



Hildale City Planning Commission

Thursday, February 16, 2023 at 6:00 PM
320 East Newel Avenue, Hildale City, Utah 84784

Agenda

Notice is hereby given to the members of the Hildale City Planning Commission and to the public, that the Planning Commission will hold a public hearing as part of the regular meeting on **DAY MONTH DD, 2021** at 6:00 p.m. (MDT), at 320 East Newel Avenue, Hildale City, Utah 84784.

Commission members may be participating electronically by video or telephone conference. The meeting will be broadcast to the public on Facebook Live under Hildale's City page. Members of the public may also watch the City of Hildale through the scheduled Zoom meeting.

<https://www.facebook.com/hildalecity/live/>

Join Zoom Meeting

<https://zoom.us/j/95770171318?pwd=aUVSU0hRSFFHcGQvcUIPT3ZYK0p5UT09>

Meeting ID: 957 7017 1318

Passcode: 993804

One tap mobile

+16699006833,,95770171318#,,, *993804# US (San Jose)

+12532158782,,95770171318#,,, *993804# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose) +1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston) +1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC) +1 312 626 6799 US (Chicago)

Comments during the public comment or public hearing portions of the meeting may be emailed to manager@hildalecity.com or privately messaged to Hildale City's Facebook page. All comments sent before the meeting may be read during the meeting and messages or emails sent during the meeting may be read at the Mayor's discretion.

Roll Call of Commission Attendees: City Recorder Cawley

Welcome, Introduction and Preliminary Matters: Presiding Officer

Pledge of Allegiance: By Invitation of Presiding Officer

Conflict of Interest Disclosures: Commissioners

Approval of Minutes of Previous Meetings: Commissioners

1. Consideration, discussion, and approval of meeting minutes for January 19, 2023.

Public Comments: (3 minutes each - Discretion of Presiding Officer)

Reports:

Public Hearing:

2. The Commission will receive public comment concerning the following items:

- o Proposal to amend Title XV Land Development of Hildale City Code, creating a new zoning district called the Historic Area Mixed-Use (HA-MU) Overlay

- o Application to amend Hildale Code Section 152-26-3; Minimum Acreage for Recreational Resort Zone
- o Re-zone parcel HD-SHCR-1-43, commonly addressed as 620 W Uzona Ave., from the current zone designation of Residential Agriculture-1 (RA-1) zone to Residential Single Family-8 (R1-8)
- o Re-zone parcel HD-SHCR-8-15, commonly addressed as 760 N Hildale St., from the current zone designation of Neighborhood Commercial (NC) zone to Recreational Resort (RR)
- o Re-zone parcel HD-SHCR—9-26, commonly addressed as 450 E Utah Ave, from the current zone designation of Residential Single Family-10 (R1-10) zone to Residential Multifamily-1 (RM-1) & Residential Single Family-8 (R1-8)
- o Re-zone parcel HD-SHCR1-2, commonly addressed as 785 N Willow Street from the current zone designation of Residential Agriculture-1 (RA-1) zone to Residential Multifamily-1 (RM-1)
- o Re-zone parcel HD-178, commonly addressed as E Water Canyon Road from the current zone designation of Residential Agriculture-1 (RA-1) zone to Residential Agriculture-.5 (RA-.5)

3. - The Commission will receive public comment concerning the following items:

Unfinished Commission Business:

New Commission Business:

- 4. Re-zone parcel HD-178, commonly addressed as E Water Canyon Road from the current zone designation of Residential Agriculture-1 (RA-1) zone to Residential Agriculture-.5 (RA-.5)
- 5. Re-zone parcel HD-SHCR-1-43, commonly addressed as 620 W Uzona Ave., from the current zone designation of Residential Agriculture-1 (RA-1) zone to Residential Single Family-8 (R1-8)
- 6. Re-zone parcel HD-SHCR1-2, commonly addressed as 785 N Willow Street from the current zone designation of Residential Agriculture-1 (RA-1) zone to Residential Multifamily-1 (RM-1)
- 7. Re-zone parcel HD-SHCR—9-26, commonly addressed as 450 E Utah Ave, from the current zone designation of Residential Single Family-10 (R1-10) zone to Residential Multifamily-1 (RM-1) & Residential Single Family-8 (R1-8)
- 8. Application to amend Hildale Code Section 152-26-3; Minimum Acreage for Recreational Resort Zone
- 9. Proposal to amend Title XV Land Development of Hildale City Code, creating a new zoning district called the Historic Area Mixed-Use (HA-MU) Overlay

Commissioners Comments: (10 minutes total)

Commissioners comments of issues not previously discussed in the meeting.

Executive Session: As needed

Adjournment: Presiding Officer

Agenda items and any variables thereto are set for consideration, discussion, approval or other action. The Hildale City Planning Commission may, by motion, recess into executive session which is not open to the public, to receive legal advice from the City attorney(s) on any agenda item, or regarding sensitive personnel issues, or concerning negotiations for the purchase, sale or lease of real property. Hildale City Planning Commission Members may be attending by telephone. Agenda may be 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.



Hildale City Planning Commission

Thursday, January 19, 2023 at 6:00 PM
320 East Newel Avenue, Hildale City, Utah 84784

Minutes

Welcome, Introduction and Preliminary Matters:

Chair Hammon called meeting together at 6:00pm.

Roll Call of Commission Attendees:

PRESENT

Chair Charles Hammon
Commissioner Rex Jessop
Commissioner Nathan Fischer
Commissioner Derick Holm

ABSENT

Vice Chair Elissa Wall
Commissioner Tracy Barlow
Commissioner Lawrence Stubbs

Staff

Harrison Johnson, Sirrene Barlow

Pledge of Allegiance:

Pledge lead by Commissioner Jessop.

Conflict of Interest Disclosures:

No Conflict at this time.

Approval of Minutes of Previous Meetings:

Commissioners reviewed past minutes.

Motion made by Chair Hammon to approve minutes for October 20, 2022, November 17, 2022, and September 15, 2022, Seconded by Commissioner Jessop.

Voting Yea: Chair Hammon, Commissioner Jessop, Commissioner Fischer, Commissioner Holm

Motion Carries

Public Comments: (3 minutes each - Discretion of Presiding Officer)

No Public Comments.

Public Hearing:

2. **Public hearing to receive public comment on zoning map amendment to rezone Parcel HD-SHCR-6-3, commonly addressed as 785 N Lauritzen, from Residential Agriculture-1 (RA-1) to Residential Agriculture-0.5 (RA-0.5) (No time limit)**

Open public hearing at 6:17pm.

Rachel Kincade would like clarification on the items being discussed. Chair Hammon helped explain procedures and processes when it comes to zone changes.

Close public comment at 6:20pm.
All in Favor

- 3. Public hearing to receive public comment on zoning map amendment to rezone Parcel HD-SHCR-6-7, commonly addressed as 780 N Lauritzen, from Residential Agriculture-1 (RA-1) to Residential Multifamily-2 (RM-2) (No time limit)**

Open public hearing at 6:21pm

Rachel Kincade would like to know who decides how big a lot must be pure housing.

Close at 6:22pm

All in Favor

- 4. Public hearing to receive public comment on a Preliminary Plat Review for Subdivision for 685 N Willow Street, 725 N Willow Street. (No time limit)**

Open at Public Hearing at 6:22.

No Public Comments.

Close Public Hearing Close at 6:22.
All in Favor.

Unfinished Commission Business:

New Commission Business:

- 5. Consideration, discussion, and possible approval of a Zone Change Application for HD-SHCR-6-3, commonly addressed as 785 N Lauritzen, from Residential Agriculture-1 (RA-1) to Residential Agriculture-0.5 (RA-0.5)**

Harrison Johnson presented to the Commissioners the application in question. It is in Hildale City General Plan. Commissioners reviewed the map. Commissioner Fisher would like the record to show there is a sewer line that goes through this property. Any new building needs to not be built on top off this access. Applicant is aware of this situation. There is a utility restriction on this deed.

Motion made by Chair Hammon to approve Zone Change Application for HD-SHCR-6-3, commonly addressed as 785 N Lauritzen, from Residential Agriculture-1 (RA-1) to Residential Agriculture-0.5 (RA-0.5), Seconded by Commissioner Holm.

Voting Yea: Chair Hammon, Commissioner Jessop, Commissioner Fischer, Commissioner Holm
Motion carries.

- 6. Consideration, discussion, and possible approval of a Zone Change Application for HD-SHCR-6-7, commonly addressed as 780 N Lauritzen, from Residential Agriculture-1 (RA-1) to Residential Multifamily-2 (RM-2)**

Harrison Johnson presented to Commissioners the application and rezoning request. Staff recommends due to the need of housing in this town.

Applicant John Barlow presented the concern of big houses. The need for the smaller houses is a need to help there be affordable housing and at a manageable size.

Motion made by Commissioner Jessop to approve of a Zone Change Application for HD-SHCR-6-7, commonly addressed as 780 N Lauritzen, from Residential Agriculture-1 (RA-1) to Residential Multifamily-2 (RM-2), Seconded by Commissioner Fischer.

Voting Yea: Chair Hammon, Commissioner Jessop, Commissioner Fischer

Voting Abstaining: Commissioner Holm

Motion Carries

7. Consideration, discussion and possible approval of a Preliminary Plat Review for Subdivision for 685 N Willow Street, 725 N Willow Street

Harrison Johson presented the subdivision application. Applicant Thomas Knudson joined the meeting through zoom. It was brought to the attention of the Commissioners that the applicant would like to postpone the curb and gutter until the City is ready to do the surrounding areas.

Preliminary Plat Review for Subdivision for 685 N Willow Street, 725 N Willow Street

Motion made by Chair Hammon to Preliminary Plat Review for Subdivision for 685 N Willow Street, 725 N Willow Street, Seconded by Commissioner Fischer.

Voting Yea: Chair Hammon, Commissioner Jessop, Commissioner Fischer, Commissioner Holm

Commissioners Comments:

Commissioners comments of issues not previously discussed in the meeting.

Executive Session: As needed

Adjournment: Presiding Officer

Chair Hammon adjourned meeting at 7:41pm.

Agenda items and any variables thereto are set for consideration, discussion, approval or other action. The Hildale City Planning Commission may, by motion, recess into executive session which is not open to the public, to receive legal advice from the City attorney(s) on any agenda item, or regarding sensitive personnel issues, or concerning negotiations for the purchase, sale or lease of real property. Hildale City Planning Commission Members may be attending by telephone. Agenda may be 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.

Minutes were approved at the Planning Commission Meeting on _____.

