(1) Each facility shall be subject to the same development standards applicable to similar structures located in the same zoning district in which the facility is located.

(2) The minimum number of parking spaces required for a facility shall be the same as for similar structures located in the same zoning district in which the facility is located.

(b) Number Of Occupants:
Pursuant to the definition of "family" in section 152-3-4 of this chapter, not more than three (3) persons shall occupy a residential facility for elderly persons or any residential facility for persons with a disability established in a dwelling unit unless a reasonable accommodation for a greater number of occupants is granted.

(c) Separation Required:
No facility occupied by more than five (5) persons shall be established or maintained within one thousand feet (1,000'), measured in a straight line without regard to intervening structures or objects, from the property line of the facility to the closest property line of any of the following:

(1) A residential facility for persons with a disability occupied by more than five (5) persons; or

(2) A residential facility for elderly persons occupied by more than five (5) persons; or

(3) Any of the following:

a. Assisted living facility;

b. Protective housing facility;

c. Rehabilitation/treatment facility; or

d. Transitional housing facility.

(d) No Dangerous Persons Permitted:
No facility shall be made available to an individual whose tenancy would:

(1) Constitute a direct threat to the health or safety of other individuals, or

(2) Result in substantial physical damage to the property of others.

(e) License And Certification:
Prior to occupancy of any facility, the person or entity operating the facility shall:

(1) Provide to the city a copy of any license or certification required by the Utah Department of Health or the Utah Department of Human Services, and

(2) Certify in a sworn statement that no person will reside or remain in the facility whose tenancy would:

a. Constitute a direct threat to the health or safety of other individuals, or

b. Result in substantial physical damage to the property of others.

Sec 152-46-6 Reasonable Accommodation

(a) Reasonable Accommodation Required:
None of the requirements of this chapter shall be interpreted to limit any reasonable accommodation necessary to allow the establishment or occupancy of a residential facility for persons with a disability.

(b) Application:
Any person or entity wanting a reasonable accommodation shall make application therefor to the zoning administrator and shall articulate in writing the nature of the requested accommodation and the basis for the request.

(c) Decision:
The planning commission shall render a decision on each application for a reasonable accommodation within forty five (45) days. The decision shall be based on evidence of record demonstrating:

(1) The requested accommodation will not undermine the legitimate purposes of existing land use regulations notwithstanding the benefit that the accommodation would provide to a person with a disability;

(2) That, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice; and

(3) That equal results will be achieved as between the person with a disability requesting the accommodation and a nondisabled person.

(d) Appeal:

If a reasonable accommodation request is denied, the decision may be appealed in accordance with the provisions of section 152-7-19 of this chapter .

CHAPTER 47 SEXUALLY ORIENTED BUSINESSES^1
Sec 152-47-1 Purpose And Intent
Sec 152-47-2 Definitions
Sec 152-47-3 Location Of Sexually Oriented Businesses^2
Sec 152-47-4 Concentration Prohibited
Sec 152-47-5 Sign Regulations
Sec 152-47-6 Hours Of Operation
Sec 152-47-7 Injunction
Sec 152-47-8 Enforcement; Penalty

Sec 152-47-1 Purpose And Intent

It is the purpose and intent of this chapter to regulate sexually oriented businesses to promote the health, safety, morals and general welfare of the citizens of the city and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of sexually oriented businesses within the city, thereby reducing or eliminating the adverse secondary effects from such sexually oriented businesses and to regulate the signage to control the adverse effects of such signage and prevent inappropriate exposure to the community.

This chapter by its terms is designed to prevent crime, protect the city's retail trade, maintain property values and generally protect and preserve the quality of the city's neighborhoods, commercial districts and the quality of life.

The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials protected by the first amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

Neither is it the intent or effect of this chapter to condone nor legitimize the distribution of obscene material. This chapter is to be construed as a regulation of time, place and manner of the operation of these businesses consistent with the limitations provided by provisions of the United States and Utah constitutions.

Sec 152-47-2 Definitions

For the purpose of this chapter, the following terms shall have the meanings set forth below and shall apply in addition to the terms defined in chapter 3 of this chapter. Whenever a word or phrase used in this chapter is not defined herein or in chapter 3 of this chapter, but is defined in related sections of Utah Code Annotated or in other city ordinances or resolutions, such definitions are incorporated herein and shall apply as if set forth herein in full, unless the context clearly appears otherwise.

BUSINESS LICENSE AUTHORITY: Hildale City manager or designees.

CORRIDOR:

(a) SR-59, all inclusive.

(b) Utah Avenue, all inclusive.

(c) Canyon Street, all inclusive.

(d) Central Street, all inclusive.

EMPLOY: Hiring an individual to work for pecuniary or any other form of compensation, whether such person is hired on the payroll of the employer as an independent contractor, as an agent or in any other form of employment relationship.

ESCORT: Any person who, for pecuniary compensation or any form of consideration, dates, socializes, visits, consorts with or accompanies or offers to date, consort, socialize, visit or accompany another or other to or about social affairs, entertainment or places of amusement, or within any place of public or private quarter. "Escort" shall not be construed to include persons who provide business or personal service such as licensed private nurses, aides for the elderly or handicapped, social secretaries or similar service personnel whose relationship with their patron is characterized by a bona fide contractual relationship having a duration of more than twelve (12) hours and who provide a service not principally characterized as dating or socializing. "Escort" shall also not be construed to include persons providing services such as singing telegrams, birthday greetings or similar activities characterized by appearances in a public place, contracted for by a party other than the person for whom the service is being performed and of a duration not longer than one hour.

ESCORT SERVICE: An individual or entity who, for pecuniary compensation, furnishes or offers to furnish escorts, or provides or offers to introduce patrons to escorts.

ESCORT SERVICE RUNNER: Any third person, not an escort, who, for pecuniary compensation, acts in the capacity of an agent or broker for an escort service, escort or patron by contacting or meeting with escort services, escorts or patrons at any location within Hildale City, whether or not such third person is employed by such escort service, escort, patron or by another business, or is an independent contractor or self-employed.

HISTORIC BUILDINGS OR SITES: Those buildings or sites found on either the national or state historic registers or the Hildale City register of cultural and historic resources.

