



From: Harrison Johnson
 To: Hildale City Planning & Zoning Commission; Hildale City Mayor
 Date: May 22, 2023
 Subject: Zone Change request

Applicant Name: Richard Lee Barlow
Agent: John Barlow
Application Type: Zone Change request
Project Address: 980 N Juniper St.
Current Zoning: RA-1
Requested Zoning: GC
Date: May 22, 2023
Prepared by: Harrison Johnson

Summary of Application

The Applicant is requesting approval of a Zone Change.

Request 1:

Amend the zoning map to re-zone Parcel HD-SHCR-3-10, HD-SHCR-3-41, HD-SHCR-3-44, HD-SHCR-3-45 from the current Residential Agricultural-1 (RA-1) to General Commercial (GC). Should the zone change be approved, the applicant intends to use the property to host short term rentals.

Background

The applicant submitted the application on April 27th, 2023, to the Hildale City offices and paid the fee of \$100.

The applicant submitted all 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 properties are bounded by public lands to the North and the East. Both to the South and West are residential agricultural properties. The surrounding properties are zoned Open Space, and Residential Agricultural.

Analysis

The zone change request complies with required standards for approval, as identified in Hildale Planning and Zoning ordinance, section 152-15-1 Uses allowed; and Sec 152-15-4 Development Standards In Commercial Zones, as follows:

Sec 152-13-3 Uses Allowed

Permitted And Conditional Uses:

Permitted and conditional uses allowed within Commercial Zones shall be as set forth in table 152-15-1 of this section. Permitted and conditional uses are indicated by a "P" or "C", respectively, in the appropriate column. Uses not permitted are indicated by "N". Any use not shown on table 152-15-1 of this section shall be prohibited unless the zoning administrator determines the use is substantially the same as a permitted or conditional use as provided in subsection 152-7-18E4 of this chapter.

TABLE 152-15-1

PERMITTED AND CONDITIONAL USES ALLOWED IN COMMERCIAL ZONES					
	Zones				
	NC	GC	HC	PC	POC
Residential uses:					
Building, accessory	P	N	N	P	P
Dwelling, multiple-family ⁴	C	N	N	P	P
Dwelling, single-family ⁴	C	N	N	P	N
Dwelling, temporary	C	N	N	N	N
Dwelling, two-family ⁴	C	N	N	P	P

Manufactured home	N	N	N	N	N
Manufactured/mobile home park	N	N	N	N	N
Protective housing facility	N	N	N	N	N
Rehabilitation/treatment facility	N	P	P	P	P
Residential facility for elderly persons ¹	P	N	N	P	P
Residential facility for persons with a disability ¹	P	N	N	P	P
Residential facility for troubled youth	N	N	N	N	N
Transitional housing facility	N	N	N	N	N
Public and civic uses:					
Auditorium or stadium	N	P	P	P	N
Bus terminal	N	P	P	P	N
Cemetery	P	P	P	P	P
Church or place of worship	P	P	P	P	P
Club or service organization	P	P	P	P	P
Convalescent care facility	N	P	P	P	N
Cultural service	P	P	P	P	P
Golf course	P	P	P	P	P
Government service	N	P	P	P	N
Hospital	N	P	P	P	N
Operations center	N	P	P	P	P
Park	P	P	P	P	P
Post office	P	P	P	P	P
Protective service	P	P	P	P	P
Reception center	C	P	P	P	P
Utility, major ³	N	N	N	C	C
Utility, minor ³	P	P	P	P	P
Utility substation ³	P	P	P	P	P
Commercial uses:					
Agricultural sales and service	N	P	P	P	N
Animal hospital	P	P	P	P	N
Bail bond service	N	P	P	P	N
Bank or financial institution	P	P	P	P	P
Bed and breakfast, home	C	N	N	N	N
Bed and breakfast inn	C	P	P	P	N
Business equipment rental, services, and supplies	P	P	P	P	P
Car wash	P	P	P	P	P
Club, private	N	P	P	P	N