Sirrene Barlow, City Recorder



From: Harrison Johnson

To: Hildale City Planning & Zoning Commission; Hildale City Mayor

Date: February 9, 2023

Subject: Zone Change request

Applicant Name: United Effort Plan Trust

Agent: John Barlow

Application Type: Zone Change request

Project Address: RA-1

Requested Zoning: RA-.05

Date: February 9, 2023

Prepared by: Harrison Johnson

Summary of Application

The Applicant is requesting approval of a Zone Change.

Amend the zoning map to re-zone Parcel Hd-178, commonly addressed as 625 E Water Canyon Rd. Hildale Utah from the current Residential Agricultural-1 (RA-1) to Residential Agriculture-.5 (RA-.5)

Background

The applicant submitted the application on February 3rd, 2023 to the Hildale City offices and paid the fee of \$100.

The applicant submitted al required documents identified in the application.

The applicant provided addressed, stamped envelopes for all property owners within the required boundary of the subject property.

City staff prepared a Rezone Letter for Neighboring Properties and mailed the letters within the required notice time.

The Public Hearing for this zone change request was noticed, as required.

General Plan and Zoning

The property is bounded on the North by Water Canyon Road and agricultural property; On the East, West and South by agricultural property

Surrounding properties are zoned RA-1 and Agriculture-5.

Analysis

The zone change request complies with required standards for approval, as identified in Hildale Planning and Zoning ordinance, section 152-14-3 Uses allowed; and Sec 152-14-4 Development Standards In Residential Agriculture Zones, as follows:

1. 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	

2. 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.

3. 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



Notes:

- ## **Sec 152-14-5 Regulations Of General Applicability**

1. Design and compatibility standards: See chapter 33 of this chapter.
2. Landscaping and screening: See chapter 32 of this chapter.
3. Motor vehicle access: See chapter 35 of this chapter.
4. Natural resource inventory: See chapter 31 of this chapter.
5. Off street parking: See chapter 34 of this chapter.
6. Signs: See chapter 36 of this chapter.
7. 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

- 9



Recommendation

Staff recommends approval of the zone change request as it remains consistent with Hildale City’ General Plan. Additionally, it may accommodate the city’s goal of increased density.

Sample Motions – ZONING CHANGE

1. I move to recommend approval of the zoning map amendment requested for Parcel HD-178 commonly addressed as 625 E Water Canyon Road from the current Residential Agricultural-1 (RA-1) to Residential Agriculture -.5 (RA_.5)



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

Item 4.

ZONE CHANGE APPLICATION

Fee: \$100

For Office Use Only:

File No. _____

Receipt No. _____

Name: LAMONT BLACK Telephone: 435-429-4385

Address: 6025 E. WATER CANYON PL. Fax No. _____

Agent (If Applicable): _____ Telephone: _____

Email: BLACKLAMONT760@GMAIL.COM

Address/Location of Subject Property: _____

Tax ID of Subject Property: H-17B-A-3
H-17B-A-5 Existing Zone District: RA-1
H-17B-A-7

Proposed Zoning District and reason for the request (Describe, use extra sheet if necessary)

RA-1.5, TO ALLOW BUILDING LOTS FOR CHILDREN

Submittal Requirements: The zone change application shall provide the following:

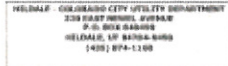
- _____ a. The name and address of every person or company the applicant represents;
- _____ b. An accurate property map showing the existing and proposed zoning classifications;
- _____ c. All abutting properties showing present zoning classifications;
- _____ d. An accurate legal description of the property to be rezoned;
- _____ e. Stamped envelopes with the names and addresses of all property owners within 250 feet of the boundaries of the property proposed for rezoning.
- _____ f. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence that the applicant has control of the property

Note: It is important that all applicable information noted above along with the fee is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. Planning Commission meetings are held on the third Monday of each month at 6:30 p.m. The deadline date to submit the application is 10 business days prior to the scheduled meeting. Once your application is deemed complete, it will be put on the agenda for the next Planning Commission meeting. A deadline missed or an incomplete application could result in a month's delay.

(Office Use Only)

Date Received: _____

Application Complete: YES ☐ NO ☐



Hildale City
320 E.Newel Ave
Hildale, UT 84784
(435) 874-1160
ar@hildalecity.com

XBP Confirmation Number: 136931915

Transaction detail for payment to Hildale City.		Date: 01/31/2023 - 2:51:09 PM MT	
Transaction Number: 191692532PT Visa — XXXX-XXXX-XXXX-0150 Status: Successful			
Account #	Item	Quantity	Item Amount
zone change app	Land Use	1	\$100.00

TOTAL: \$100.00

Billing Information

LAMONT BLACK
 625 EAST WATER CANYON
 RD
 HILDALE, UT 84784
 (435) 429-4385

Transaction taken by: Admin AChatwin

EXHIBIT A

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 43 SOUTH, RANGE 10 WEST, OF THE SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE NORTH $00^{\circ}58'08''$ EAST 303.58 FEET ALONG THE ONE SIXTEENTH SECTION LINE; THENCE NORTH $89^{\circ}03'00''$ WEST 150.58 FEET; THENCE SOUTH $83^{\circ}15'25''$ WEST 286.06 FEET TO THE TRUE POINT OF BEGINNING, AND RUNNING THENCE SOUTH $83^{\circ}15'25''$ WEST 228.38 FEET ALONG SAID LINE; THENCE NORTH $12^{\circ}54'10''$ WEST 110.86 FEET; THENCE NORTH $64^{\circ}59'47''$ EAST 232.21 FEET; THENCE SOUTH $12^{\circ}54'19''$ EAST 184.05 FEET TO THE POINT OF BEGINNING. CONTAINS 0.769 ACRES.

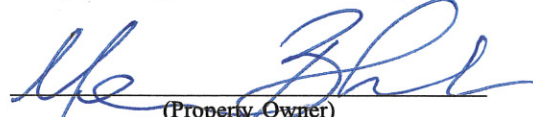
A PART OF PARCEL HD-178-A-3

AFFIDAVIT
PROPERTY OWNER

STATE OF UTAH)

COUNTY OF)

I (we), _____, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (we) also acknowledge that I have received written instructions regarding the process for which I am applying, and the Hildale City Planning staff have indicated they are available to assist me in making this application.

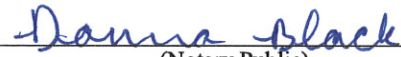


(Property Owner)

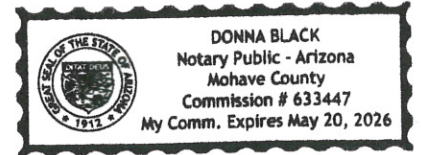


(Property Owner)

Subscribed and sworn to me this 30 day of Jan 20 23



(Notary Public)



Residing in: Mohave Co. Arizona

My Commission Expires: May 20, 2026

Agent Authorization

I (we), _____, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) _____ to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this _____ day of _____ 20____.

(Notary Public)

Residing in: _____

My Commission Expires: _____

Property Record Card

Washington County

Item 4.

BLACK LAMONT

PO BOX 840453
HILDALE, UT 84784-0453

Account: 0517717

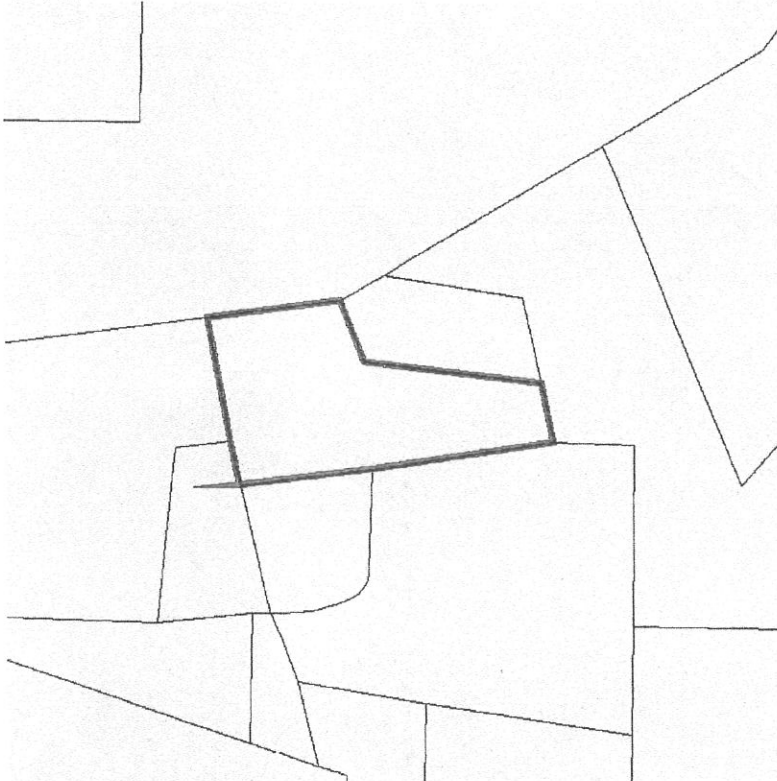
Tax Area: 02 - Hildale Town
Acres: 2.540

Parcel: HD-178-A-3

Situs Address:
WATER CANYON RD
HILDALE

Legal Description

S: 26 T: 43S R: 10W BEG SE COR NW1/4 SW1/4 SEC 26 T43S R10WTH N 0°01'06" W ALG 1/16 SEC/L 303.58 FT; TH S 89°57'46" W 150.58 FT TO POB; THS 82°16'11" W 514.44 FT; TH N 13°53'24" W 294.28 FT; TH N 81°58'11" E 228.25 FT; TH N 58°40'39" E 69.93 FT; TH S 83°44'08" E 248.35 FT; TH S 10°30'34" E 262.01 FT TO POB. LESS: BEG SE COR NW1/4 SW1/4 SEC 26 TH N 0°01'06" W ALG 1/16 SEC/L 303.58 FT; TH S 89°57'46" W 150.58 FT; THN 10°30'34" W 112.01 FT TO POB; TH N 83°44'04" W 310 FT; TH N 13°53'24" W 107.55 FT TO PT ON SLY R/W LN OF 100 FT WIDE RDWY; TH N 58°40'39" E ALG SD R/W LN 69.93 FT; TH LEAV SD R/W S 83°44'04" E 248.35 FT; TH S 10°30'34" E 150 FT TO POB



Transfer History

Entry Number	Date Recorded	Deed Type
20090025437	Jul 1, 2009	Quit Claim Deed
00861578	Jan 23, 2004	Warranty Deed
00519735	Jan 4, 1996	Warranty Deed
00510983	Sep 27, 1995	Corporate Warranty Deed

Abstract Summary

Code	Classification	Market Value	Taxable Value
02B	RES REAL ESTATE-UNIMP NON-PRIM	\$12,700	\$12,700
Total		\$12,700	\$12,700

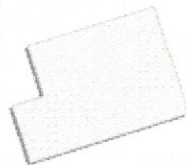
HD-178-B-2

Water Canyon Rd

1500 N

620

HD-178-A-5



HD-178-A-3

HD-178-A-7

HD-178-E

HD-178-A-6

HD-178-A-4

Property Record Card

Washington County

Item 4.