NUDE AND SEMINUDE DANCING AGENCY: Any person, agency, firm, corporation, partnership, or any other entity or individual, which furnishes, books or otherwise engages or offers to furnish, book or otherwise engage the service of a professional dancer for performance or appearance at a business licensed for nude entertainment, seminude dancing bars or adult theaters.

NUDE ENTERTAINMENT BUSINESS: A business, including adult theater, where employees perform or appear in the presence of patrons of the business in a state of nudity or seminudity. A business shall also be presumed to be a nude entertainment business if the business holds itself out as such a business.

NUDITY OR STATE OF NUDITY: A state of dress in which the nipple and areola of the female breast, or male or female genitals, pubic region or anus are covered by less than the covering required in the definition of "seminude".

OUTCALL SERVICES: Services of a type performed by a sexually oriented business employee outside of the premises of the licensed sexually oriented business, including, but not limited to, escorts, models, dancers and other similar employees.

PATRON: Any person who contracts with or employs any escort services or escort, or the customer of anynude entertainment business.

PECUNIARY COMPENSATION: Any commission, fee, salary, tip, gratuity, hire, profit, reward or any other form of consideration.

PERSON: Any person, unincorporated association, corporation, LLC, partnership or other legal entity.

PUBLIC PARK: A park, playground, swimming pool, golf course, bike or jogging path, or athletic field within Hildale City which is under the control, operation or management of Hildale City.

RELIGIOUS INSTITUTION: A building which is used primarily for religious worship and related religious activities.

SCHOOL: An institution of learning or instruction primarily catering to minors, whether public or private. This definition shall include daycares, preschools, nursery schools, kindergarten, elementary schools, junior high schools, middle high schools, senior high schools or any special institution of learning under the jurisdiction of the state department of education.

SEMINUDE: A state of dress in which opaque clothing covers no more than the nipple and areola of the female breast, and the male or female genitals, pubic region and anus shall be fully covered by an opaque covering no narrower than four inches (4") wide in the front and five inches (5") wide in the back, which shall not taper to less than one inch (1") wide at the narrowest point.

SEXUALLY ORIENTED BUSINESS EMPLOYEES: Those employees who work on the premises of a sexually oriented business in activities related to the sexually oriented portion of the business. This includes all managing employees, dancers, escorts, models and other similar employees whether or not hired as employees, agents or as independent contractors. Sexually oriented business employees shall not include individuals whose work is unrelated to the sexually oriented portion of the business, such as janitors, bookkeepers and similar employees. Sexually oriented business employees shall not include cooks, serving persons, bartenders and similar employees, except where they may be managers or supervisors of the business. All persons making outcall meetings under this chapter, including escorts, models, guards, escort runners, drivers, chauffeurs and other similar employees, shall be considered sexually oriented business employees.

SEXUALLY ORIENTED BUSINESSES: Those businesses defined as follows:

Adult Arcade:
An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors or similar machines, or other image producing machines, for viewing by five (5) or fewer persons each, are regularly used to show films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult Bookstore, Adult Novelty Store Or Adult Video Store:
A commercial establishment which has as a significant or substantial portion of its stock in trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising to the sale or rental, for any form of consideration, of any one or more of the following:

(a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, slides or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

(b) Instruments, devices or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

(c) An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas", and still be categorized as adult bookstore, adult novelty store or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as

one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas".

Adult Cabaret:
A nightclub, bar, restaurant, "bottle club" or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:

(a) Persons who appear nude or in a state of nudity or seminude;

(b) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

(c) Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult Motel:
A motel, hotel or similar commercial establishment which:

(a) Offers public accommodations, for any form of consideration, which provides patrons with closed circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right of way, or by means of any off premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or

(b) Offers a sleeping room for rent for a period of time less than ten (10) hours; or

(c) Allows a tenant or occupant to subrent the sleeping room for a time period of less than ten (10) hours.

Adult Motion Picture Theater:
A commercial establishment where films, motion pictures, videocassettes, slides or similar photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" are regularly shown for any form of consideration.

Adult Theater:
A theater, concert hall, auditorium or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of "specified sexual activities" or "specified anatomical areas".

Massage Parlor:
Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment manipulation of the human body which occurs as a part of or in connection with "specified sexual activities" or where any person providing such treatment, manipulation or service related thereto, exposes his or her "specified anatomical areas". The definition of sexual oriented businesses shall not include the practice of massage in any licensed hospital, nor by a licensed physician, surgeon, chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semi-professional or professional athlete or athletic team or school athletic program.

Nude Entertainment Business:
A business, including adult theater, where employees perform or appear in the presence of patrons of the business in a state of nudity or seminudity. A business shall also be presumed to be a nude entertainment business if the business holds itself out as such a business.

Nude Model Studio:
Any place where a person who regularly appears in a state of nudity or displays "specified anatomical areas" is provided for money or any form of consideration, to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons.

Seminude Dancing Bars:
Any business which sells or allows the consumption of any alcoholic beverage on its premises that permits dancing, modeling or other performance or appearance however characterized, in a state of seminudity.

Sexual Encounter Establishment:
A business or commercial establishment, that as one of its primary business purposes, offers for any form of consideration, a place where two (2) or more persons may congregate, associate or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one or more of the persons is seminude. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

SPECIFIED ANATOMICAL AREA: Any of the following:

(a) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or

(b) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Any of the following:

(a) The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts;

(b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;

(c) Masturbation, actual or simulated;

(d) Human genitals in a state of sexual stimulation, arousal or tumescence;

(e) Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of the one so clothed; or

(f) Excretory functions as part of or in connection with any of the activities set forth in subsections A through E of this definition.

SUBSTANTIAL ENLARGEMENT OF A SEXUALLY ORIENTED BUSINESS: Increase in the floor areas occupied by the business by more than fifteen percent (15%), as the floor areas exist at the time the business receives its initial sexually oriented business license under the applicable Hildale City licensing provisions in effect at the time of initial issuance.

Sec 152-47-3 Location Of Sexually Oriented Businesses^2

(a) Industrial District:
Sexually oriented businesses shall be permitted only in industrial (M-1 and M-2) zones as provided in chapter 16 of this chapter.

(b) Additional Restrictions:
Sexually oriented businesses are subject to the following additional restrictions:

(1) No sexually oriented business shall be located within a one thousand foot (1,000') radius of any church, park, school or residential zone as measured in a straight line, without regard to intervening structures or objects, from the property line of the school, park, religious institution or residential zone nearest the sexually oriented business and the property line of the sexually oriented business nearest the church, park, school or residential zone.

