

From: Harrison Johnson

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

Date: October 7<sup>th</sup>, 2022

Subject: Zone Change request

**Applicant Name:** Don and Jill Paulsen

Agent: N/A

**Application Type:** Zone Change request

**Project Address:** 320 E Field

Current Zoning: RM-1
Requested Zoning: R1-15

Date: October 7<sup>th</sup>, 2022

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-8-14, commonly addressed as 320 E Field, Hildale, Utah from the current Residential Mult-Family-1 (RM-1) to Single-family residential 15 (R1-15). Should the zone change be approved, the applicant intends to apply for and install short-term rental units.

435-874-2323435-874-2603

#### **Background**

Below is a summary of actions taken in relation to this zone change application:

- The applicant submitted the application on October 5<sup>th</sup>, 2022 to the Hildale City offices and paid the fee of \$100.
- 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 HD-SHCR-8-14 On the East by HD-SHCR-8-13;; On the South by Field Ave; and on the West by Hildale Street; Surrounding properties are zoned RM-1, Neighborhood Commercial, Open Space and RA-.5.

# <u>Analysis</u>

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	Р	Р	Р	Р	Р	Р
Agricultural business	N	N	N	N	N	N	N



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Approximation industry		WELCOME HOME	ww.niidai	ecity.com					
Apriculture residential  Apriculture residential  Apriculture residential  Apriculture residential  Apriculture residential  Aminals sectables  P P N N N N N N N N N N N N N N N N N		Agricultural industry	N	N	N	N	N	N	N
Animal specialities    P		Agriculture	N	N	N	N	N	N	N
Assisted living recitation and family food production  Stable, private  N N N N N N N N N N N N N N N N N N N		Agriculture residential	P	Р	Р	Р	Р	Р	Р
Residential uses:  Assisted Broing facility  C C C N N N N N N N N N N N N N N N N		Animal specialties	P	Р	N	N	N	N	N
Residential uses:    Assisted loing facility		Animals and fowl for recreation and family food production	P <sup>3</sup> /C	P <sup>3</sup> /C	P <sup>3</sup>	N	N	N	N
Assisted living facility   C   C   C   N   N   N   N   N   N   N		Stable, private	N	N	N	N	N	N	N
Boarding house  N N N N N N N N N N N N N N N N N N N	F	esidential uses:							
Building, accessory  Building, acrth sheltered  B P P P P P P P P P P P P P P P P P P		Assisted living facility	C	С	С	N	N	N	N
Dwelling, earth sheltered    E		Boarding house	N	N	N	N	N	N	N
Dwelling, multiple-family  Dwelling, single-family  Dwelling, single-family  Dwelling, single-family with accessory dwelling unit  Dwelling, single-family with accessory delice of well accessory with a with accessory with a wi		Building, accessory	P	Р	Р	Р	Р	Р	Р
Dwelling, single-family  Dwelling, single-family with accessory dwelling unit  Dwelling, single-family with accessory dwelling unit  Dwelling, single-family with accessory dwelling unit  Dwelling, temporary  Dwelling, temporary  Dwelling, two-family  N N N N P P P P P P P P P P P P P P P		Dwelling, earth sheltered	P	Р	Р	Р	Р	Р	N
Dwelling, single-family with accessory dwelling unit  Dwelling, temporary  Dwelling, temporary  Dwelling, temporary  Dwelling, two-family  Guesthouse or casita with direct access to main dwelling unit  Guesthouse or casita without direct access to main dwelling unit  Manufactured home  Manufactured home  Manufactured/mobile home park  Manufactured/mobile home park  Manufactured/mobile home subdivision  Manufa		Dwelling, multiple-family	N	N	N	Р	Р	Р	N