BLACK LAMONT

PO BOX 840453
HILDALE, UT 84784-0453

Account: 0550775

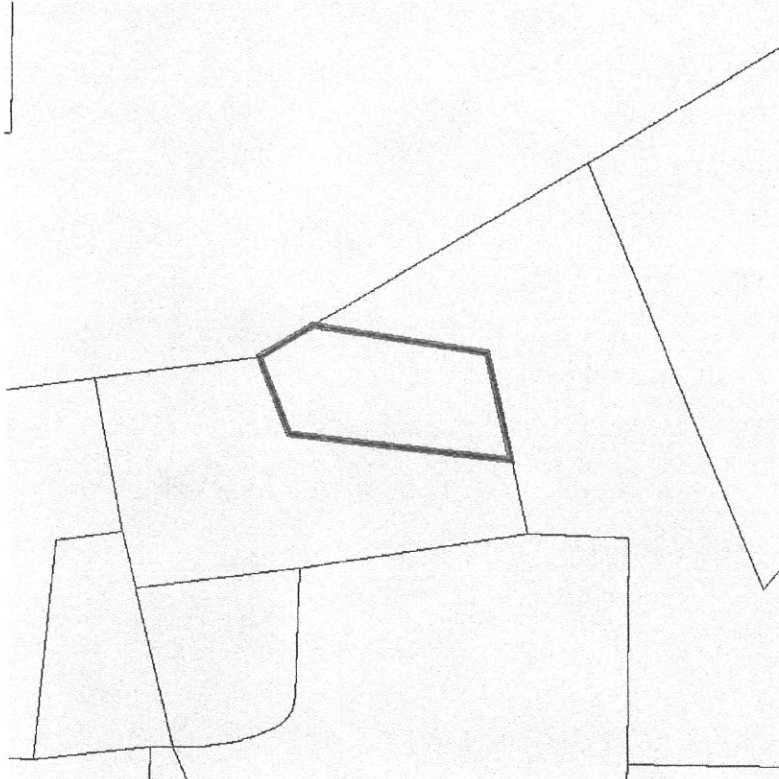
Tax Area: 02 - Hildale Town
Acres: 1.000

Parcel: HD-178-A-5

Situs Address:
595 E WATER CANYON RD
HILDALE, 847840000

Legal Description

S: 26 T: 43S R: 10W BEG SE COR NW1/4 SW1/4 SEC 26 T43S R10WTH N 0°01'06 W ALG 1/16 SEC/L 303.58 FT; TH S 89°57'46 W 150.58 FT; TH N 10°30'34 W 112.01 FT TO POB; TH N 83°44'04W 310 FT; TH N 13°53'24 W 107.55 FT TOSLY R/W LN 100 FT WIDE RDWY; TH N 58°40'39 E ALG R/W LN 69.93 FT; TH LEAV R/W S 83°44'04 E 248.35 FT; TH S 10°30'34 E 150 FT TO POB



Transfer History

Entry Number	Date Recorded	Deed Type
20090025437	Jul 1, 2009	Quit Claim Deed
00865217	Feb 13, 2004	Annexation
00603030	May 14, 1998	Quit Claim Deed
00544429	Sep 20, 1996	Quit Claim Deed

Abstract Summary

Code	Classification	Market Value	Taxable Value
01A	RES REAL ESTATE-IMPROVED	\$50,000	\$27,500
11A	RES IMPROVEMENT-PRIMARY	\$391,200	\$215,160
Total		\$441,200	\$242,660



From: Harrison Johnson

To: Hildale City Planning & Zoning Commission; Hildale City Mayor

Date: February 9, 2023

Subject: Zone Change request

Applicant Name: Violet Jessop

Agent: Ross Chatwin

Application Type: Zone Change request

Project Address: RA-1

Requested Zoning: RM-2

Date: February 6, 2023

Prepared by: Harrison Johnson

Summary of Application

The Applicant is requesting approval of a Zone Change.

Amend the zoning map to re-zone Parcel HD-SHCR-1-43, commonly addressed as 620 West Uzona Hildale, Utah from the current Residential Agricultural-1 (RA-1) to Residential Single-Family 8 (R1-8)

Background

The applicant submitted the application on February 6th, 2023 to the Hildale City offices and paid the fee of \$100.

The applicant submitted al required documents identified in the application.

The applicant provided addressed, stamped envelopes for all property owners within the required boundary of the subject property.

City staff prepared a Rezone Letter for Neighboring Properties and mailed the letters within the required notice time.

The Public Hearing for this zone change request was noticed, as required.

General Plan and Zoning

The property is bounded on the North by a residential property; On the East by Willow Street; On the South by Uzona Avenue; and on the West by a flood street; Surrounding properties are zoned RA-1.

Analysis

The zone change request complies with required standards for approval, as identified in Hildale Planning and Zoning ordinance, section 152-13-3 Uses allowed; and Sec 152-13-4 Development Standards In Residential Zones, as follows:

Sec 152-13-3 Uses Allowed

1. 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

2. 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.

3. 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.

4.

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:

1. Design and compatibility standards:
See chapter 33 of this title.
2. Landscaping and screening:
See chapter 32 of this title.
3. Motor vehicle access:
See chapter 35 of this title.
4. Natural resource inventory:
See chapter 31 of this title.
5. Off street parking:
See chapter 34 of this title.
6. Signs:
See chapter 36 of this title.
7. 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](#)

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.



Recommendation

Staff recommends approval of the zone change request as it remains consistent with Hildale City’ General Plan. Additionally, it may accommodate the city’s goal of increased density.

Sample Motions – ZONING CHANGE

1. I move to recommend approval of the zoning map amendment requested for Parcel HD-SHCR-1-43 commonly addressed as 620 W Uzona from the current Residential Agricultural-1 (RA-1) to Residential Mulitfamily-2 (RM-2).



☎ 435-874-2323

☎ 435-874-2603

🌐 www.hildalecity.com

ZONE CHANGE APPLICATION

 Fee: Same as original plat fee 100.00
For Office Use Only:

File No. _____

Receipt No. _____

 Name: Violet Jessop / Brian Morgan Telephone: 435-531-6435

 Address: 620 W. Uzona Ave Fax No. _____

 Agent (If Applicable): Violet Jessop / Brian Morgan Telephone: 435-531-6435

 Email: violetjessop12@gmail.com

 Address/Location of Subject Property: 620 W. Uzona Ave Hildale UT

 Tax ID of Subject Property: HD-SHCR-1-43 Existing Zone District: RA-1

Proposed Zoning District and reason for the request (Describe, use extra sheet if necessary)

Seperate the house from the single unit
Submittal Requirements: The zone change application shall provide the following:

- _____ a. The name and address of every person or company the applicant represents;
- _____ b. An accurate property map showing the existing and proposed zoning classifications;
- _____ c. All abutting properties showing present zoning classifications;
- _____ d. An accurate legal description of the property to be rezoned;
- _____ e. Stamped envelopes with the names and addresses of all property owners within 250 feet of the boundaries of the property proposed for rezoning.
- _____ f. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence that the applicant has control of the property

Note: It is important that all applicable information noted above along with the fee is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. Planning Commission meetings are held on the third Monday of each month at 6:30 p.m. The deadline date to submit the application is 10 business days prior to the scheduled meeting. Once your application is deemed complete, it will be put on the agenda for the next Planning Commission meeting. A deadline missed or an incomplete application could result in a month's delay.

(Office Use Only)

 Date Received: _____ Application Complete: YES ☐ NO ☐

Date application deemed to be complete: _____ Completion determination made by: _____

ZONE CHANGE APPLICATION (General Information)

PURPOSE

All lands within the City are zoned for a specific type of land use (single family residential, multi-family, commercial, industrial, etc.). Zoning occurs to provide for a relationship between various types of land uses which promotes the health, safety, welfare, order, economics, and aesthetics of the community. Zoning is one of the main tools used to implement the City's General Plan.

WHEN REQUIRED

A zone change request is required any time a property owner desires to make a significant change to the use of his/her land. The change may be from one zone density (say 1 acre lots) to smaller lots (10,000 square foot lots). Or, it may be to an entirely different type of use, such as a change from single family zoning to multiple family or commercial zoning. Since the zone applied to your land limits what you can do, a rezoning application is typically the first step toward a change.

REQUIRED CONSIDERATIONS TO APPROVE A ZONE CHANGE

When approving a zone change the following factors should be considered by the Planning Commission and City Council:

1. Whether the proposed amendment is consistent with the 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, storm water drainage systems, water supplies, and wastewater and refuse collection.

PROCESS

Contact the Planning Department for when the deadline for submission is. After it is deemed complete, staff will review the request, and prepare a report and recommendation for the Planning Commission. This will be reviewed at a public hearing where the applicant should attend, present the project, and respond to questions from the Planning Commission. Since it is a public hearing, members of the public may also have questions or comments. At the public hearing the Planning Commission will review the application and staff's report and forward a recommendation to the City Council of approval, approval with modifications, or denial the zone change application.

Upon receipt of the Planning Commission recommendation, typically 1-2 weeks after the Planning Commission action, the City Council will consider and act on the Commission's recommendation. The action of the City Council is final. If denied, a similar application generally cannot be heard for a year.

AFFIDAVIT
PROPERTY OWNER

STATE OF UTAH)

COUNTY OF)

I (we), Violet Jessop, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (we) also acknowledge that I have received written instructions regarding the process for which I am applying, and the Hildale City Planning staff have indicated they are available to assist me in making this application.

Violet Jessop
(Property Owner)

Violet Jessop
(Property Owner)

Subscribed and sworn to me this 6 day of February 2023

Sirrene J. Barlow
(Notary Public)

Residing in: Hildale, UT

My Commission Expires: _____



Agent Authorization

I (we), _____, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) _____ to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this _____ day of _____, 20____.

(Notary Public)

Residing in: _____

My Commission Expires: _____



From: Harrison Johnson

To: Hildale City Planning & Zoning Commission; Hildale City Mayor

Date: February 9, 2023

Subject: Zone Change request

Applicant Name: Lous & Dawna Bistline

Agent: Gwen Darger

Application Type: Zone Change request

Project Address: RA-1

Requested Zoning: RM-2

Date: February 9, 2023

Prepared by: Harrison Johnson

Summary of Application

The Applicant is requesting approval of a Zone Change.