(2) No sexually oriented business shall be permitted to locate within five hundred feet (500') of any corridor, measured in a straight line, without regard to intervening structures or objects, from the property line of any corridor nearest the sexually oriented business nearest any gateway. If any block shall be surrounded on all four (4) sides by a designated corridor, then no sexually oriented business shall be permitted in that block.

(3) No sexually oriented business shall be permitted within a five hundred foot (500') linear distance of any historic building or site, measuring a straight distance, without regard to intervening structures or objects, from the property line of the historic building or site nearest the sexually oriented business to the nearest property line of the sexually oriented business nearest the historic building or site.

(4) No sexually oriented business shall be permitted within a one thousand foot (1,000') radius from the intersection of any interchanges of SR-59 State Street and a city street within the limits of the city. The distance shall be measured in a straight line, without regard to intervening structures, from the side of asphalt pavement (or other hard road base material) of the interchange and a city street to the property line of the sexually oriented business nearest the intersection. This subsection shall be interpreted to include all current and all future interchanges within the limits of the city.

(5) No sexually oriented business shall be allowed within one thousand feet (1,000') linear distance of a tavern, as defined under Utah Code Annotated section 31A-1-105(61)(a) (and any amendments thereto), measuring a straight distance, without regard to intervening structures or objects from the nearest property line of the tavern to the nearest property line of the sexually oriented business.

Sec 152-47-4 Concentration Prohibited

(a) Distance:
No sexually oriented business shall be allowed within one thousand feet (1,000') linear distance of another such business measuring a straight distance, without regard to intervening structures or objects, from the nearest property line of the one business to the nearest property line of the other business.

(b) Building Or Structure:
Not more than one sexually oriented business shall be permitted to operate, be established or be maintained within the same building, structure or portion thereof.

Sec 152-47-5 Sign Regulations

Notwithstanding anything to the contrary contained in chapter 36 of this chapter, or any amendments thereto, sexually oriented business signs shall be limited as follows:

(a) Number Allowed:
No more than one sign shall be allowed on sexually oriented business premises.

(b) Square Feet:
No sign on the sexually oriented business premises shall be allowed to exceed eighteen (18) square feet.

(c) Animation:
No animation shall be permitted on or around any sexually oriented business sign or on the exterior walls or roof of the premises.

(d) Alphanumeric Copy Only:
No descriptive art or designs depicting any activity related to or inferring the nature of the business shall be allowed on any sexually oriented business sign. Sexually oriented business signs shall only contain alphanumeric copy.

(e) Flat Wall Signs:
Only flat wall signs shall be permitted for any sexually oriented business.

(f) Painted Prohibited:
Painted signs and painted wall advertising shall not be allowed.

(g) Temporary Signs And Devices:
Other than the signs specifically allowed by this section, a sexually oriented business shall not construct, or allow to be constructed, any temporary sign, banner, light or other device designed to draw attention to the business location.

(h) Prohibiting Minors:
Signs on front or near the entrance of the sexually oriented business, twenty four inches by twenty four inches (24" x 24"), with letters of three inches (3") or larger, prohibiting persons under the age of eighteen (18), with letters of contrasting color, shall be allowed. (

Sec 152-47-6 Hours Of Operation

(a) Operator:
It shall be unlawful and a person commits a class C misdemeanor, subject to penalty as provided in chapter 9 of this chapter, if he/she operates or causes to be operated a sexually oriented business, regardless of whether or not an appropriate license has been issued for said business, and allows such business to remain open for business, or to permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service or solicit a service, between the hours of twelve o'clock (12:00) midnight and eleven o'clock (11:00) A.M. of any particular day.

(b) Employee:
It shall be unlawful and a person commits a class C misdemeanor, subject to penalty as provided in chapter 9 of this chapter, if working as an employee of a sexually oriented business, regardless of whether or not an appropriate license has been issued for said business, said employee engages in a performance, solicits a performance, makes a sale, solicits a sale, provides a service or solicits a service, between the hours of twelve o'clock (12:00) midnight and eleven o'clock (11:00) A.M. of any particular day.

Sec 152-47-7 Injunction

A person who operates or causes to be operated a sexually oriented business which is not in compliance with this chapter is subject to a suit for injunction as well as prosecution for the criminal violation. Such violation shall be a class C misdemeanor, subject to penalty as provided in section 4-2 of

this code and if an injunction must be sought, attorney fees and costs will be assessed at the discretion of the court against the sexually oriented business.

Sec 152-47-8 Enforcement; Penalty

(a) Enforcement: this chapter hereby requires that sexually oriented businesses shall be permitted only as provided in sections 152-47-3 and 152-47-4 of this chapter.

(b) Misdemeanor:
In addition, any sexually oriented business shall be subject to the following restrictions:

(1) The person commits a class C misdemeanor, subject to penalty as provided in section 4-2 of this code, if he operates or causes to be operated a sexually oriented business in violation of sections 152-47-3 and 152-47-4 of this chapter.

(2) A person commits a class C misdemeanor, subject to penalty as provided in section 4-2 of this code, if he causes or permits the operation, establishment or maintenance of more than one sexually oriented business within the same building, structure or portion thereof, as provided in subsection 152-47-4B of this chapter, or causes the substantial enlargement of any sexually oriented business in any building, structure or portion thereof containing another sexually oriented business.

CHAPTER 48 TEMPORARY USES

Sec 152-48-1 Purpose
Sec 152-48-2 Scope
Sec 152-48-3 Temporary Uses Allowed; Permit
Sec 152-48-4 Development Standards; General Provisions

Sec 152-48-1 Purpose

The purpose of this chapter is to accommodate certain land uses which are temporary in nature and are not permitted or conditional uses in the zone where the temporary use is proposed. The character of such uses requires proper conditions to protect the owners, occupants, and users of adjacent property.

Sec 152-48-2 Scope

The provisions of this chapter shall apply to the temporary uses enumerated herein. Any building or structure not conforming to the requirements of this chapter shall be deemed a permanent use and shall be allowed only if such use is a permitted or conditional use in the zone where the use is located. The requirements of this chapter shall not be construed to prohibit or limit other applicable provisions of this chapter, this code, and other laws. This chapter shall not apply to activities lawfully conducted by a government agency.

