



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.



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.

Thank 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



☎ 435-874-2323

📠 435-874-2603

🌐 www.hildalecity.com

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 & Description

Existing Land Use Ordinance:

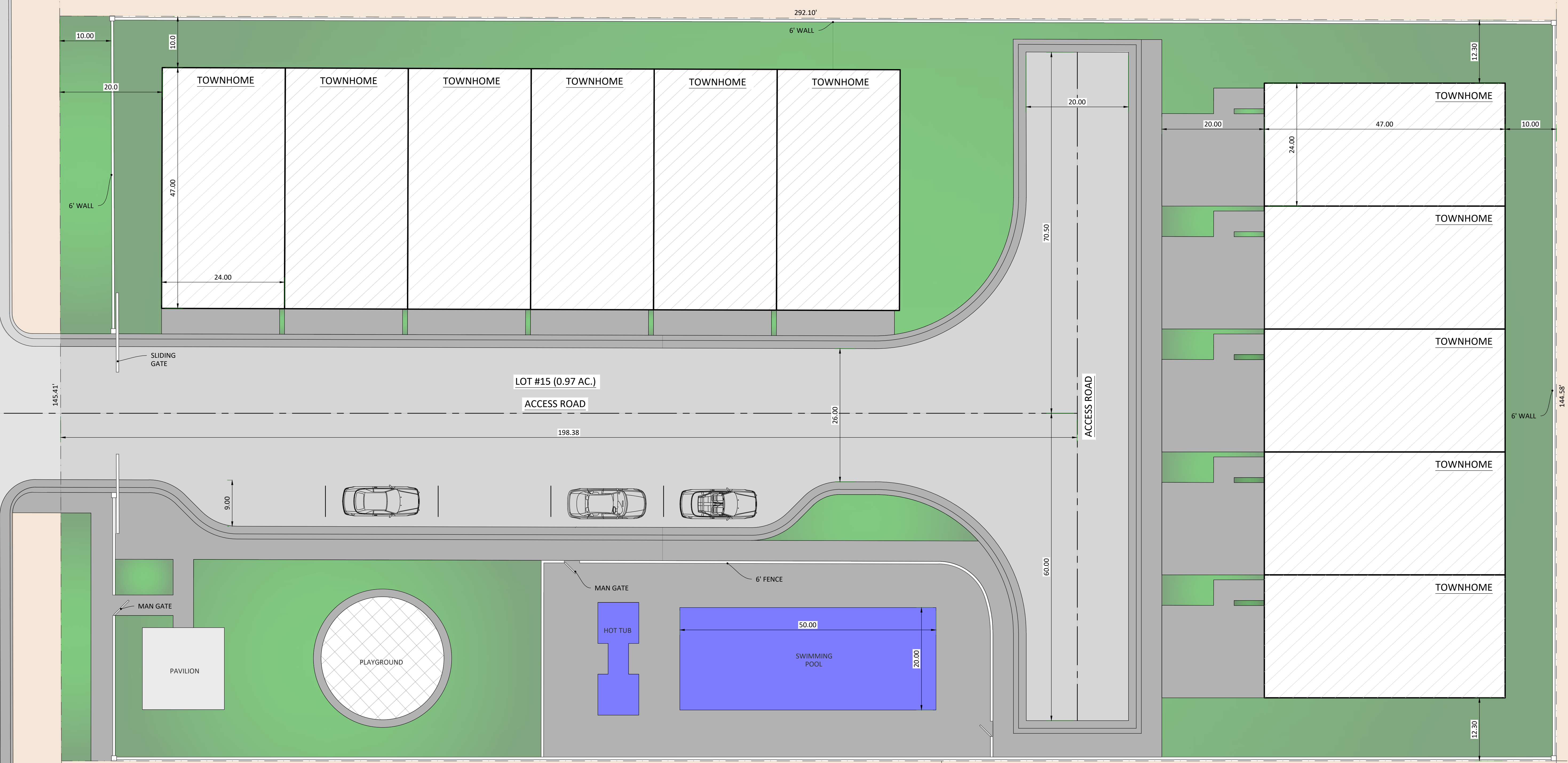
Hildale City Code Section 152-26-3: Minimum Acreage currently reads:

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.

HILDALE STREET



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

REV	DATE	DESCRIPTION

PROJECT NO: 220629
 CAD DWG. FILE: 220629\15.08 Concept.dwg
 DRAWN BY: SEW
 DESIGNED BY: TCT
 FIELD CREW:
 CHECKED BY:
 DATE: 2-3-22

SHEET:
CONCEPTUAL SITE LAYOUT VI

C1