Amend the zoning map to re-zone Parcel HD-SHCR-1-2, commonly addressed as 785 North Willow Street Hildale, Utah from the current Residential Agricultural-1 (RA-1) to Residential Mulitfamily-1 (RM-1).

Background

The applicant submitted the application on January 9th, 2023 to the Hildale City offices and paid the fee of \$100.

The applicant submitted al required documents identified in the application.

The applicant provided addressed, stamped envelopes for all property owners within the required boundary of the subject property.

City staff prepared a Rezone Letter for Neighboring Properties and mailed the letters within the required notice time.

The Public Hearing for this zone change request was noticed, as required.

General Plan and Zoning

The property is bounded on the North by Utah Avenue abutting public lands and the Canaan Mountain Wilderness; On the East by residential property addressed 585 W Utah Ave; On the South by a residential property addressed at 780 N Willow; and on the West by a public alleyway; Surrounding properties are zoned RA-1 and Open Space.

Analysis

The zone change request complies with required standards for approval, as identified in Hildale Planning and Zoning ordinance, section 152-13-3 Uses allowed; and Sec 152-13-4 Development Standards In Residential Zones, as follows:

Sec 152-13-3 Uses Allowed

1. 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

2. 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.

3. 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.

4.

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:

1. Design and compatibility standards:
See chapter 33 of this title.
2. Landscaping and screening:
See chapter 32 of this title.
3. Motor vehicle access:
See chapter 35 of this title.
4. Natural resource inventory:
See chapter 31 of this title.
5. Off street parking:
See chapter 34 of this title.
6. Signs:
See chapter 36 of this title.
7. 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](#)

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.



Recommendation

Staff recommends approval of the zone change request as it remains consistent with Hildale City’ General Plan. Additionally, it may accommodate the city’s goal of increased density.

Sample Motions – ZONING CHANGE

1. I move to recommend approval of the zoning map amendment requested for Parcel HD-SHCR-1-2 commonly addressed as 785 N Willow from the current Residential Agricultural-1 (RA-1) to Residential Mulitfamily-2 (RM-2).

Property Map





JAN 09 2023

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

Item 6.

ZONE CHANGE APPLICATION

Fee: \$100

For Office Use Only:

File No. _____

Receipt No. 135229298

Angeline
01/09/23

Name: LOUIS & DAWNA BISTLINE

Telephone: _____

Address: 785 NORTH WILLOW STREET

Fax No. _____

Agent (If Applicable): RYAN SCHOLES

Telephone: 435.628.6500

Email: RYANSCHOLES@ALPHAENGINEERING.COM

Address/Location of Subject Property: 785 NORTH WILLOW STREET

Tax ID of Subject Property: HD-SHCR-1-2

Existing Zone District: R-A-1

Proposed Zoning District and reason for the request (Describe, use extra sheet if necessary)
RM (MULTI-FAMILY). OWNER WOULD LIKE TO BUILD DUPLEX/FOURPLEX ON THE PROPOED PARCEL 1.

Submittal Requirements: The zone change application shall provide the following:

- ☒ a. The name and address of every person or company the applicant represents;
- ☒ b. An accurate property map showing the existing and proposed zoning classifications;
- ☒ c. All abutting properties showing present zoning classifications;
- ☒ d. An accurate legal description of the property to be rezoned;
- ☒ e. Stamped envelopes with the names and addresses of all property owners within 250 feet of the boundaries of the property proposed for rezoning.
- ☒ f. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence that the applicant has control of the property

Note: It is important that all applicable information noted above along with the fee is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. Planning Commission meetings are held on the third Monday of each month at 6:30 p.m. The deadline date to submit the application is 10 business days prior to the scheduled meeting. Once your application is deemed complete, it will be put on the agenda for the next Planning Commission meeting. A deadline missed or an incomplete application could result in a month's delay.

(Office Use Only)

Date Received: _____

Application Complete:

YES

☐

NO

☐



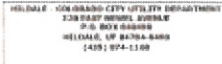
Item 6.

📞 435-874-2323

📠 435-874-2603

Date application deemed to be complete: _____ Completion determination made by: www.hildalecity.com

Transaction Details



Hildale City
320 E.Newel Ave
Hildale, UT 84784

XBP Confirmation Number: 135229298

Transaction detail for payment to Hildale City. Date: 01/09/2023 - 2:06:59 PM MT

Transaction Number: 189900625PT
Visa — XXXX-XXXX-XXXX-0886
Status: Successful

Account #	Item	Quantity	Item Amount
zone change app	Land Use	1	\$100.00
lot split	Land Use	1	\$300.00

TOTAL: \$400.00

Billing Information

GWEN DARGER
785 NORTH WILLOW ST
HILDALE, UT 84784
(360) 862-3006

Transaction taken by: Admin AChatwin

Email ▼

ZONE CHANGE APPLICATION (General Information)

PURPOSE

All lands within the City are zoned for a specific type of land use (single family residential, multi-family, commercial, industrial, etc.). Zoning occurs to provide for a relationship between various types of land uses which promotes the health, safety, welfare, order, economics, and aesthetics of the community. Zoning is one of the main tools used to implement the City's General Plan.

WHEN REQUIRED

A zone change request is required any time a property owner desires to make a significant change to the use of his/her land. The change may be from one zone density (say 1 acre lots) to smaller lots (10,000 square foot lots). Or, it may be to an entirely different type of use, such as a change from single family zoning to multiple family or commercial zoning. Since the zone applied to your land limits what you can do, a rezoning application is typically the first step toward a change.

REQUIRED CONSIDERATIONS TO APPROVE A ZONE CHANGE

When approving a zone change the following factors should be considered by the Planning Commission and City Council:

1. Whether the proposed amendment is consistent with the 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, storm water drainage systems, water supplies, and wastewater and refuse collection.

PROCESS

Contact the Planning Department for when the deadline for submission is. After it is deemed complete, staff will review the request, and prepare a report and recommendation for the Planning Commission. This will be reviewed at a public hearing where the applicant should attend, present the project, and respond to questions from the Planning Commission. Since it is a public hearing, members of the public may also have questions or comments. At the public hearing the Planning Commission will review the application and staff's report and forward a recommendation to the City Council of approval, approval with modifications, or denial the zone change application.

Upon receipt of the Planning Commission recommendation, typically 1-2 weeks after the Planning Commission action, the City Council will consider and act on the Commission's recommendation. The action of the City Council is final. If denied, a similar application generally cannot be heard for a year.

AFFIDAVIT
PROPERTY OWNER

STATE OF ~~UTAH~~ AZ)

COUNTY OF MOHAVE

I (we) Louis & Dawn Bistline, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (we) also acknowledge that I have received written instructions regarding the process for which I am applying, and the Hildale City Planning staff have indicated they are available to assist me in making this application.

Dawn Bistline
(Property Owner)

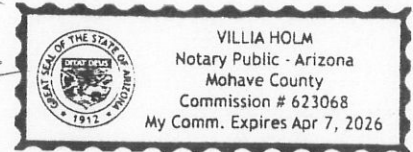
L Bistline
(Property Owner)

Subscribed and sworn to me this 22th day of 12 Jan 2022 ²³

Villia Holm
(Notary Public)

Residing in: Colorado City, Az

My Commission Expires: 4-7-2026



Agent Authorization

I (we) Guendolyn Darger, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) _____ to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

Dawn Bistline
(Property Owner)

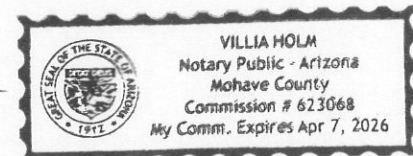
L Bistline
(Property Owner)

Subscribed and sworn to me this 6th day of January 2023

Villia Holm
(Notary Public)

Residing in: Colorado City, Az

My Commission Expires: 4-7-2026





From: Harrison Johnson

To: Hildale City Planning & Zoning Commission; Hildale City Mayor

Date: February 9, 2023

Subject: Zone Change request

Applicant Name: Buckhorn Cholla LLC

Agent: Rachael Cawley

Application Type: Zone Change request

Project Address: R1-10

Requested Zoning: RM-1 & R1-8

Date: February 9, 2023

Prepared by: Harrison Johnson

Summary of Application

The Applicant is requesting approval of a Zone Change.

Amend the zoning map to re-zone Parcel HD-SHCR-9-26, commonly addressed as 450 E Utah Ave. Hildale, Utah from the current Residential Single-Family 10 (R1-10) to both Residential Multi-Family-1 and Residential Single-Family 8 (R1-8).

Background

The applicant submitted the application on January 24th, 2023 to the Hildale City offices and paid the fee of \$100.

The applicant submitted al required documents identified in the application.

The applicant provided addressed, stamped envelopes for all property owners within the required boundary of the subject property.

City staff prepared a Rezone Letter for Neighboring Properties and mailed the letters within the required notice time.

The Public Hearing for this zone change request was noticed, as required.

General Plan and Zoning

The property is bounded on the North by residential property; On the East by Canyon Street and agricultural property. On the South by Utah Avenue and on the West by residential property. Surrounding properties are zoned RM-1, RA-1 and A-5.

Analysis

The zone change request complies with required standards for approval, as identified in Hildale Planning and Zoning ordinance, section 152-13-3 Uses allowed; and Sec 152-13-4 Development Standards In Residential Zones, as follows:

Sec 152-13-3 Uses Allowed

1. 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

2. 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.

3. 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.

4.

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:

1. Design and compatibility standards:
See chapter 33 of this title.
2. Landscaping and screening:
See chapter 32 of this title.
3. Motor vehicle access:
See chapter 35 of this title.
4. Natural resource inventory:
See chapter 31 of this title.
5. Off street parking:
See chapter 34 of this title.
6. Signs:
See chapter 36 of this title.
7. 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](#)

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.



Recommendation

Staff recommends approval of the zone change request as it remains consistent with Hildale City’ General Plan. Additionally, it may accommodate the city’s goal of increased density.

An additional consideration staff reviewed was the applicant’s plan to utilize the provisions for flag lots in order to develop single family housing. Staff considered the cost of development for the utilities and the need for infill housing on one of Hildale’s most traveled streets when deciding on our recommendation. Higher density in these key corridors will help buoy maintenance budgets for streets and roads necessary to accommodate the majority of Hildale’s tourism.

Sample Motions – ZONING CHANGE

1.

I move to recommend approval of the zoning map amendment requested for Parcel HD-SHCR-9-26 commonly addressed as 450 E Utah Ave from the current Residential Single-Family 10 (R1-10) to both Residential Multi-Family-1 and Residential Single-Family 8 (R1-8) pending approval of subdivision.