Dwelling, temporary    P		Dwelling, single-family	P	Р	Р	Р	Р	Р	Р
Dwelling, two-family    Dwelling, two-family		Dwelling, single-family with accessory dwelling unit	P	Р	Р	N	N	N	N
Guesthouse or casita with direct access to main dwelling unit  Guesthouse or casita without direct access to main dwelling unit  Manufactured home  Manufactured/mobile home park  Manufactured/mobile home subdivision  Manuf		Dwelling, temporary	P	Р	Р	Р	Р	Р	Р
Guesthouse or casita without direct access to main dwelling unit    Manufactured home   P		Dwelling, two-family	N	N	N	Р	Р	Р	N
Manufactured home   P		Guesthouse or casita with direct access to main dwelling unit	P	Р	Р	N	N	N	N
Manufactured/mobile home park  N N N N N N N N N P  Manufactured/mobile home subdivision  N N N N N N N N N N N N N N N N N N N		Guesthouse or casita without direct access to main dwelling unit	C	С	С	N	N	N	N
Manufactured/mobile home subdivision  N N N N N N N N N N N N N N N N N N N		Manufactured home	P	Р	Р	N	N	N	Р
Protective housing facility  Rehabilitation/treatment facility  N N N N N N N N N N N N N N N N N N N		Manufactured/mobile home park	N	N	N	N	N	N	Р
Rehabilitation/treatment facility  Residential facility for elderly persons*  Residential facility for persons with a disability*  Residential facility for persons with a disability*  Residential facility for troubled youth  N N N N N N N N N N N N N N N N N N N		Manufactured/mobile home subdivision	N	N	N	N	N	N	Р
Residential facility for elderly persons  P P P P P P P P P P P P P P P P P P P		Protective housing facility	N	N	N	N	N	N	N
Residential facility for persons with a disability*  P P P P P P P P P P P P P P P P P P P		Rehabilitation/treatment facility	N	N	N	N	N	N	N
Residential facility for troubled youth  N N N N N N N N N N N N N N N N N N N		Residential facility for elderly persons <sup>1</sup>	P	Р	Р	Р	Р	Р	Р
Short term rental*  P P P N N N N N N N N N N N N N N N N		Residential facility for persons with a disability <sup>1</sup>	P	Р	Р	Р	Р	Р	Р
Transitional housing facility  N N N N N N N N N N N N N N N N N N N		Residential facility for troubled youth	N	N	N	N	N	N	N
Public and civic uses:		Short term rental <sup>4</sup>	P	Р	Р	N	N	N	N
Airport  N N N N N N N N N  Auditorium or stadium  N N N N N N N N N N  Bus terminal  N N N N N N N N N N  Cemetery  P P P P P P P P P  Church or place of worship  P P P P P P P P P  Club or service organization  N N N N N N N N N N  College or university  N N N N N N N N N N  Convalescent care facility  N N N N N N N N N N  Correctional facility  N N N N N N N N N N		Transitional housing facility	N	N	N	N	N	N	N
Auditorium or stadium  N N N N N N N N N N N N N N N N N N N	P	ublic and civic uses:							
Bus terminal  N N N N N N N N N N N N N N N N N N		Airport	N	N	N	N	N	N	N
Cemetery       P<		Auditorium or stadium	N	N	N	N	N	N	N
Church or place of worship  P P P P P P P P P P P P P P P P P P		Bus terminal	N	N	N	N	N	N	N
Club or service organization  N N N N N N N N  College or university  N N N N N N N N  Convalescent care facility  N N N N N N N N  N N N N N N N  N		Cemetery	P	Р		Р	Р	Р	Р
College or university  N N N N N N N  Convalescent care facility  N N N N N N N N  Correctional facility  N N N N N N N N		Church or place of worship	P	Р	Р	Р	Р	Р	Р
Convalescent care facility  N N N N N N N  Correctional facility  N N N N N N N N N		Club or service organization	N	N	N	N	N	N	N
Correctional facility  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
Cultural service   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



