

From: Eric Duthie, Hildale City Manager
To: Hildale City Council
Date: July 10, 2024
Subject: Zone Change request

Applicant Name: Misty (Higgins) Finicum
Application Type: Zone Change request
Project Address: 260E Utah, Hildale, UT 84784
Current Zoning: General Commercial (GC)
Requested Zoning: Residential 1-15 (R1-15)
Date: July 10, 2024
Prepared by: City Manager Eric Duthie

Summary of Application

The Applicant is requesting approval of a Zone Change.

Amend the zoning map to re-zone Parcel HD-11-M, commonly addressed as 260 E. Utah Ave., Hildale, Utah from the current General Commercial (GC) Zone to Residential 1-15 (R1-15) Zone.

Background

The applicant submitted the application on June 13, 2024, to the Hildale City offices and paid the fee of \$504.

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 (included).

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

General Plan and Zoning

The property is bounded on the North, East and West by General Commercial properties; On the South by Utah Avenue.

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

Residential uses:	R1-15
Assisted living facility	C
Boarding house	N
Building, accessory	P
Dwelling, earth sheltered	P
Dwelling, multiple-family	N
Dwelling, single-family	P
Dwelling, single-family with accessory dwelling unit	P
Dwelling, temporary	P
Dwelling, two-family	N
Guesthouse or casita with direct access to main dwelling unit	P
Guesthouse or casita without direct access to main dwelling unit	C
Manufactured home	P
Manufactured/mobile home park	N
Manufactured/mobile home subdivision	N
Protective housing facility	N
Rehabilitation/treatment facility	N
Residential facility for elderly persons	P
Residential facility for persons with a disability	p
Residential facility for troubled youth	N
Short term rental.	P
Transitional housing facility	N

Sec 152-13-4 Development Standards In Residential Zones

DEVELOPMENT STANDARDS IN RESIDENTIAL ZONES	
	ZONES
Development Standard	R1-15
Lot standards:	
Average lot area ²	15,000 sq. ft.
Minimum lot area or acreage	12,000 sq. ft.
Minimum lot width and/or project frontage	90 ft.
Building standards:	
Maximum height, main building ³	35 ft.
Maximum height, accessory building ⁴	20 ft.
Maximum size, accessory building	1,200 sq. ft.
Building coverage: See subsection 10-37-12l of this title	50% of lot
Distance between buildings	No requirement
Setback standards - front yard:	
Any building ⁵	25 ft.
Setback standards - rear yard:	
Main building	20 ft.
Accessory building, including private garage ⁶	20 ft.
Setback standards - interior side yard:	
Main building	10 ft.
Accessory building, including private garage	See note 6
Setback standards - street side yard:	
Main building ⁷	20 ft.
Accessory building	See note 6

Notes:

6. If located at least 10 feet from main building, 2 feet from the dripline of the roof. Otherwise, same as for main building.

The purpose of the rezone is to designate a long existing residential structure to a residential zone. Apparently, the General Commercial designation was attached to the property when the Zoning Map was established. The homeowner recently discovered problems with insurance and potential loans. The homeowner requests the rezone.

Recommendation

During the presentation to the Hildale Planning and Zoning Commission on August 19, 2024, public comments were received concerning the possible impact of the rezone on neighboring and adjacent commercial properties. After vigorous discussion, no Commissioner could identify a single impact that would preclude the property rezone request.

Staff recommended approval of the zone change request. The Planning & Zoning Commission voted 2 for and 2 against the rezone, with no articulable reason expressed for the nay votes, and only four Commissioners attended. The tie vote was forwarded to the Hildale City Council for consideration.

Staff recommends approval of the zone change request.