JAN 24 2023

☎ 435-874-2323

☎ 435-874-2603

🌐 www.hildalecity.com

Item 7.

ZONE CHANGE APPLICATION

Fee: \$100

For Office Use Only:

File No. _____

Receipt No. _____

Name: Buckhorn Cholla, LLC Telephone: 435-680-0923

Address: PO box 3414 Colorado City AZ 86021 Fax No. _____

Agent (If Applicable): Rachael Cawley Telephone: 435-680-0923

Email: racawley96@gmail.com

Address/Location of Subject Property: 450 E Utah Ave, Hildale UT 84784

Tax ID of Subject Property: HD-SHCR-9-26 Existing Zone District: R1-10

Proposed Zoning District and reason for the request (Describe, use extra sheet if necessary)

RM -1 & R1-8 The purpose is to be able to subdivide & create more single family lots.

Submittal Requirements: The zone change application shall provide the following:

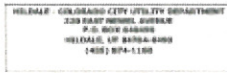
- _____ a. The name and address of every person or company the applicant represents;
- _____ b. An accurate property map showing the existing and proposed zoning classifications;
- _____ c. All abutting properties showing present zoning classifications;
- _____ d. An accurate legal description of the property to be rezoned;
- _____ e. Stamped envelopes with the names and addresses of all property owners within 250 feet of the boundaries of the property proposed for rezoning.
- _____ f. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence that the applicant has control of the property

Note: It is important that all applicable information noted above along with the fee is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. Planning Commission meetings are held on the third Monday of each month at 6:30 p.m. The deadline date to submit the application is 10 business days prior to the scheduled meeting. Once your application is deemed complete, it will be put on the agenda for the next Planning Commission meeting. A deadline missed or an incomplete application could result in a month's delay.

(Office Use Only)

Date Received: _____

Application Complete: YES ☐ NO ☐



Hildale City
320 E. Newel Ave
Hildale, UT 84784
(435) 874-1160
ar@hildalecity.com

XBP Confirmation Number: 136398874

▶ Transaction detail for payment to Hildale City.		Date: 01/24/2023 - 11:10:20 AM MT	
Transaction Number: 191111572PT Visa — XXXX-XXXX-XXXX-3565 Status: Successful			
Account #	Item	Quantity	Item Amount
Zone Change App	Land Use	1	\$100.00

TOTAL: \$100.00

Billing Information

Buckhorn Cholla LLC Rachael
 Cawley
 450 E Utah Ave
 Hildale, UT 84784
 (435) 680-0923

Transaction taken by: Admin AChatwin

APPLICATION FOR REZONE

450 E UTAH AVE, HILDALE UTAH 84784

1. HILDALE CITY APPLICATION FORM
2. THE NAME AND ADDRESS OF EVERY PERSON OR COMPANY THE APPLICANT REPRESENTS
- 3.-4. AN ACCURATE PROPERTY MAP SHOWING THE EXISTING AND PROPOSED ZONING CLASSIFICATIONS
5. ALL ABUTTING PROPERTIES SHOWING PRESENT ZONING CLASSIFICATIONS.
- 6.-7. AN ACCURATE LEGAL DESCRIPTION OF THE PROPERTY TO BE REZONED.
8. WARRANTY DEED TO DEMONSTRATE OWNERSHIP OF THE PROPERTY.
9. OTHER CONSIDERATIONS

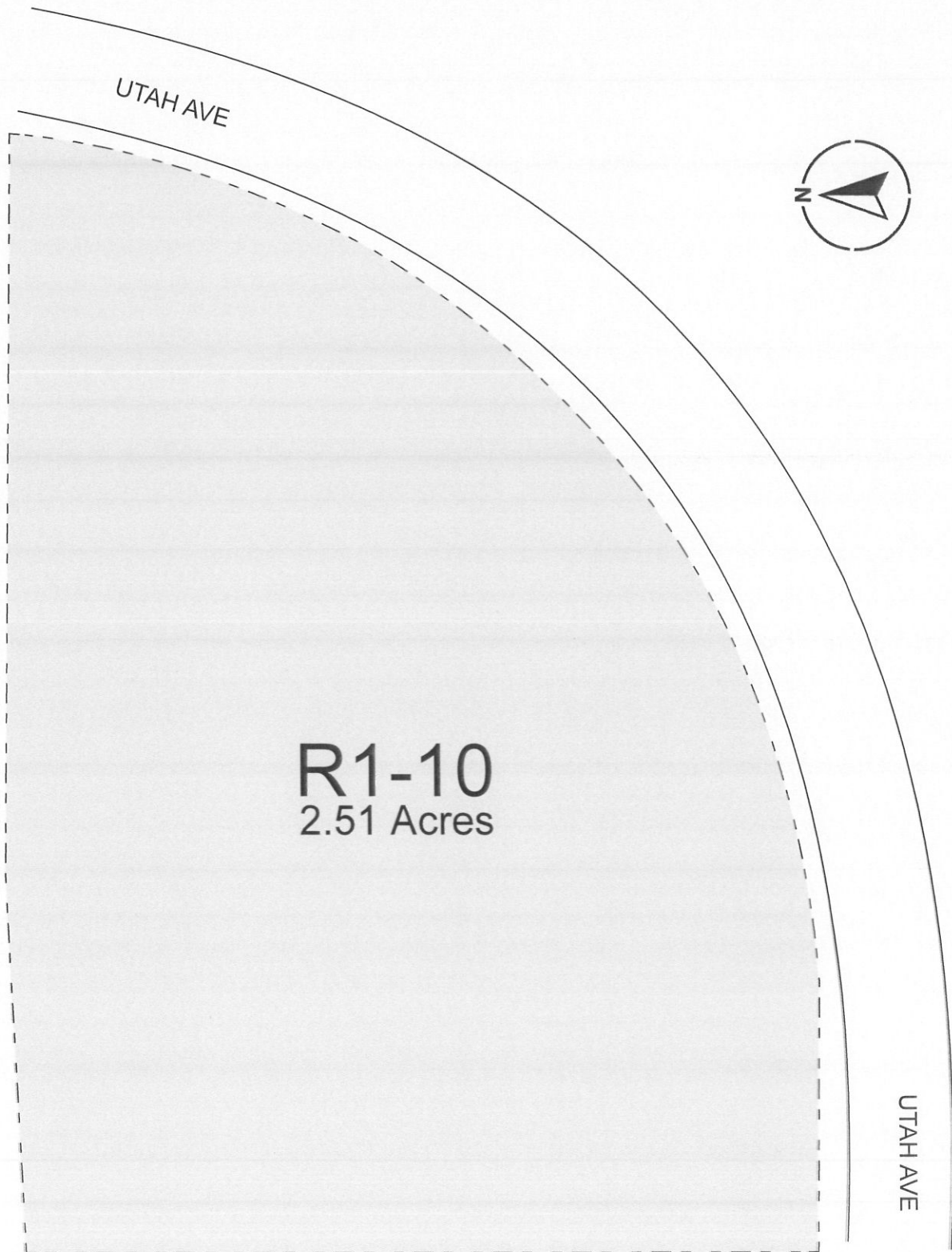
BUCKHORN CHOLLA, LLC

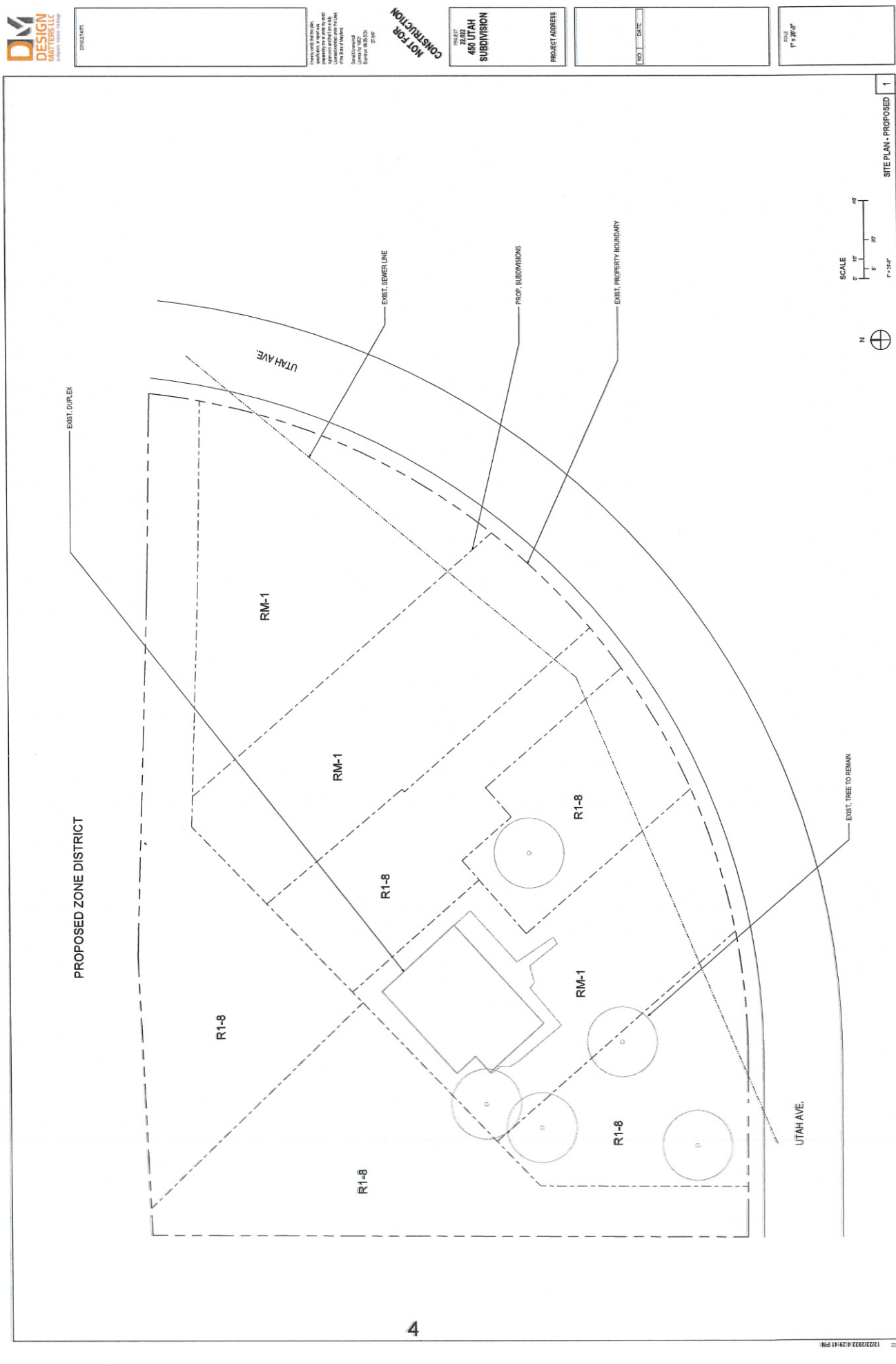


NAME AND ADDRESS OF EVERY PERSON OR COMPANY THE APPLICANT
REPRESENTS.