Sec 152-48-3 Temporary Uses Allowed; Permit

(a) Uses Allowed:
Any person may sponsor or conduct for profit or nonprofit purposes the temporary uses set forth below subject to the issuance of a temporary use permit, unless under express provisions of this chapter no such permit is required:

Auction.

Christmas tree sales.

Farmers' market.

Fireworks stand.

Garage/yard sale.

Motorized vehicle sales by a licensed dealer.

Produce stand.

Sales office for manufactured/mobile homes or recreational vehicles, when allowed by the zone where the office is located.

Sales office for the sale of dwellings in a subdivision or other residential project.

Temporary construction field office or place of business while a permanent building is under construction on the same site.

Temporary dwelling, subject to the standards set forth in section 152-43-4 of this chapter.

Temporary retail sales.

(b) Temporary Use Permit Required:
Unless exempt under the provisions of subsection C of this section, no person shall install or conduct any temporary use without obtaining a temporary use permit issued pursuant to the requirements of section 152-7-16 of this chapter and the development standards of this chapter.

(c) Exemption:
No temporary use permit shall be required for the first or second garage/yard sale conducted on a lot or parcel during a calendar year.

Sec 152-48-4 Development Standards; General Provisions

The development standards set forth in this section shall apply to any temporary use.

(a) Accessory Use:
As determined by the zoning administrator, a temporary use shall be:

(1) An accessory use in the zone where the use is proposed to be located, or

(2) Compatible, in terms of character and intensity of use, with permitted or conditional uses allowed in such zone.

(b) Owner Approval:
The owner of the property where a temporary use is proposed shall provide a written statement authorizing the use.

(c) Access:
Specific areas shall be designated for ingress and egress of vehicular traffic and for patron admission, ensuring the safety of patrons, the exclusion of persons not entitled to entry, and the enforcement of state and local laws and ordinances. The adequacy of such areas shall be based upon the number of patrons reasonably expected to attend the temporary use.

(d) Insurance:
When deemed necessary by the zoning administrator for public health and safety reasons, a temporary use permit applicant shall provide liability insurance for benefit of the city. Such insurance shall:

(1) Name the city as an insured.

(2) Hold the city harmless from any claim arising from personal injury or property damage resulting from the temporary use.

(3) Provide that the insurance shall not be canceled prior to giving the city at least ten (10) days' written notice of such cancellation.

(e) Parking:
Off street parking associated with the principal permitted or conditional use on the lot where the temporary use is located shall be made available for the temporary use.

(f) Time Limits:
The duration of temporary use permits shall be as follows:

(1) Auctions;
garage/yard sales: Three (3) days (not more than 4 per year).

(2) Temporary retail sales:
Ten (10) days per calendar year on a given lot or parcel.

(3) Fireworks stand:
Thirty (30) days.

(4) Christmas tree sales;
motorized vehicle sales by a licensed dealer: Sixty (60) days.

(5) Produce stand;
farmers' market: Ninety (90) days.

(6) Temporary construction or model home office:
For the duration of construction activity so long as construction is diligently pursued and the offices are located on the property under construction or development.

(7) Temporary dwelling:
Six (6) months; provided the city council may grant one 6-month extension for good cause if such extension is requested before the expiration of the original permit.

(g) Trash Removal:
All trash shall be removed and the temporary use site restored to its prior condition within seven (7) days after the temporary use has been concluded. In the case of temporary placement of a recreational vehicle for an immediate family member, occupant of the single-family residence and/or property owner shall be responsible for compliance with this subsection.

(h) Inspections:
Authorized law enforcement officers, zoning enforcement officers, fire control officers, and other governmental personnel shall be permitted free access to the temporary use to make inspections to ensure compliance with the provisions of this section.

CHAPTER 49 USES IN HISTORIC BUILDINGS

Sec 152-49-1 Purpose
Sec 152-49-2 Scope
Sec 152-49-3 Conditional Use Permit Required
Sec 152-49-4 Development Standards
Sec 152-49-5 Historic Preservation Commission Review

Sec 152-49-1 Purpose

The purpose of this chapter is to encourage preservation of historic buildings located in residential areas by allowing income producing activities to be conducted therein, and to establish use and development regulations for uses allowed within historic buildings.

Sec 152-49-2 Scope

The requirements of this chapter shall apply to any building listed on the Hildale Historic Landmark Register. Such requirements shall not be construed to prohibit or limit other applicable provisions of this chapter, this code, and other laws.

Sec 152-49-3 Conditional Use Permit Required

(a) Uses Allowed:
The following uses may be established in a historic building located in any residential zone subject to the issuance of a conditional use permit pursuant to the requirements of this chapter and section 152-7-9 of this chapter:

Bed and breakfast inn.
Cultural service.
Office, general.
Personal care service.
Personal instruction service.
Reception center.
Restaurant, general.
Retail, general (antique store only).

(b) Additional Conditional Use Permit Criteria:
In addition to the requirements set forth in section 152-7-9 of this chapter, a conditional use permit for a use in a historic building shall not be approved unless the evidence presented establishes that the proposed use will conform to the development standards set forth in section 152-49-4 of this chapter.

Sec 152-49-4 Development Standards

The development standards set forth in this section shall apply to any conditional use permit for a use in a historic building located in a residential zone.

(a) Historic Landmark Register:
The building or site on which the use is conducted shall be included on the Hildale Historic Landmark Register. The building or site shall remain on the national, state, or Hildale Historic Landmark Register for the duration of the conditional use permit.

(b) Landscaping:
Landscaping may be required as needed to buffer on site parking from adjacent properties and the street.

(c) Operating Hours:
Operating hours may be restricted to mitigate foreseeable negative impacts resulting from particular operating hours.

(d) Parking:
Parking may be less than required by chapter 34 of this chapter based upon the specific aspects of the site and use proposed.

(e) Signs:
Signs shall conform to the requirements of chapter 36 of this chapter except as otherwise

provided in this subsection.

(1) Sign types shall be limited to monument, wall, and identification signs.

(2) Signs shall be designed to complement the site and structures in terms of size and placement.

(3) Signs shall not exceed sixteen (16) square feet or, if freestanding, five feet (5') in height.

(4) If illuminated, only indirect lighting shall be allowed.

(5) The design of all signs shall be approved as part of a conditional use permit, after a recommendation is received from the historic preservation commission.