Construction sales and service	N	P	P	N	N
Convenience store	P	P	P	P	P
Family child daycare facility ²	P	N	N	N	N
Licensed family child care ²	P	N	N	N	N
Residential certificate child care ²	P	N	N	N	N
Child care center	P	P	P	P	P
Funeral home	N	P	P	P	N
Garden center	P	P	P	P	P
Gas and fuel, storage and sales	N	N	N	N	N
Gasoline service station	P	P	P	P	N
Hostel	N	P	P	P	N
Hotel	N	P	P	P	N
Kennel, commercial	C	P	C	C	C
Kennel, residential	P	N	N	N	N
Laundry or dry cleaning, limited	P	P	P	P	P
Liquor store	N	P	P	P	N
Media service	P	P	P	P	P
Medical or dental laboratory	N	P	P	P	N
Medical service	P	P	P	P	P
Motel	N	P	P	P	N
Office, general	P	P	P	P	P
Parking garage, public	N	P	P	P	P
Parking lot, public	N	P	P	P	P
Pawnshop	N	N	P	P	N
Personal care service	P	P	P	P	P
Personal instruction service	P	P	P	P	P
Printing and copying, limited	P	P	P	P	P
Printing, general	N	P	P	P	P
Produce stand	P	P	P	N	P
Recreation and entertainment, indoor	P	P	P	P	P
Recreation and entertainment, outdoor	N	P	P	P	N
Recreational vehicle park	N	N	P	P	N
Repair service	P	P	P	P	P
Research service	N	P	P	P	N
Restaurant, fast food	P	P	P	P	P
Restaurant, general	P	P	P	P	P
Retail, general	P	P	P	P	P

Secondhand store	P	P	P	P	P
Shopping center	P	P	P	P	P
Takeoff and landing of aircraft	N	N	N	N	N
Tattoo establishment	P	P	P	N	N
Tavern	P	P	P	P	P
Temporary trailer	P	P	P	P	P
Transportation service	N	P	P	P	N
Vehicle and equipment rental or sale	N	P	P	P	N
Vehicle and equipment repair, general	N	P	P	N	N
Vehicle repair, limited	N	P	P	P	P
Veterinary service	P	P	P	N	N
Warehouse, self-service storage	P	P	N	N	N
Wireless telecommunication facility	See section 10-50-5, table 10-50-1 of this title				
Industrial uses:					
Alcoholic Beverage Manufacturing 30,000 square feet and under	N	P	P	P	N
Laundry services	N	N	N	P	N
Wholesale and warehousing, general	N	N	N	P	N
Wholesale and warehousing, limited	N	N	N	N	N

1. Notes:

1. See chapter 46 of this chapter.
2. See chapter 42 of this chapter.
3. See chapter 45 of this chapter.
4. In the area designated as Downtown District on the General Plan map, existing single family residential uses may continue as permitted residential uses. Use and development standards for an R-1-8 Zone shall apply. Existing approved multi-family and two family uses may continue as permitted residential uses. Use and development standards for an RM-2 Zone would apply. No new residential uses are permitted.

2. Accessory

Permitted and conditional uses set forth in table 152-15-1 of this section shall be deemed to include accessory uses and activities that are necessarily and customarily associated with and incidental and subordinate to such uses. Uses:

1. Accessory uses shall be subject to the same regulations that apply to permitted and conditional uses in the same zone except as otherwise expressly provided in this chapter.
2. No accessory use, building, or structure shall be allowed on a lot unless a permitted or conditional use has been established.
3. Accessory uses in commercial zones shall include, but not be limited to, the following: Accessory dwelling units attached to a commercial permitted use structure or on the same lot and under same ownership as a permitted use structure. Accessory dwelling units for security and maintenance personnel. Cafeterias, dining halls and similar food service facilities when located within the main use and operated primarily for the convenience of employees, residents, clients, or visitors to the main use. Garages and off street parking areas, subject to applicable standards of chapter 34, "Off Street Parking And Loading", of this chapter. Recreational areas and facilities for the use of employees. Recycling collection stations. Refreshment stands and food and beverage sales located in uses involving public assembly. Temporary uses, subject to applicable standards of chapter 48, "Temporary Uses", of this chapter.

Sec 152-15-4 Development Standards In Commercial Zones

Development standards within residential zones shall be as set forth in table 152-15-2 of this section.

TABLE 152-15-2

DEVELOPMENT STANDARDS IN COMMERCIAL ZONES					
Development	Zones				
Standard	NC	GC	HC	PC	POC
Lot standards:					
Minimum lot area	No requirement	No requirement	No requirement	5 acres	5 acres
Minimum lot width	No requirement	No requirement	No requirement	No requirement	No requirement
Building standards:					
Maximum height, main building ¹	35 feet	35 feet	55 feet	55 feet	55 feet
Maximum height, accessory building	20 feet	20 feet	20 feet	20 feet	20 feet
Setback standards - front yard:					
All buildings ²	20 feet	20 feet	20 feet	20 feet	20 feet
Setback standards - rear yard:					
Main building	New building on a lot abutting an existing agricultural or residential use: 10 feet				
Accessory building	Otherwise: No requirement				
Setback standards - interior side yard:					
Main building	New building on a lot abutting an existing agricultural or residential use: 10 feet				
Accessory building	Otherwise: No requirement				
Setback standards - street side yard:					
Main building	20 feet	20 feet	20 feet	20 feet	20 feet
Accessory building	Not permitted	Not permitted	Not permitted	Not permitted	Not permitted

Notes:

- 1.Except as otherwise permitted by subsection 152-15-7A of this chapter.
- 2.Except as modified by the provisions of subsection 152-37-12F, "Setback Measurement", of this chapter.