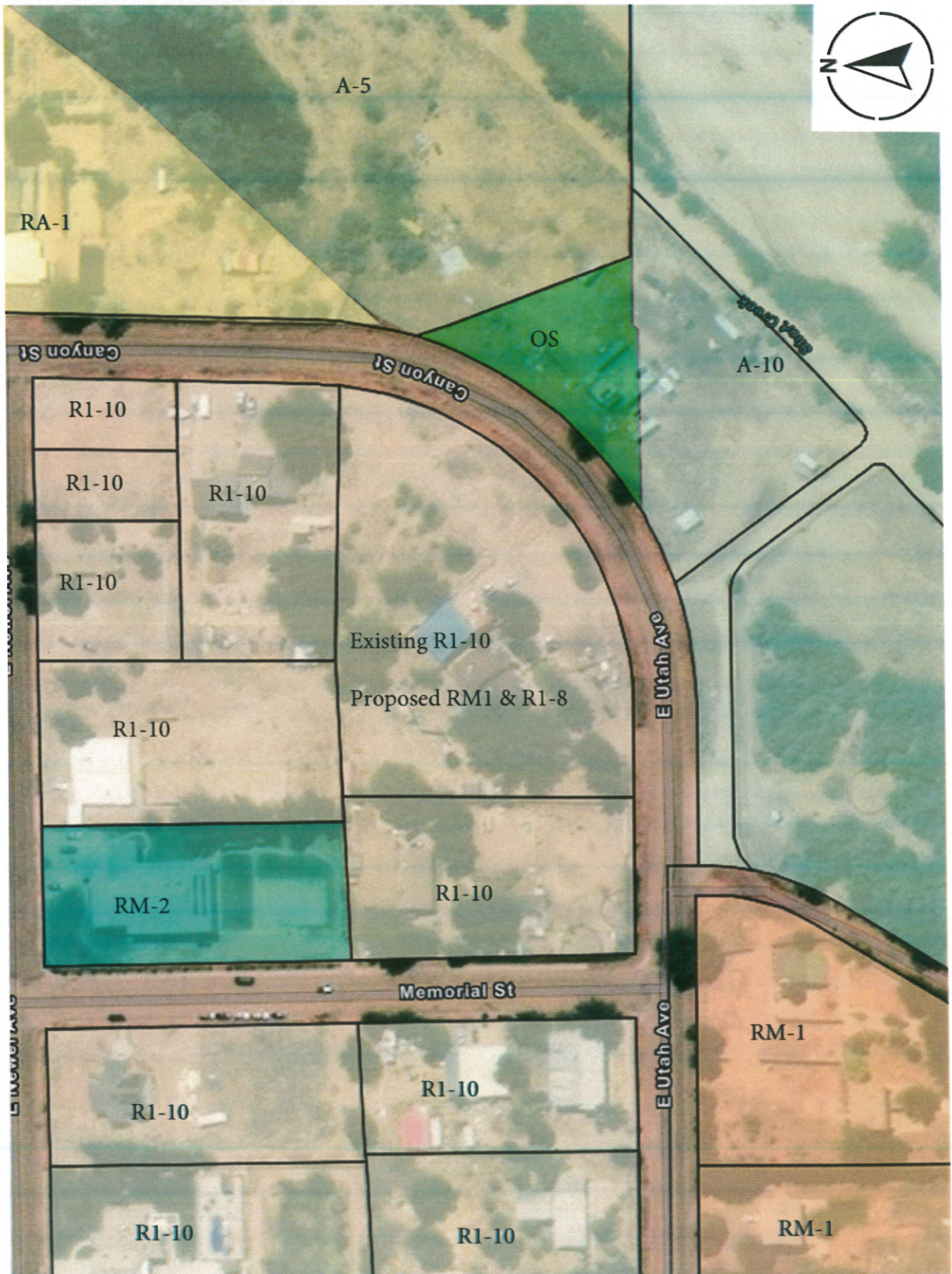
BUCKHORN CHOLLA, LLC PO BOX 3414 COLORADO CITY, AZ 86021

Existing Zone District





ALL ABUTTING PROPERTIES SHOWING PRESENT ZONING CLASSIFICATIONS



LEGAL DESCRIPTIONS

Below are temporary legal descriptions for the purpose of this rezone application. Accurate Legal descriptions, prepared by a surveyor will be provided in the subdivision application or immediately after the rezone application is approved, whichever is preferred by the deciding body at Hildale city. A preliminary subdivision plan is included for the identification of the lots.

Lot 1: Subdivision: SHORT CREEK 9 AMD & EXT (HD) Lot: 26-A

Lot 2: Subdivision: SHORT CREEK 9 AMD & EXT (HD) Lot: 26-B

Lot 3: Subdivision: SHORT CREEK 9 AMD & EXT (HD) Lot: 26-C

Lot 4: Subdivision: SHORT CREEK 9 AMD & EXT (HD) Lot: 26-D

Lot 5: Subdivision: SHORT CREEK 9 AMD & EXT (HD) Lot: 26-E

Lot 6: Subdivision: SHORT CREEK 9 AMD & EXT (HD) Lot: 26-F

Lot 7: Subdivision: SHORT CREEK 9 AMD & EXT (HD) Lot: 26-G

Lot 8: Subdivision: SHORT CREEK 9 AMD & EXT (HD) Lot: 26-H

Trust Deed Page 1 of 1

Gary Christensen Washington County Recorder
 10/12/2022 01:44:59 PM Fee \$40.00 By ALLEN
 MORTGAGE, LLC

Mail Tax Notice To:

Grantee
 P.O. Box 3414
 Colorado City, AZ 86021

WARRANTY DEED

CLAUDE SETH COOKE, an individual, Grantor, of Mohave County, AZ, hereby
 CONVEYS AND WARRANTS the title, against all persons whomsoever, to
 BUCKHORN CHOLLA, LLC, a UTAH Limited Liability Company, Grantee.

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF
 WASHINGTON, STATE OF UTAH, AND IS DESCRIBED AS FOLLOWS:

Lot 26, Short Creek Subdivision #9 Amended and Extended, according to
 the Official Plat thereof on file and of record in the Washington County
 Recorder's Office.

Including hereditaments and appurtenances.

Tax Parcel Number: HD-SHCR-9-26

Also known as: 450 East Utah Ave, Hildale, UT 84784

WITNESS the hand of said grantor this 12 day of Oct, 2022.

BY: Claude Seth Cooke
 Claude Seth Cooke

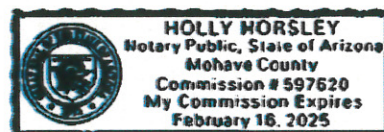
STATE OF ARIZONA

COUNTY OF MOHAVE

The foregoing instrument was acknowledged before me this 12 day of
October, 2022, by Claude Seth Cooke.

Holly Horsley
 Notary Public Holly Horsley

My Commission Expires: 02/16/25



Additional Considerations

Each resulting lot on our rezone + subdivision plan is meeting the standards set forth in section 152-13-4 of the Hildale City Municipal Code as well as 152-37-10 which describes flag lot ordinances. The resulting lots are fronted by curb, gutter and sidewalk which will remain and/or be repaired by Buckhorn Cholla if they are disturbed during the process of improving the land.

Buckhorn Cholla LLC intends to update approximately 1000ft of city water line, in Utah Ave, to bring proper capacity to a new fire hydrant, which the area is currently lacking.

A Hydrology study is being done on the property to determine whether an amendment to the FEMA Flood Zone map is necessary. If the property is determined to be out of the flood plain, then all new tenants of the land will be exempt from paying for needless flood insurance.

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.

From: Harrison Johnson
To: Hildale City Planning & Zoning Commission; Hildale City Mayor
Date: February 13, 2023
Subject: Text Amendment Staff Report

Applicant Name: Zake Holdings LLC/ Isaiah Barlow
Agent: Thomas Timpson
Application Type: Text Amendment
Date: February 13, 2023
Prepared by: Harrison Johnson

Summary

This text amendment application is requesting that the minimum acreage required for a Recreation Zone, which is currently five (5) acres, be eliminated as a requirement for said zone. Additionally, the applicant is requesting changes to Development Standards in decreasing the frontage requirement from 300 feet to 140 feet and the frontage per unit be decreased from 30 feet to 20 feet. This would enable not only the applicant, but most property owners within one (1) acre of land to become eligible for a zone change to Recreation Resort.

Analysis

Recreation Resort zones are one of the only areas inside Hildale City that allow for both long-term residential use and short-term residential use to co-locate within a single property. This ability provides obvious advantages to property owners and investors as it allows them to cater to both tourists and long-term renters or home buyers. The long-term residents inside a recreation resort zone ostensibly are aware of the touristic and potentially transient nature of their living area if not because of the requirements that the zone must have a pool and an on-site manager, then because of the association that governs and runs the entire property funded by fees from the owners.

The minimum size requirements of five (5) acres provides some positive benefits which include:

1. **Revenue Generation:** Minimum size requirements can help ensure that recreation zones generate enough revenue to be self-sustaining and financially viable. If the zones are too small, they may not generate enough revenue from user fees or concessions to cover their operating costs, making them a financial burden on the city.
2. **User Experience:** Minimum size requirements are also set to ensure that users have a positive experience when visiting recreation zones. For example, if a park is too small, it might be crowded and less enjoyable for visitors.

Drawbacks on larger recreation resort zones can include:

1. Limited Development Opportunities: The minimum size requirement may limit the development of new recreation zones, especially where land is expensive and therefore only large and wealthy developers could achieve success in developing them. This could result in fewer recreational opportunities for residents, especially in lower-income neighborhoods.
2. Increased Cost: The cost of acquiring and developing land that meets the minimum size requirement can be prohibitively expensive, especially for small developers and local governments. This can discourage development of new recreation zones and limit the ability of the city to provide recreational opportunities to residents.

The City's General Plan does not specifically have designated Recreation Resort areas demarcated which may complicate obtaining approvals for investors and developers. Additionally, community input has largely not been solicited on potential locations for these zones and therefore could create an amount of controversy due to concerns over neighborhood "character".

Recommendation

Staff recommends approval of this application as the benefits of lowering the bar for more local investors and business owners may spur additional economic growth while the primary drawbacks for eliminating the size requirements can be dealt better with adopting a more thorough future land use map and rigorous evaluation of preliminary site plans of rezone applications through adhering to smart land planning principles.