(f) non-conforming Circumstances:
Notwithstanding the requirements of chapter 8 of this chapter, existing non-conforming conditions may be allowed to continue based upon specific aspects of the site and the use proposed.

Sec 152-49-5 Historic Preservation Commission Review

Prior to considering a conditional use permit application under this chapter, the application shall be reviewed by the historic preservation commission.

(a) Upon receipt of a complete application, the zoning administrator shall submit a copy of the application to the historic preservation commission.

(b) Within thirty (30) days after receipt, the historic preservation commission shall review the application with respect to the development standards set forth in this chapter and standards for issuance of a conditional use permit.

(c) Within ten (10) days after reviewing an application the commission shall prepare and transmit a written recommendation to the zoning administrator.

CHAPTER 50 WIRELESS TELECOMMUNICATIONS FACILITIES

Sec 152-50-1 Short Title
Sec 152-50-2 Purpose
Sec 152-50-3 Scope
Sec 152-50-4 Definitions
Sec 152-50-5 Uses Allowed
Sec 152-50-6 Master Plan Required
Sec 152-50-7 Facility Types And Development Standards
Sec 152-50-8 Color
Sec 152-50-9 Additional Requirements
Sec 152-50-10 Accessory Buildings
Sec 152-50-11 Non-Maintained Or Abandoned Facilities
Sec 152-50-12 Application Requirements
Sec 152-50-13 Approval Process
Sec 152-50-14 Building Permits

Sec 152-50-1 Short Title

This chapter shall be known as the Hildale CITY WIRELESS TELECOMMUNICATIONS TOWER AND FACILITIES ordinance and may be so cited and pleaded.

Sec 152-50-2 Purpose

The purpose of this chapter is to establish general requirements for the siting of wireless telecommunications towers and facilities. The intent of this chapter is to:

(a) Encourage the location of facilities in nonresidential areas.

(b) Minimize the total number of monopole and lattice tower facilities throughout the community.

(c) Encourage the joint use of new and existing communication sites.

(d) Encourage providers of facilities to locate them where the adverse impact on the community is minimal.

(e) Encourage providers of facilities to use innovative design to minimize adverse visual impact.

(f) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

Sec 152-50-3 Scope

This chapter shall apply to both commercial and private low power radio services and facilities such as "cellular" or "pcs" (personal communications services) communications and paging systems. All such facilities shall comply with the requirements of this chapter, other applicable Hildale City ordinances, the federal communications commission and the federal aviation administration. This chapter shall not apply to the following types of communications devices, although they may be regulated by other city ordinances and policies:

(a) Amateur Radio:
Any tower or antenna owned and operated by an amateur radio operator licensed by the federal communications commission.

(b) Satellite:
A device designed for the over the air reception of television broadcast signals, multichannel multipoint distribution service or direct satellite service.

(c) Cable:
Any cable television headend or hub towers and antenna used solely for cable television services.

Sec 152-50-4 Definitions

For the purpose of this chapter, the following terms shall have the meanings set forth below and shall apply in addition to the terms defined in chapter 3 of this chapter:

ANTENNA: A transmitting or receiving device used in telecommunications that radiates or captures signals.

COLLOCATION: The location of an antenna on an existing structure, tower or building that is already being used for telecommunication service facilities.

GUYED TOWER: A tower that supports an antenna or antennas and requires guywires or other stabilizers for support.

LATTICE TOWER: A self-supporting multiple sided, open steel frame structure used to support telecommunications equipment.

MONOPOLE FACILITY: An antenna or series of individual antennas and any associated equipment mounted on a single cylindrical pole. For the purposes of this chapter, if a facility does conform to the

definition of a roof or wall mounted facility it shall be considered a monopole facility.

ROOF MOUNTED FACILITY: An antenna or series of individual antennas and any associated equipment mounted on a flat or pitched roof, mechanical room or penthouse of a building or structure.

STEALTH FACILITY: A wall, roof, or monopole facility disguised or concealed from view, such as, but not limited to, artificial trees, synthetic rocks, or architectural elements such as corners, steeples, and chimneys.

WALL MOUNTED FACILITY: An antenna or series of individual antennas and any associated equipment mounted against the vertical wall of a building or structure.

WIRELESS TELECOMMUNICATION FACILITIES ZONING TABLE: Table 152-50-1 of section 152-50-5 of this chapter, incorporated herein by this reference.

WIRELESS TELECOMMUNICATIONS FACILITY: An unmanned structure consisting of equipment used primarily for the transmission, reception or transfer of voice or data through radio wave or wireless transmissions which is typically attached to a transmission support structure.

Sec 152-50-5 Uses Allowed

Permitted and conditional uses allowed within the various zones established by this chapter shall be as set forth in table 152-50-1 of this section. Permitted and conditional uses are indicated by a "P" or "C", respectively, in the appropriate column. Uses not permitted are indicated by "N". Any use not shown on table 152-50-1 of this section shall be prohibited unless the zoning administrator determines the use is substantially the same as a permitted or conditional use as provided in subsection 152-7-18E4 of this chapter.

TABLE 152-50-1
PERMITTED AND CONDITIONAL WIRELESS TELECOMMUNICATION FACILITIES ALLOWED

Zone	Wall Mount	Wall Mount	Collocated	Monopole	Lattice Tower	Stealth	Guyed Tower
A-40	C	C	C	C	C	P	N
A-20	C	C	C	C	C	P	N
A-10	C	C	C	C	C	P	N
A-5	C	C	C	C	C	P	N
RA-1	P	P	C	C	C	P	N
RA-.5	P	P	C	C	C	P	N
R1-15	P	C	C	C	C	P	N
R1-10	P	C	C	C	C	P	N
R1-8	P	C	N	N	N	P	N
R1-6	P	C	N	N	N	P	N
RM-1	P	C	N	N	N	P	N
RM-2	P	C	N	N	N	P	N
RM-3	P	C	N	N	N	P	N

MH/RV	C	N	N	N	N	P	N
NC	P	C	C	C	N	P	N
GC	P	C	C	C	N	P	N
HC	P	C	C	C	N	P	N
PC	P	C	C	C	N	P	N
POC	P	C	C	C	N	P	N
BMP	P	C	C	C	N	P	N
PO	P	C	C	C	N	P	N
M-1	P	P	C	C	C	P	N
M-2	P	P	C	C	C	P	N
OS	P	P	C	C	C	P	N
PF	P	C	C	C	N	P	N

Sec 152-50-6 Master Plan Required

All wireless telecommunication facility applicants shall submit a master plan of the area being serviced by wall mounted, roof mounted, monopole, stealth antenna, stealth tower or lattice tower facilities.