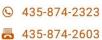
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	Calfornia	<u>                                   </u>	<u> </u>	_	_			Б
	Golf course	P	Р	Р	Р	Р	Р	Р
	Government service	N	N	N	N	N	N	N
	Hospital	N	N	N	N	N	N	N
	Operations center	N	N	Ν	N	N	N	N
	Park Park	P	Р	Р	Р	Р	Р	Р
	Post office	N	N	N	N	N	N	N
	Protective service	P	Р	Р	Р	Р	Р	Р
	Reception center	N	N	N	N	N	N	N
	School, elementary, middle, high or private	P	Р	Р	Р	Р	Р	Р
	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	Р	Р	Р	Р	Р	Р
C	ommercial 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	С	С	N	N	N	С
	Bed and breakfast inn (Between 3 and 10)	C	С	С	N	N	N	С
	Business equipment rental, services, and supplies	N	N	Ν	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 <sup>2</sup>	P	Р	Р	Р	Р	Р	Р
	Licensed family child care <sup>2</sup>	C	С	С	С	С	С	С
	Residential certificate child care <sup>2</sup>	P	Р	Р	Р	Р	Р	Р
	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
H	Hostel	N	N	N	N	N	N	N
			1	_			1	i
	Hotel	N	N	N	N	N	N	N
		N N	N N	N N	N N	N N	N N	N N
	Hostel	IN	N	IN	IN	IN	IN	



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	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	С	С	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 <sup>2</sup>	P	Р	Р	Р	Р	Р	Р
	Personal instruction service, home based <sup>2</sup>	P	Р	Р	Р	Р	Р	Р
	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	Р
	Repair service	N	N	N	N	N	N	N
	Research service	N	N	N	N	N	N	N
	Residential hosting facility	P	Р	Р	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	Р	Р	Р	Р	Р	Р
	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 see	ction 10	-50-5,	table 1	.0-50-1	of this t	itle
ı	ndustrial uses:							
	Automobile wrecking yard	N	N	N	N	N	N	N
L	<u> </u>				<u> </u>			<u> </u>



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Freight terminal  N N N N N N N N N N N N 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  Manufacturing, limited  N N N N N N  Mineral extraction	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
Manufacturing, general  N N N N N N  Manufacturing, limited  N N N N N N N  Mineral extraction  N N N N N N N  N N N N N N N N N N N	N
Manufacturing, limited  N N N N N N N N N N N N N N N N N N N	N
Mineral extraction  N N N N N N N N N N N N N N N N N N N	N
IVIIII ET AI EXCIDENT	N
	N
Wholesale and warehousing, general N N N N N N	N
Wholesale and warehousing, limited N N N N N N	N

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#### 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 RESIDEN	ITIAL ZONES						
		Zones					
Development Standard	R1-25	R1-15	R1-10	R1-8	RM-1	RM-2	RM-3
ot standards:						<u> </u>	
Average lot area <sup>2</sup>	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	89 ft.	90 ft.	80 ft.	70 ft.	80 ft. project	100 ft. project	200 ft. project
Tontage					30 ft. unit	30 ft. unit	30 ft. unit
1	n/a	n/a	n/a	n/a	6 units/lots	10 units/lots	15 units/lots
Building standards:							1
Maximum height, main building <sup>3</sup>	34 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
Maximum height, accessory building <sup>4</sup>	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- 17-12I of this title	50% of lot	50% of lot	50% of lot	50% of lot	50% of lot	50% of lot	50% of lot



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Distance between buildings	No requirement	No requirement	No requirement	No requirement	20 ft.	20 ft.	20 ft.		
Setback standards - front yard:		1			1	1			
Any building <sup>5</sup>	24 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.		
Setback standards - rear yard:				. <b>I</b>					
Main building	19 ft.	20 ft.	20 ft.	10 ft.	10 ft.	10 ft.	10 ft.		
Accessory building, including private garage <sup>6</sup>	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 <sup>7</sup>	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.



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### 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.

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### **Recommendation**

Staff recommends approval of the zone change request as it is consistent with Hildale City' General Plan.

### Sample Motions – ZONING CHANGE

1. I move to recommend approval of the zoning map amendment requested for Parcel HD-SHCR-8-14, commonly addressed as 320 E Field Street Hildale, Utah from the current Residential Multi-Family-1 (RM-1) to Single-family residential 15 R1-15

#### **Attachments**

- a. Zone Change Application
  - a. Warranty Deed
  - b. Affidavit
  - c. Check
  - d. Zoning Map
- b. Washington County Property Report for parcel HD-SHCR-8-14
- c. Draft copy Rezone Letter for Neighboring Properties
- d. Public Hearing Notice