Sec 152-15-5 Regulations Of General Applicability

The use and development of real property in commercial zones shall conform to regulations of general applicability as set forth in the following chapters of this chapter:

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 152-15-6 Regulations For Specific Uses

To the extent that use and development of real property includes any matter encompassed by a regulation for a specific use as set forth in Article VI of this chapter, such regulation shall apply in addition to the requirements of this chapter and shall prevail over any conflicting provision of this chapter.

Sec 152-15-7 Special Regulations

1. Increased Height:
Notwithstanding the height limitations shown in section 152-15-4, table 152-15-2 of this chapter a greater building height may be allowed in a commercial zone for a commercial use pursuant to a conditional use permit.
2. Use Within An Enclosed Building:
Each use specified in section 152-15-3, table 152-15-1 of this chapter shall be conducted completely within a completely enclosed building, except for the parking of motor vehicles and services to persons therein.
3. Dust, Odor, Smoke, Noise, And Vibration:
Each use specified in section 152-15-3, table 152-15-1 of this chapter shall be free from objectionable dust, odor, smoke, noise, and vibration.
4. Highway Commercial Zone Location:
For property abutting SR-59, the Highway Commercial Zone shall begin at the highway right-of-way line and shall extend a distance of five hundred feet (500') from the State highway right-of-way line, except as otherwise depicted by the zoning map.

5. Vendor

Carts:

Vendor carts are subject to the following definitions, rules and limitations:

1. Definitions:

1. LONG TERM VENDOR CART: A vendor cart that is not removed from its site and is properly stored when not in use.

NEXT QUALIFIED APPLICANT: An applicant for a vendor cart business license who has submitted a complete application for a specific location and paid the applicable application fee based on the date application fee was paid and determination of a complete application made, whichever shall be last.

SEASONAL VENDOR CART: A vendor cart meeting all the requirements of this section which is permitted for a specific season, either summer or winter. Summer seasonal permits allow operation from April 1 to September 30 and winter seasonal permits allow operation from October 1 to March 31. The holder of a seasonal vendor cart permit may renew up to thirty (30) days prior to the first date of the season if the location where the permit is sought is not occupied by another seasonal vendor cart and the seasonal vendor cart business license has been renewed.

SHORT TERM VENDOR CART: A vendor cart that is removed from its site and properly stored out of public view each day.

SPECIAL EVENT CART: A wagon, cart, booth, or similar temporary structure designed and used for the sale of goods and services at a special event for which the City has issued a special event permit pursuant to title 11, chapter 112 of this Code.

VENDOR CART: A temporary structure in the form of a wagon, cart trailer, truck, or other mobile structure designed and intended for the sale of goods and services. The term "vendor cart" includes a long term vendor cart, or a short term vendor cart.

2. Rules And Limitations:

1. Vendor Cart Locations:

Long term vendor carts and short term vendor carts are permitted only in those land use zones where commercial uses are an allowed or conditional land use. Special event vendor carts are permitted anywhere within the City if authorized by a special event permit issued by the City or at a special event sponsored by the City.

2. Vendor Cart General Design Standards: Long term vendor carts and short term vendor carts are subject to the following general design standards:

1. All long term vendor carts and short term vendor carts must be constructed of a professional quality for use as a vending cart.
2. All long term vendor carts and short term vendor carts must be in good working condition, with no broken or rusty parts. All exterior materials must be kept clean and in neat appearance. Metal and/or wood may be used as exterior finishes. Metal surfaces shall be suitable for long term use in an exterior location. Metal vendor cart exteriors must have finished edges, concealed seams, and overlapping joints. Wood details and finishes must be suitable for long wear in an exterior location and finished in a craftsmanlike manner.
3. Siding and other compatible materials used on a vendor cart must wrap all sides of the vendor cart.
4. Long term vendor carts must be windproof, waterproof and locked when not in operation.
5. Vendor cart must be on wheels.