Sec 152-50-7 Facility Types And Development Standards

Wireless telecommunication facilities are characterized by four (4) general types of antenna structures: wall mounted; roof mounted; monopole; and lattice tower. Standards for the installation of each antenna types shall be as follows:

(a) Wall Mounted Antenna:
The following provisions shall apply to a wall mounted antenna:

(1) A wall mounted antenna shall not extend above the wall line of the building or structure or extend more than four feet (4') horizontally from the face of the building or structure.

(2) The antenna, equipment and the supporting structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen. An antenna and supporting structures on buildings should be architecturally compatible with the building.

(3) An antenna mounted directly on existing parapet walls, with no portion of the antenna extending above the roofline of such structure, shall be considered a wall mounted antenna.

(4) Stealth wall mounted antennas are encouraged and are permitted in all zones.

(5) Any front mounted wall antenna shall be deemed a stealth antenna.

(6) A wall mounted antenna shall be a permitted or conditional use, or not permitted, as provided in table 152-50-1 in section 152-50-5 of this chapter. A wall mounted antenna permitted as a conditional use shall require a conditional use permit.

(b) Roof Mounted Antenna:
The following provisions shall apply to a roof mounted antenna:

(1) A roof mounted antenna and the antenna mounting structure shall not extend more than eight feet (8') above the existing roofline and ten feet (10') back of the exterior wall.

(2) An antenna and the antenna supporting structure mounted on a flat roof shall not extend more than eight feet (8') high and ten feet (10') back of the exterior wall.

(3) A roof mounted antenna on a pitched roof shall be allowed provided the antenna is no more than five feet (5') above the roof pitch.

(4) A roof mounted antenna shall be constructed and/or colored to match the surroundings where it is located.

(5) Stealth roof mounted antennas are encouraged and permitted in all zones.

(6) Any front mounted wall or roof antenna shall be deemed a stealth antenna.

(7) A roof mounted antenna shall be a permitted or conditional use, or not permitted, as provided in table 152-50-1 in section 152-50-5 of this chapter. A roof mounted antenna permitted as a conditional use shall require a conditional use permit.

(c) Monopole:
The following provisions shall apply to a monopole:

(1) The height limit for a monopole shall be one hundred feet (100') except where a greater height is allowed by a conditional use permit, provided that:

a. The monopole shall blend in with surrounding structures, poles, or trees and is compatible with surrounding uses.

b. The monopole shall be available for collocation of antennas owned by other companies.

c. The monopole shall be set back at least three hundred feet (300') from any residential zone boundary.

d. The height of the monopole shall be measured from the top of the structure, including antennas, to the original grade directly adjacent to the monopole.

(2) A monopole shall be set back from any residential structure a distance equal to its height.

(3) Stealth monopole facilities are encouraged and shall be permitted in all zones.

(4) A monopole shall be a permitted or conditional use, or not permitted, as provided in table 152-50-1 in section 152-50-5 of this chapter. A monopole permitted as a conditional use shall require a conditional use permit.

(d) Guyed Tower:
A guyed tower shall not be allowed.

(e) Lattice Tower:
The following provisions shall apply to a lattice tower:

(1) The height limit for a lattice tower shall be one hundred feet (100') except where a greater height is allowed by a conditional use permit, provided that:

a. The lattice tower shall blend in with surrounding structures, poles, or trees and be compatible with surrounding uses.

b. The lattice tower shall be available for collocation of antennas owned by other companies.

c. The lattice tower will be set back at least three hundred feet (300') from any

residential zone boundary. The height shall be measured from the top of the structure, including antennas, to the original grade directly adjacent to the lattice tower.

(2) Lattice towers shall not be allowed in any residential zone.

(3) A lattice tower shall be a permitted or conditional use, or not permitted, as provided in table 152-50-1 in section 152-50-5 of this chapter. A lattice tower permitted as a conditional use shall require a conditional use permit.

(f) Collocated Antennas:
The following provision shall apply to collocated antennas:

(1) Collocated antennas shall be permitted in any zone where a monopole or lattice tower is permitted. Collocated antennas shall conform to all applicable provisions of this chapter.

(g) City Rights Of Way:
Facilities locating in the city rights of way shall also comply with title 15, chapter 156 of this code.

Sec 152-50-8 Color

Monopoles, lattice towers, antennas, towers, and any associated buildings or equipment shall be painted to blend with the surroundings in which they are most commonly seen. The color shall be determined on a case by case basis by the planning commission for conditional uses and by the zoning administrator for permitted uses. Within six (6) months after the facility has been constructed, the planning commission or the zoning administrator may require the color be changed if it is determined that the original color does not blend with the surroundings.

Sec 152-50-9 Additional Requirements

(a) Compliance With FCC And FAA Regulations:
All operators of personal (private) wireless services facilities shall demonstrate compliance with applicable federal communication commission (FCC) and federal aviation administration (FAA) regulations, including FCC radio frequency regulations, at the time of application and periodically thereafter as requested by the zoning administrator. Failure to comply with applicable regulations shall be grounds for revoking a site plan or conditional use permit approval.

(b) Other Licenses And Permits:
The operator of every personal wireless services facility shall submit copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location, and operation of the facility to the zoning administrator, maintain such licenses and permits in good standing, and provide evidence of renewal or extension thereof upon request by the zoning administrator.

(c) Protection Against Climbing:
A monopole shall be protected against climbing by removing the climbing pegs from the lower twenty feet (20') of the monopole.

(d) Miscellaneous Considerations:
The following shall be considered by the planning commission in connection with a request for a conditional use permit for a wireless telecommunication facility:

(1) Compatibility of the proposed structure with the height and mass of existing buildings and utility structures.

(2) Locating the antenna on other existing structures in the same vicinity, such as other monopoles, lattice towers, buildings, water storage facilities, utility poles, athletic field

lights, and parking lot lights, etc., where possible without significantly impacting antenna transmission or reception.

(3) Location of the antenna in relation to existing vegetation, topography including ridgelines, and buildings to obtain the best visual screening.

(4) Spacing between monopoles or lattice towers which creates detrimental impacts to adjoining properties.

