

From: Eric Duthie, Hildale City Manager
To: Hildale City Planning and Zoning Commission;
Date: May 13, 2024
Subject: Zone Change request

Applicant Name: Richard Barlow
Agent: John Barlow/Jeff Barlow
Application Type: Zone Change request
Project Address: 985 N. Juniper St., Hildale, UT 84784
Current Zoning: Residential Agriculture 1 (RA1)
Requested Zoning: Recreational Resort (RR)
Date: May 13, 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-SHCR-3-10 and 3-41, commonly addressed as 985 N. Juniper St., Hildale, Utah from the current Residential Agriculture 1 Zone (RA1) to Planned Recreational Resort Zone (RR).

Background

The applicant submitted the application on January 22, 2024, 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 (included).

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

The Public Hearing was conducted as part of the Zoning Commission regular meeting on March 21, 2024. The Commission received public comment concerning the rezone request.

The Commission delayed action of the rezone request pending a Text Amendment review and possible action concerning a text amendment change to the Recreational Resort code by the Hildale City Council.

On May 9, 2024, the Hildale City Council approved a Text Amendment reducing the minimum acreage required for a RR zone to 3.5 acres with a density reduction of 8 units per acre.

Since the public hearing was conducted previously and comment received by the Commission concerning the rezone request, it is now revisited for possible action by the Commission.

General Plan and Zoning

The property is bounded on the North by Jessop Avenue; On the East by Juniper Street; On the South by structures zoned RA-1; and on the West by structures 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 152-26-1 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 152-26-3 Minimum Acreage

The recreation resort zone shall be applied only to projects consisting of at least three and one-half (3.5) 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.

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	3.5 acres Total
	Minimum lot width and/or project frontage	300 feet project 30 feet unit
	Maximum density per acre	8 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.

Recommendation

On May 9, 2024, Hildale City Council approved a text amendment lowering the minimum acreage for Recreational Resort Zone from a five (5) acre minimum to a three and one-half (3.5) acre minimum; And limiting the density to eight (8) units per acre.

Staff recommends approval of the zone change request with the following requirements, in addition to any additional reasonable requirements the Commission or City Council decides.

Staff recommends the following:

Existing Structures:

- The applicant will provide, at applicants cost, a structural engineering report certifying all existing structures as sound and certified for occupancy. The authenticated “engineers stamped” report will be submitted to the Hildale City Building Inspector

within 30 days of the rezone approval. The Building inspector will review and accept, deny, or reply that corrections are needed before the unit can be occupied.

- Should any existing structure NOT be certified for occupancy by a structural engineer, the unit shall be repaired to receive approval of a structural engineer or disassembled within 60 days of the structural report response from the Building Inspector.

Existing infrastructure:

- The applicant will meet with the Hildale City Utilities Department to locate, identify, and present for inspection all existing utility lines, connections, etc. concerning water, wastewater, natural gas, and fiber as currently exists. Should the Utility Department determine any line, connection, etc. is substandard, insufficient, or noncompliant with current City Code, the applicant, at their cost, will bring all the identified concerns into compliance within 60 days of notice, subject to all impact and other fees.
- The applicant will meet with the Hildale City Public Works Department to locate, identify, and present for inspection all issues concerning transportation, solid waste, flood mediation, etc. as currently exists. Should the Department determine any mitigation is necessary the applicant, at their cost, will bring all the identified concerns into compliance within 60 days of notice.

Additional:

- The applicant will comply with all that all development and building codes when considering additional structures, amenities, utilities, or other additions.
- The applicant will immediately provide a map designating and identifying units by number and show accessible access points for emergency vehicles and providers should an emergency occur. This map is to be maintained and updated to the Dispatch Center of Hildale Emergency Services whenever a structural or transportation change or addition occurs.
- The applicant will modify all public signage to comply with current Hildale signage codes.
- The applicant will provide 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.