Text Amendment Application Summary

Purpose

This text amendment application is requesting that the minimum acreage required for a Recreation Zone, which is currently five (5) acres, be eliminated as a requirement for said zone. Additionally, the applicant is requesting changes to Development Standards in decreasing the frontage requirement from 300 feet to 140 feet and the frontage per unit be decreased from 30 feet to 20 feet. This would enable not only the applicant, but most property owners within one (1) acre of land to become eligible for a zone change to Recreation Resort.

Current Language- Sec 152-26 Recreation Resort Zone

Sec 152-26-1 Purpose And Objectives

1. 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.
2. 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.

1. 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.
2. 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.
3. 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.

HISTORY

Amended by Ord. [2020-013](#) on 10/28/2020

Sec 152-26-6 Development Standards For Recreational Resort

1. 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.
2. 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

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.
4. 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:

1. Design and compatibility standards:
See chapter 33 of this chapter.
2. Landscaping and screening:
See chapter 32 of this chapter.
3. Motor vehicle access:
See chapter 35 of this chapter.
4. Natural resource inventory:
See chapter 31 of this chapter.
5. Off street parking:
See chapter 34 of this chapter.
6. Signs:
See chapter 36 of this chapter.
7. Supplementary development standards:
See chapter 37 of this chapter.

Proposed Language- Sec 152-26 Recreation Resort Zone

Sec 152-26-1 Purpose And Objectives

3. 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.

4. 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.

4. 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.

5. 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.
6. 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.

HISTORY

Amended by Ord. [2020-013](#) on 10/28/2020

Sec 152-26-6 Development Standards For Recreational Resort

5. 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.
6. 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 140 Feet per Project 20 Feet per 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

7. 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.
8. 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:

8. Design and compatibility standards:
See chapter 33 of this chapter.
9. Landscaping and screening:
See chapter 32 of this chapter.
10. Motor vehicle access:
See chapter 35 of this chapter.
11. Natural resource inventory:
See chapter 31 of this chapter.
12. Off street parking:
See chapter 34 of this chapter.
13. Signs:
See chapter 36 of this chapter.
14. Supplementary development standards:
See chapter 37 of this chapter.

Harrison Johnson

From: Thomas Timpson <t.c.timpson@live.com>
Sent: Monday, February 13, 2023 10:16 AM
To: Eric Duthie
Cc: Harrison Johnson; Straight Up Masonry
Subject: Re: Text Amendment & Lot #15 Rezone

Harrison,

Per our discussion over the telephone, we would like to add to the text amendment if possible. It is proposed to change the text in Table 152-26-1 to read as follows:

- Minimum lot width and/or project frontage: 140 feet project; 20 feet unit.

This change would allow for the zone to be applicable for a one acre lot, and the 20-ft lot width would facilitate residential units that are more practicable in terms of size and affordability.

Feel free to reach out with any questions or concerns on this.

Thnk you,

Thomas Timpson
 (435) 619-6477

From: Thomas Timpson
Sent: Friday, February 3, 2023 12:31 PM
To: Eric Duthie <EricD@hildalecity.com>
Cc: Harrison Johnson <Harrisonj@hildalecity.com>; Straight Up Masonry <office@sumasonry.com>
Subject: Text Amendment & Lot #15 Rezone

Good afternoon, Mr. Duthie.

Attached is a text amendment application to request a change to the minimum acreage requirement for the recreation resort zone. Also attached is a rezone application for Lot #15 - we are requesting a change to recreation resort, which would probably be contingent on the text amendment. We have submitted each of these to the front desk and have paid the application fees. Hoping to get on the agenda for the next meeting if possible. Feel free to reach out with any questions or concerns on this.

Thank you,

Thomas Timpson
 (435) 619-6477



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☎ 435-874-2603
🌐 www.hildalecity.com

Item 8.

TEXT AMENDMENT APPLICATION

Fee: Variable (\$100)

For Office Use Only:

File No. _____

Receipt No. _____

Name: Zake Holdings, LLC / Isaiah Barlow **Telephone:** (435) 212-8028

Address: PO Box 2432, Colorado City, AZ 86021 **Fax No.** _____

Agent (If Applicable): Thomas Timpson **Telephone:** (435) 619-6477

Email: t.c.timpson@live.com

The proposed text amendment would be to what Chapter and section of the current Land

Use or City Code Section 152-26-3: Minimum Acreage

The purpose this change would accomplish see attached narrative

If request is to create a new zone applicant shall attach a purpose statement for this new zone as found in Chapter 11 for the existing zones. Purposed uses and standards shall be submitted as found in the appropriate zoning group; Residential, Residential Agricultural, Commercial, Industrial, or Open Space and Public Facility Zones.

Submittal requirements:

Completed Applications

Existing Land Use Ordinance or City Code

Proposed change to Land Use Ordinance or City Code

Note: It is important that all applicable information noted above along with the fee is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. Planning Commission meetings are held on the third thursday of each month at 6:30 p.m. The deadline, for application submissions, is 14 days before the scheduled meeting. Once your application is deemed complete, it will be put on the agenda for the next Planning Commission meeting. A deadline missed or an incomplete application could result in a month's delay.

(Office Use Only)

Date Received: _____ Application Complete: YES ☐ NO ☐

Date application deemed to be complete: _____ Completion determination made by: _____

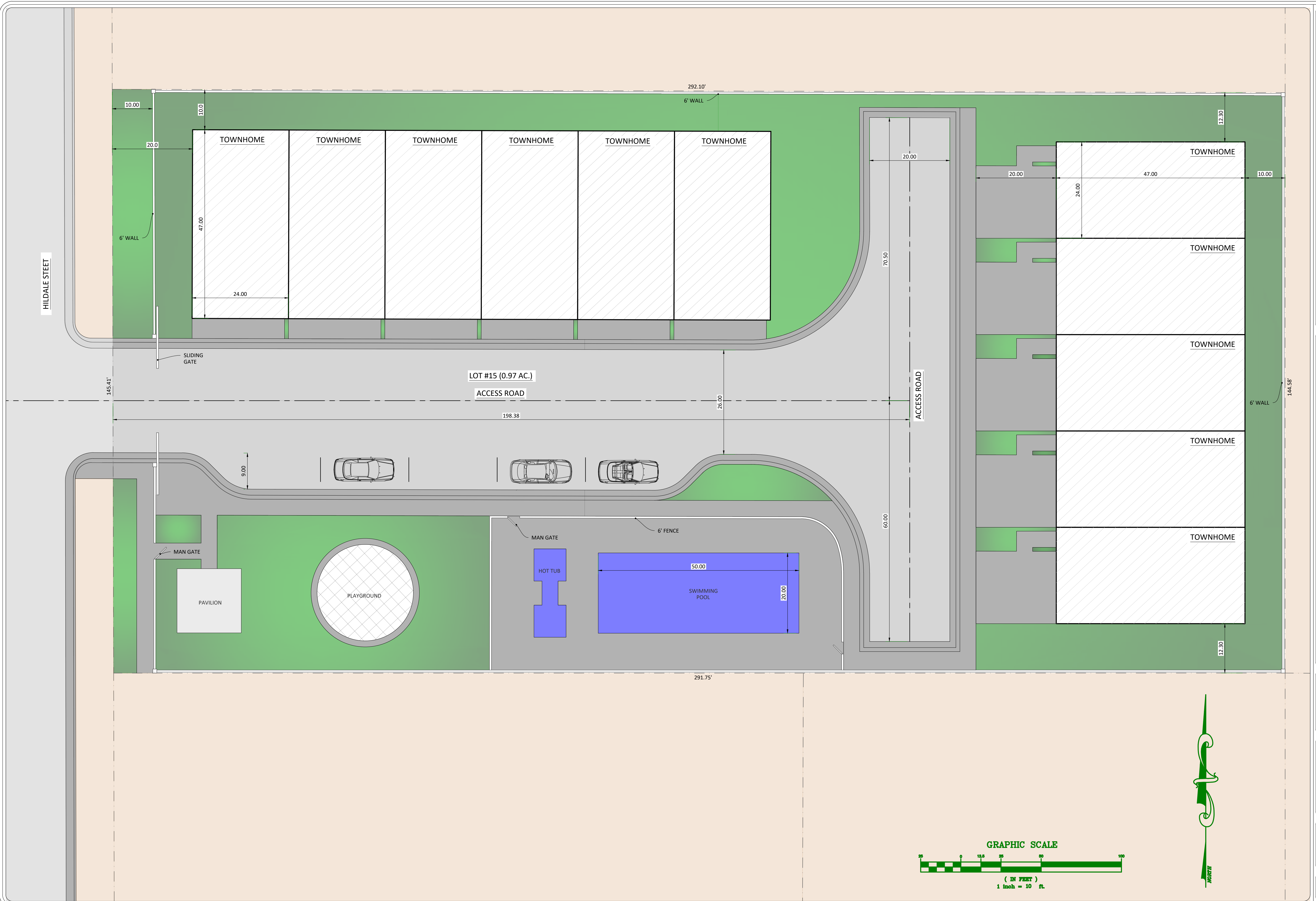
Text Amendment Purpose Statement & DescriptionExisting Land Use Ordinance:

Hildale City Code Section 152-26-3: Minimum Acreage currently reads:

The recreation resort zone shall be applied only to projects consisting of at least five (5) acres.

Proposed Change to Land Use Ordinance:

It is proposed to eliminate the minimum acreage requirement for the Recreation Resort (RR) zone. This would allow the development of smaller recreation resort projects as long as they meet other zoning requirements such as swimming pool, clubhouse, etc. For example, attached is a preliminary site layout plan for a gated townhouse community on a one (1) acre lot intended to meet all requirements with the exception of the minimum size. The Recreation Resort zone allows for residential dwelling units to be occupied by the owners thereof on a full- or part-time basis, and allows for rental of residential units on an overnight or short-term basis. Changing the code as requested would facilitate smaller nightly rental projects within the City to operate on a legitimate basis.