(5) Installation of, but not limited to, curb, gutter, sidewalk, landscaping, and fencing as required by this chapter.

(6) Color of facilities.

(7) Height of any lattice tower, including the antenna, over one hundred feet (100').

(8) Any antenna, monopole, and/or lattice tower proposed for a location within a historic district or landmark site shall have prior approval by the historic preservation commission.

(9) Security lighting of monopoles and lattice towers shall comply with FAA requirements for lighting. The planning commission may also require security lighting for the site. If security lighting is used, the lighting impact on surrounding areas, shall be minimized by using indirect lighting where appropriate.

Sec 152-50-10 Accessory Buildings

Accessory buildings to antenna structures shall conform to required setback, height and landscaping requirements of the zoning district in which they are located. All utility lines leading to the accessory building and antenna structure shall be underground.

Sec 152-50-11 Non-Maintained Or Abandoned Facilities

The building official may require a non-maintained or abandoned telecommunications facility to be removed from the building or premises when the facility has not been repaired or put to use by the owner or agent within ninety (90) calendar days after notice of non-maintenance or abandonment is given to the owner or agent, by certified mail, in person, or by personal service. The applicant shall post a site specific bond when a permit is issued to guarantee removal of the facility and site restoration. The type of bond and amount shall be determined by the zoning administrator. No bond shall be required for roof or wall mounted facilities. Failure to remove antennas, monopoles, and/or lattice towers after receiving written notice to remove is a violation of the terms of this chapter. The city may initiate criminal and/or civil proceedings against any person, firm, entity or corporation, whether acting as principal, agent, property owner, lessee, lessor, tenant, landlord, employee, employer, or otherwise, for failure to remove antennas and monopoles in accordance with this section. The city may seek a civil injunction requiring the removal of any structures on the site in accordance with this section. Any lease agreement with the city may also stipulate failure to remove antennas and monopoles after receiving written notice to do so pursuant to this section shall automatically transfer ownership of antennas, monopoles, towers, support buildings and all other structures on the site to the city.

Sec 152-50-12 Application Requirements

Any person or entity desiring to develop, construct or establish a wireless telecommunication service facility in Hildale City shall submit an application which provides the following information. The application shall not be considered until all required information has been provided.

(a) Site Plan:
A site plan shall be submitted as provided in section 152-7-10 of this chapter. In addition to the

requirements of section 152-7-10 of this chapter an application for a wireless telecommunication service facility shall include the following:

(1) Name of property owner and a written statement from the owner of the property where the facility is proposed to be located, stating that the owner has reviewed the plans for the proposed facility, understands the type of facility that is being installed and the obligations the owner is undertaking, and granting permission for the applicant to install and maintain the facility.

(2) Footprints of existing and proposed buildings and structures, including a notation of unit's height above the grade.

(3) Location and size of existing and proposed antennas, with dimensions to property lines.

(b) Written Information:
The following written information shall be provided:

(1) Signed lease agreement with property owner.

(2) Signed lease agreement with the city if site is located on city property.

(3) A description of the anticipated maintenance needs for the facility, including frequency of service, personnel, equipment needs, and traffic noise or safety impacts of maintenance activity.

(4) A description of the service area for the antenna or tower and a statement as to whether the antenna or tower is needed for coverage or capacity.

(5) A map showing the site and nearest or associated telecommunication facility sites within the network and a description of the distance between the telecommunication facility sites and how the proposed service area relates to the service network.

(6) Copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location, and operation of the antenna.

(7) A written commitment to comply with applicable federal communications commission radio frequency emission regulations.

(8) Contact information for a person who can respond to questions concerning the application and the proposed facility, including name, address, telephone number, facsimile number, and electronic mail address, if available.

(c) Additional Information Requirements For Monopoles And/Or Lattice Towers:
If an applicant desires to construct a monopole or lattice tower, the applicant shall also submit a detailed written description of why the applicant cannot obtain coverage using existing buildings or structures.

(d) Additional Information Requirement For Facilities Not Located On Highest Priority Site:
If an applicant desires to locate antennas on a site other than the highest priority site, the application shall provide the following information to the approving authority:

(1) The identity and location of any higher priority sites located within the desired service area.

(2) The reason(s) why higher priority sites are not technologically, legally, or economically feasible.

(3) Why the proposed site is essential to meet the service demands of the proposed geographic service area and the citywide network.

Sec 152-50-13 Approval Process

An application for a wireless telecommunication facility which is a permitted use in the zone where the facility is proposed to be located shall be reviewed pursuant to the site plan review provisions of section 152-7-10 of this chapter. If the facility is a conditional use in such zone, the review shall be pursuant to the conditional use permit process set forth in section 152-7-9 of this title.

Sec 152-50-14 Building Permits

Building permits shall be issued pursuant to the provisions set forth in section 152-7-13 of this chapter.

(a) General Requirements:
No tower or antenna structure shall be constructed until the applicant obtains a building permit from the city. No building permit shall be issued for any project for which a site plan or conditional use permit is required until the site plan or conditional use permit has been approved by the appropriate authority. If the design or engineering of an antenna support structure is beyond the expertise of the Hildale City staff or planning commission, the city may require third party review by an engineer selected by the city prior to the issuance of a building permit. The applicant shall pay an additional fee to cover the cost of the third party review.

(b) Special Requirements:
If the applicant is constructing a monopole, lattice tower or other tower type structure, the applicant shall, if required by the city, submit a written report from a qualified, structural engineer licensed in the state of Utah, documenting the following:

(1) Height and design of the monopole or lattice tower, including technical engineering, economic, and other pertinent factors governing selection of the proposed design.

(2) Seismic load design and wind load design for the monopole or lattice tower.

(3) Total anticipated capacity of the monopole or lattice tower and demonstration that the site and setbacks are of adequate size to contain debris.

(4) Soil investigation report, including structural calculations.

CHAPTER 51 BED AND BREAKFAST AND RESIDENTIAL HOSTING FACILITIES

Sec 152-51-1 Purpose
Sec 152-51-2 Scope
Sec 152-51-3 Conformity With Standards And Business License Required
Sec 152-51-4 Development Standards; Bed And Breakfast And Residential Hosting Facilities

Sec 152-51-1 Purpose

The purpose of this chapter is to establish use and development regulations for bed and breakfast and residential hosting facilities to assure their compatibility with adjoining uses, particularly when located in a residential zone.