3. Additional Requirements For All Vendor Carts:

1. Vendor carts must be located on private property except food vendors granted space by permit at city owned recreation sites if such permit is established.
2. Vendor cart owners shall improve the immediate area around their business through the installation of pavers, landscaping, awnings, and/or short term decks to help the vendor carts to look less temporary, and to blend into the surrounding character.
3. When a vendor cart is independently connected to the city's culinary or irrigation water systems, power system or the sewer system, all applicable fees must be paid.
4. Generators are prohibited for vendor carts, except for use as an emergency source of power when the permanent source of power to the vendor cart is temporarily unavailable.
5. Property owner and/or vendor shall maintain the premises and the cart in a clean, safe, and orderly condition at all times.
6. Operators of vendor carts must obtain and maintain in full force and effect throughout the permit a valid city of Hildale business license.
7. Customer seating for a vendor cart is limited to a maximum of either four (4) seats or one picnic table not to exceed eight feet (8') in length or diameter. Additionally, vendor carts may have one condiment table.
8. The operator of a vendor cart shall comply with all applicable health regulations.
9. All storage boxes, cartons, and coolers used in connection with the operation of a vendor cart shall be hidden from public view.
10. Short term vendor carts must be removed from the site and properly stored out of public view each day.
11. Umbrellas or shade structures may be used on a vendor cart. Tents on or at vendor carts are prohibited.
12. All signage must be attached to a vendor cart. Freestanding signage on or for a short term vendor cart is prohibited except for one two foot by three foot (2' x 3') A-frame sign that may be displayed when the vendor cart is in operation. Said sign may not be located on a public sidewalk.
13. A vendor cart site must not create a public safety hazard. Accordingly, no aboveground pipes are permitted. Extension cords may be used only if the cord is located outside an area where the public has access.
14. Vendor carts must comply with regulations for grease traps and waste disposal must be at an approved facility.

4. Special Event Carts:

Special event carts may be approved only in connection with and pursuant to the procedures for the review and approval of an event permit issued by the city pursuant to title 11, chapter 112 of this code or at a special event sponsored by the city or at an event held at Maxwell Park. Special event carts are subject to the applicable terms and conditions of the event permit. The provisions of this chapter do not apply to special event vendor carts.

5. Limitation On Number Of Vendor Cart Permits:

1. The total number of vendor carts permits that may be issued by the city under this chapter are seven (7) for all areas of the city, limited to four (4) year round permits and three (3) seasonal permits for each season. Two (2) additional full time permits may be issued in the gateway industrial area.
2. The limitations of subsection E2e(1) of this section do not require the closure or removal of any vendor cart operating within the city as of the effective date of this section, pursuant to a valid business license.
3. If the holder of a vendor cart business license is not operating the vendor cart at the licensed location such that the vendor cart is not open for business for at least fifty percent (50%) of the normal operating hours for a continuous period of ninety (90) days, the license shall be revoked and the next qualified applicant for a vendor cart business license shall be issued a permit. Use of the cart at special events does not constitute operation of a vendor cart.
4. If the total number of vendor carts permitted by the city ever drops below the cap number established in subsection E2e(1) of this section, the zoning administrator shall authorize a new vendor cart permit submitted by the next qualified applicant to be processed. A qualified applicant must have: a) submitted a completed application; and b) paid the required application fee. If the next qualified applicant is not issued a business license within thirty (30) days of publicthey are eligible for a vendor cart permit, the applicant will be moved to the bottom of the list and the next qualified applicant notified.

6. Right To Continue:

On the effective date of this section, all vendor carts for which a valid business license exists may continue to be operated under the terms and conditions of their existing approved site plan and business license until the first to occur of:

1. the business license is revoked by city in accordance with its procedures;
 2. the business license is voluntarily surrendered or expires;
 3. the lease on the property is not renewed by the landowner; or
 4. the vendor cart is otherwise required to be closed or removed for any lawful reason. Upon the occurrence of any event described in the preceding section, the owner or operator of the vendor cart that was previously permitted must obtain a new approval and in connection therewith must be brought into compliance with the requirements of this section.
7. Conditions Of Approval:
The zoning administrator may impose reasonable conditions when approving a vendor cart permit under this section. Such conditions may include, if appropriate, the requirement that the permittee provide a monetary guarantee to the city, in a form acceptable to the city attorney, ensuring the complete removal of the vendor cart, site cleanup, and site revegetation, when the vendor cart license expires without being renewed, or is revoked.

Recommendation

Staff recommends careful consideration of this application as it directly conflicts with the General Plan's current Future Land Use Map, but is in alignment with the prospective Future Land Use Map that the commission has been considering for some months. If the commission believes that the proscribed areas identified for zone change reside in an area who's future use will be only residential then the Staff recommends **denial** of this application. However, If the Commission believes that the proscribed areas identified for zone change do reside in an area amenable to future recreation, resort and retail commercial uses then the Staff recommends **approval** of this application as it aligns with prospective future land use map where the subject properties are in the Canaan Mountain Recreation Resort District.

Sample Motions – ZONING CHANGE

1. I move to recommend approval of the zoning map amendment requested for Parcel HD-SHCR-3-10, HD-SHCR-3-41, HD-SHCR-3-44, HD-SHCR-3-45, Utah from the current Residential Agricultural-1 to General Commercial (GC).

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