TCT ENGINEERING
1965 S HAMMON ST, COLORADO CITY, AZ
TEL (480) 619-6477
E-MAIL tclimpson@live.com

SITE DEVELOPMENT PLAN CONCEPT
ZAKE HOLDINGS, LLC
LOT 15 SHORT CREEK SUBDIVISION #8
HILDALE, WASHINGTON COUNTY, UTAH

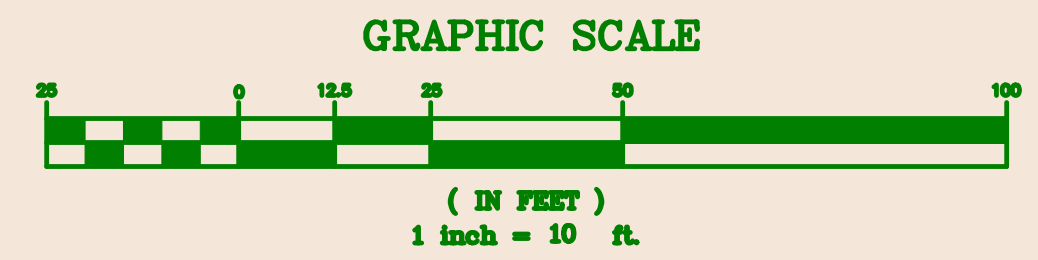
REVISIONS

REV	DATE	DESCRIPTION
▲		
▲		
▲		
▲		

PROJECT NO:	220629
CAD DWG. FILE:	220629 SUB Concept.dwg
DRAWN BY:	SEW
DESIGNED BY:	TCT
FIELD CREW:	
CHECKED BY:	
DATE:	2-3-22

SHEET:
CONCEPTUAL
SITE LAYOUT
V1

C1





☎ 435-874-2323

☎ 435-874-2603

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CHAPTER 22 HISTORIC AREA MIXED-USE OVERLAY ZONE

Commented [1]: Policy Discussion: Zoning District Or Overlay?

152-22-1 Purpose And Intent

The purpose of the Historic Area Mixed-Use (HA-MU) overlay zoning district is to maintain and preserve the special character of pioneer homes located within the City while encouraging the continued use, maintenance, and special character of these homes.

This chapter contains provisions allowing for the mixed use of land for residential and limited commercial, and other identified uses to encourage flexibility and creativity in the design, development, or redevelopment of these properties that would not be possible under the conventional zoning districts previously outlined in this code.

The specific purposes of this zone are to:

- A. Promote the reuse of existing historic structures for the purpose of stabilizing and improving property values;
- B. Protect and enhance the City's attractions for tourists and visitors; and
- C. Encourage residential uses in conjunction with limited commercial and other compatible activities in order to enhance the vitality of businesses and maintain the special character of specific areas within the City.

152-22-2 Applicability

The provisions of this chapter shall apply to all lands, buildings, structures, natural features, or uses located within those areas that are defined by the HA-MU overlay zoning district and designated on the official zoning map for the City.

If there is a conflict between the provisions of this chapter and any other provisions of this title, the specific provisions of this chapter shall take precedence and control.

- A. Mapping of the HA-MU overlay zoning district. The applicability of the HA-MU overlay zoning district to a specific area shall be shown on the City's official zoning map.
- B. Permitted uses, permit requirements, and development standards. Except as otherwise provided by this chapter:
 - 1. Any land use normally allowed within the base zoning district (permitted or conditional) may be allowed within the HA-MU overlay zoning district, subject to any additional requirements as outlined in this chapter.
 - 2. Development within the HA-MU overlay zoning district shall obtain the zoning approvals as required by this title for the base zoning district; and
 - 3. Development within the HA-MU overlay zoning district shall comply with all applicable development standards of the base zoning district, and all other applicable provisions of this title.

152-22-3 Permitted Uses

In addition to the permitted uses of the base zoning district, permitted uses within the HA-MU overlay zoning district may include:

Chairperson: Charles Hammon

Vice-Chairperson: Elyssa Wall

Commissioners: Lawrence Stubbs, Derick Holm, Nation Fischer, Tracy Barlow, Rex Jessop



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- A. Agriculture;
- B. Additional Dwelling Unit
- C. Assisted Living Facility, Convalescent Care Facility;
- D. Bank or Financial Institution;
- E. Bed And Breakfast, Home;
- F. Bed And Breakfast Inn;
- G. Boarding House;
- H. Club or Service Organization;
- I. Condominium, Condominium Project;
- J. Cultural Services;
- K. Dwelling, Multiple-Family;¹
- L. Home Based Business;
- M. Licensed Family Child Care;
- N. Medical Service;
- O. Office, General;
- P. Personal Care Service;
- Q. Reception Center;
- R. Restaurant, General;
- S. Residential Hosting;
- T. School, Elementary, Middle, or High;
- U. Vacation Rental, Owner-Occupied; and
- V. Produce Stand.

152-22-4 Conditional Uses

In addition to the conditional uses of the base zoning district, conditional uses within the HA-MU overlay zoning district may include:

- A. Club, Private;
- B. Laundry or Dry Cleaning, Limited;
- C. Vehicle Repair, Limited; and
- D. Other Uses, as determined to be in harmony with the intent and purpose of this chapter and compatible with adjacent properties by the Planning Commission.

NOTES:

1. Multi-Family, Dwelling use will comply with RM-1 Development Standards as stated in Sec 152-13-4 Development Standards In Residential Zones

Chairperson: Charles Hammon

Vice-Chairperson: Elyssa Wall

Commissioners: Lawrence Stubbs, Derick Holm, Nation Fischer, Tracy Barlow, Rex Jessop

Commented [2]: Recommend + ?

Commented [3]: 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.

Commented [4]: Recommend + ?

Commented [5]: Recommend +

Commented [6]: 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.

Commented [7]: Recommend +

Commented [8]: BED AND BREAKFAST INN: A commercial activity within a residential structure where not less than four 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

Commented [9]: Recommend + ?

Commented [10]: BOARDING HOUSE: A building

Commented [11]: Recommend + ?

Commented [12]: Recommend + ?

Commented [13]: HOME BASED BUSINESS: A

Commented [14]: Recommend +

Commented [15]: Recommend +

Commented [16]: PERSONAL CARE SERVICE: An

Commented [17]: Recommend +

Commented [18]: RECEPTION CENTER: A facility

Commented [19]: Recommend +

Commented [20]: RESIDENTIAL HOSTING: A limited

Commented [21]: City notes state permitted, BUT:

Commented [22]: CLUB, PRIVATE: Any nonprofit

Commented [23]: Define specific criteria for use? i.e.

Commented [24]: Policy Discussion: Any concerns

Commented [25]: What about Vehicle Repair, limited?

Commented [26]: City notes state permitted, BUT:

Commented [27]: VEHICLE REPAIR, LIMITED: An

Commented [28]: A lot of these business have lots of

Addendum B- Historic Mixed-Use Dev.

Historic Definition

- The commission would potentially like to adopt a definition for the application of the overlay and would like some developed to consider. Here's what I think might be effective elements of definitions:
 - Short Creek Subdivision: defined by those parcels of residential land in the Short Creek Subdivision with previous residential development
 - Construction: defined by those parcels with construction of residential development prior to the adoption of Land Use Ordinances in 2018
- **Deliverable: One or more definitions of what would make a property eligible for Historic Overlay Designation**
- **Recommend the elements outlined above be added to Section 152-22-2 Applicability under item A. Mapping of the HA-MU overlay zoning district. (K)**
- **Also recommending deletion of Chapter 49 – Uses In Historic Buildings to avoid conflicts with new HA-MU overlay zoning district. Chapter 49 appears to be standards related to previous Chapter 22 requirements. (K)**

Dwelling, Multi-Family Further Defined

- Commission members would like to consider conditional or more narrowly defined Dwelling of Multi-Family. Here is what might be some things they might like to consider:
 - Limiting Number of Residential Units: There is some discussion to limit the density of units to be consistent with the RM-1 designation which is currently 6 units per lot
 - Existing Building: An additional requirement that they would like to consider is allowing RM designation to only lots where the existing primary residential building will be substantially maintained. **Need additional information on this item. It this issue only in the RM zoning district, or are other zoning districts and areas of the City affected? Also, what is meant by substantially maintained? We may be better off to address under nuisance, abatement of dangerous buildings, etc. (K)**
- **Deliverable: Include where appropriate draft sections which could be included in the Overlay and may be added as conditions for use.**
- **In the proposed HA-MU overlay zoning district, recommend relocating "Dwelling, Multiple-Family" from Section 152-22-3 Permitted Uses to Section 152-22-4 Conditional Uses with additional subitem stating the maximum density of Dwelling, Multiple-Family within the HA-MU zoning district shall be limited to six (6) dwelling units per lot. (K)**
 - **If there will be additional stipulations besides the notation added to Dwelling, Multiple-Family, alternatively we would suggest moving those criteria to a new Section (i.e. 152-22-5) for enhanced readability and administration. (K)**

Chairperson: Charles Hammon

Vice-Chairperson: Elyssa Wall

Commissioners: Lawrence Stubbs, Derick Holm, Nathan Fischer, Tracy Barlow, Rex Jessop

Housekeeping

- Final analysis on the implementation of the overlay without property owner consent.
- **The proposed HA-MU overlay zoning district would be considered an adoption of a land use regulation. §10-9a-205 requires the following:**
 - **Notice of the date, time, and place of the first public hearing to consider the adoption or any modification of a land use regulation.**
 - **Notice of each public meeting on the subject.**
 - **Public hearing notices shall be mailed to each affected entity at least 10 calendar days before the public hearing, posted in at least 3 public locations within the City/or on the City's official website AND posted on the Utah Public Notice Website at least 10 calendar days before the public hearing.**
 - **Public meeting notices shall be posed 24 hours before the meeting in at least 3 public locations within the City/or on the City's website.**
- **Because the HA-MU overlay zoning district would be considered part of a zoning map enactment or amendment §10-9a-205 also requires:**
 - **The City mail a courtesy notice to each owner of private real property whose property is located entirely or partially within the proposed zoning map enactment or amendment at least 10 days before the scheduled day of the public hearing.**
 - **The notice shall:**
 - **Identify with specificity each owner of record of real property that will be affected by the proposed zoning map or map amendments.**
 - **State the current zone in which the real property is located.**
 - **State the proposed new zone for the real property.**
 - **Provide information regarding or a reference to the proposed regulations, prohibitions, and permitted uses that the property will be subject to if the zoning map or map amendment is adopted.**
 - **State that the owner of real property may no later than 10 days after the day of the first public hearing file a written objection to the inclusion of the owner's property in the proposed zoning map or map amendment.**
 - **State the address where the property owner should file the protest.**
 - **Notify the property owner that each written objection filed with the City will be provided to the City Council.**
 - **State the location, date, and time of the public hearing.**
- **In our opinion RCC does not believe there to be any issues/conflicts regarding adoption of the proposed HA-MU overlay zoning district and constitutional takings. However, RCC would advise the City to consult their attorney prior to adoption of the HA-MU overlay zoning district for their interpretation and legal advice on the matter. (K)**

Chairperson: Charles Hammon

Vice-Chairperson: Elyssa Wall

Commissioners: Lawrence Stubbs, Derick Holm, Nathan Fischer, Tracy Barlow, Rex Jessop