Sec 152-51-2 Scope

The requirements of this chapter shall apply to any bed and breakfast or residential hosting facility within the City. Such requirements shall not be construed to prohibit or limit other applicable provisions of this chapter, this Code, and other laws.

Sec 152-51-3 Conformity With Standards And Business License Required

No bed and breakfast facility or residential hosting facility shall be established unless:

(a) The facility can meet the development standards of this chapter;

(b) A business license has been issued in accordance with the regulations in title 11 of this Code;

(c) Operation of a bed and breakfast or residential hosting facility without a current Hildale City business license is considered a violation and each day of operation shall be considered a separate offense.

Sec 152-51-4 Development Standards; Bed And Breakfast And Residential Hosting Facilities

The development standards set forth in this section shall apply to all bed and breakfast and residential hosting facilities.

(a) Location:
A bed and breakfast or a residential hosting facility shall be located in an existing residential structure deemed suitable for habitation. A bed and breakfast inn, if a new structure is proposed, shall conform to the applicable commercial construction codes as adopted by this code.

(b) Guestrooms:
Rentable guestrooms shall be limited to not more than ten (10) rooms for each bed and breakfast or residential hosting facility. See definitions in Section 152-3-4 of this Chapter for specific limitations.

(c) Current Codes:
Guestrooms must meet current International Residential Code or International Building Code standards, as applicable, for egress and be provided with smoke and CO2 detectors. A fire exiting route plan must be posted in each sleeping room.

(d) Meals:
If meals are offered, meals shall be served only:

(1) To overnight guests.

(e) Landscaping:
Landscaping shall be provided and maintained to minimize impact on neighboring properties, to retain residential character, and to provide a visual buffer for on site parking in relation to adjacent properties and the street. Landscaping may include, but shall not be limited to, planting trees in the park strip.

(f) Parking:
Non-frontage, off street parking shall be provided as follows:

(1) Two (2) spaces for owner.

(2) One (1) space per guest room.

(3) Parking must be located on the same property as the guestrooms.

(4) Tandem parking is permitted for one (1) space only.

(5) Off street parking may not be provided within the front yard setback other than the existing driveway.

(6) Landscaping is required between parking and adjoining residential properties.

(g) Signs:
Only one (1) sign not larger than one foot by two foot (1' x 2') in size may be used to advertise a home bed and breakfast or residential hosting facility. The sign may not be illuminated unless by a single down facing low wattage fixture.

(h) Street Standards:
A bed and breakfast or residential hosting facility shall be located on a street that meets Fire Code requirements.

(i) Structural Modifications:
Structural modifications may not be made to separate sleeping rooms from the remainder of the house.

(j) Other Regulations:
A bed and breakfast or residential hosting facility is subject to all other applicable sections of this Code, including, but not limited to, Building and Fire Codes, transient lodging facility regulations, and transient room tax requirements.

CHAPTER 52 CAMPING HOSTING FACILITIES

Sec 152-52-1 Purpose
Sec 152-52-2 Scope
Sec 152-52-3 Definitions
Sec 152-52-4 Conformity With Standards And Business License Required
Sec 152-52-5 Development Standards; Camping Hosting Facilities

Sec 152-52-1 Purpose

The purpose of this chapter is to establish use and development regulations for camping hosting facilities to assure their compatibility with adjoining uses.

Sec 152-52-2 Scope

The requirements of this chapter shall apply to any camping hosting facility within the City. Such requirements shall not be construed to prohibit or limit other applicable provisions of this chapter, this Code, and other laws.

Sec 152-52-3 Definitions

For the purpose of this chapter, the following terms shall have the meanings set forth below and shall apply in addition to the terms defined in chapter 3 of this chapter:

Hosting Facility, Camping:

Campsite:

Designated for Fire:

Designated for Sleeping:

Cooking Device:

Lighting Device:

Vehicle Parking Space:

Sec 152-52-4 Conformity With Standards And Business License Required

No camping hosting facility shall be established unless:

(a) The facility can meet the development standards of this chapter;

(b) A business license has been issued in accordance with the regulations in title 11 of this Code;

(c) Operation of a camping hosting facility without a current Hildale City business license is considered a violation and each day of operation shall be considered a separate offense.

Sec 152-52-5 Development Standards; Camping Hosting Facilities

The development standards set forth in this section shall apply to all camping hosting facilities.

(a) Location:
A camping hosting facility may be established in any zone where allowed as a permitted or conditional use, and shall conform to applicable commercial construction codes, zoning requirements, Utah State Health Department requirements and the requirements of any other applicable codes and/or ordinances adopted by Hildale City.

(b) Number of Campsites:
Rentable campsites shall be limited to not more than eight (8) campsites per acre.

(c) Fire Safety Requirements:

(1) Each rentable campsite will have at least (1) fire extinguisher that meets the inspection requirements deemed necessary by the Fire Chief of Hildale City.

(2) There shall be a (25) foot clearing around any area that;

a. is designated for fire,

b. Is designated for sleeping,

c. is a cooking device,

d. is a lighting device,

e. or is a vehicle parking space.

(d) Meals:
If meals are offered, meals shall be served only:

(1) To overnight guests.

(e) Landscaping:
Landscaping shall be provided and maintained to minimize impact on neighboring properties, to retain residential character, and to provide a visual buffer for on site parking in relation to adjacent properties and the street. Landscaping may include, but shall not be limited to, planting trees in the park strip.

(f) Parking:
Non-frontage, off street parking shall be provided as follows:

(1) Two (2) spaces for owner.

(2) One (1) space per campsite.

(3) Parking must be located on the same property as the campsites.

(4) Tandem parking is permitted for one (1) space only.

(5) Off street parking may not be provided within the front yard setback other than the existing driveway.

(6) Landscaping is required between parking and adjoining residential properties.

(g) Signs:
Only one (1) sign not larger than one foot by two foot (1' x 2') in size may be used to advertise a camping hosting facility. The sign may not be illuminated unless by a single down facing low wattage fixture.

(h) Street Standards:
A camping hosting facility shall be located on a street that meets Fire Code requirements.

(i) Other Regulations:
A camping hosting facility is subject to all other applicable sections of this Code, including, but not limited to, Building and Fire Codes, transient lodging facility regulations, and transient room tax requirements.